

***R v Williams* [2015] QCA 276 (18 December 2015) – Queensland Court of Appeal**

‘Aggravating factor’ – ‘Attempted murder’ – ‘Breach of domestic violence order’ – ‘Burglary’ – ‘Impact on children’ – ‘Physical violence and harm’ – ‘Sentencing’ – ‘Separation’

Charge/s: Attempted murder, burglary.

Appeal Type: Application for leave to appeal against sentence.

Facts: The applicant had separated from his wife, and had recently found out that she was in a new relationship. He broke into her home, stabbed her while she was sleeping on her back next to her two year old daughter and then ran off. She immediately awoke to find a knife sticking out of her chest, which she removed, at which point she collapsed. He was sentenced to 15 years imprisonment and declared to be a serious violent offender.

Issue/s: Whether the sentence was manifestly excessive.

Decision and Reasoning: Leave to appeal was refused. The applicant submitted that the trend of sentences for attempted murder cases shows that the appropriate range is 10 to 17 years, and that 15 years is excessive compared with analogous cases. This argument was rejected. Bond J (with whom Jackson J and Philip McMurdo JA agreed) at [17]-[30] provided a useful summary of previous attempted murder cases involving domestic violence. The Court acknowledged that the offence of attempted murder attracts a wide variety of punishments. However, consistent with the approach articulated by the High Court in *Barbaro v The Queen; Zirilli v The Queen* [2014] HCA 2, where comparable sentences can provide assistance, but do not set a range of permissible sentences, the Court held that the original sentence was within the discretion open to the trial judge.