***DPP v Maxfield* [2015] VSCA 95 (12 May 2015) – Victorian Court of Appeal**

'Community correction order' – 'Intentionally causing serious injury' – 'People with disability and impairment' – 'People with mental illness' – 'Physical violence and harm' – 'Sentencing'

Charge/s: Intentionally causing serious injury.

Appeal Type: Crown appeal against sentence.

Facts: The female respondent stabbed her male partner four times: twice in the shoulder, once in the lower back and once in the chest. The respondent suffered from a mild intellectual disability and PTSD. She was sentenced to a Community Correction Order (CCO) for 12 months, with conditions including mental health treatment, compliance with a justice plan and the supervision of a community corrections officer.

Issue/s: The sentence was manifestly inadequate.

Decision and Reasoning: The appeal was allowed. In light of the respondent's intellectual disability and mental illness, her moral culpability was reduced, as was the significance of general and specific deterrence. However, even allowing for the respondent's reduced moral culpability, the sentence imposed was insufficient to satisfy the requirements of just punishment and denunciation, given the objective gravity of the offence (See [36]-[38]).

In re-sentencing the respondent, the Court had regard to the Court's guideline judgment in *Boulton v The Queen*. The Court praised the trial judge for imposing a CCO, which was appropriate in an unusual case such as this. The objective of community protection was more likely to be achieved – through the reduction of the risk of reoffending – by making such an order with appropriate conditions attached, rather than imposing a prison sentence (See [34]-[35]). However, the length of the CCO was increased to three years and greater conditions imposed.