

***R v Towns* [1992] VCCA (unrep, 21 September 1992) – Victorian Court of Criminal Appeal**

‘Murder’ – ‘Physical violence and harm’ – ‘Relationship killings’ – ‘Sentencing’ – ‘Seriousness’

Charge/s: Murder.

Appeal Type: Appeal against sentence.

Facts: The victim was the applicant’s wife. Throughout the marriage, there were episodes where the applicant drank to excess and subjected the victim to mental and physical abuse. The victim obtained an intervention order against the applicant. The applicant stabbed the victim in the throat on a train. The applicant was sentenced to 20 years imprisonment, with a non-parole period of 15 years.

Issue/s: The sentence was manifestly excessive.

Decision and Reasoning: The appeal was allowed. The sentence imposed on the applicant was outside the range of sentences imposed for comparable offences. In re-sentencing the applicant, Phillips CJ stated at 7:

‘[T]here appears to be an implication in counsel’s submissions on behalf of the applicant that, in some way, cases involving a murder arising out of a relationship, or arising out of a domestic situation are less heinous as a class than other types. There is no doubt in my mind that the court must set its face against such an implication’.