

***R v Pringle; ex parte Attorney-General (Qld)* [2012] QCA 223 (24 August 2012) – Queensland Court of Appeal**

‘Exposing a child’ – ‘Manslaughter’ – ‘Physical violence and harm’ – ‘Sentencing’ – ‘Serious violent offence declaration’

Charge/s: Manslaughter.

Appeal type: Appeal against sentence.

Facts: The respondent pleaded guilty to the manslaughter of his partner. He was in a long term relationship with the deceased, with whom he had three young children. He was a heavy cannabis user. In the weeks leading up to the killing, the deceased had confided to others about problems in the relationship. The respondent believed the deceased was having an affair and was upset as the deceased’s sister owed him \$15 000. He was concerned the deceased was preparing to leave him and take his children – he claimed that she was ‘messing with my head’ (See at [10]). On the day of the killing, the respondent spoke to his parents who both encouraged him to seek help from a counsellor or psychiatrist. He then strangled the deceased until she was unconscious in the presence of the children. After moving the children to another room, he stabbed the deceased twice in the chest, killing her. He also stabbed himself but the injuries were not life threatening. After being declared fit to stand trial, but of diminished responsibility (under section 304A of the *Queensland Criminal Code*) by the Mental Health Court, he pleaded guilty to manslaughter. The psychiatrist stated that the respondent, ‘suffered from a personality disorder with paranoid traits.’ This, as well as his drug abuse and the viciousness of the killing suggested that his condition was likely to endure after being released from custody (see at [29]). However, gradual improvement may be expected with regular treatment (See at [15]). He had no relevant criminal history. He was sentenced to nine years’ imprisonment. Parole release would depend on his illness and progress of rehabilitation while in prison.

Issue/s: Whether the sentence was manifestly inadequate and whether the sentencing judge should have made a ‘serious violent offence’ declaration.

Decision and Reasoning: The appeal was dismissed. McMurdo P (with whom Muir JA and Gotterson JA agreed) held that as deterrence and denunciation were of less importance in this case due to the limited moral culpability of the respondent (because of his mental illness), the primary purposes of sentencing were the protection of the Queensland community and punishment of the offender. However, the Court found that a nine year sentence with no serious violent offence declaration and no parole eligibility date was within range for a spousal manslaughter based on diminished responsibility. There was a plea of guilty, no evidence of further danger to the community and evidence of remorse. A recovery was not certain, but the respondent was responding positively to medication and treatment. Also, the fact that he strangled the deceased in front of the children was an aggravating feature, but this had to be considered in the context of diminished responsibility which reduced his moral culpability for the crime.