

***R v Willis* [2019] VSC 398 (20 June 2019) – Victorian Supreme Court**

‘History of family violence’ – ‘Murder of parent’ – ‘People with mental illness’ – ‘Sentencing’ – ‘Verdicts’

Charges: Murder x 1.

Case type: Sentence.

Facts: The offender pleaded guilty to the murder of his mother. The case raises important community issues and the connection between drugs, mental health and family violence. The evidence showed that the offender and his mother had significant mental health issues, which strained their relationship and ultimately led him to stab her to death ([2]). The offender admitted to killing his mother to police, and made further admissions to his father and former partner. Lasry J described the murder as ‘grave and tragic’. The victim was vulnerable and defenceless in the face of the attack, and her death was the culmination of a lengthy history of hostility and family violence between them ([17]).

Issue: The Court determined the appropriate sentence for the offence in the circumstances.

Held: Lasry J noted the offender’s personal circumstances at [21]-[25], and the issue of mental health and substance abuse at [26]-[33]. He started using drugs as a teenager, however remained drug free for several years. His deteriorating mental health and increasing drug use led to the breakdown of his relationship with his former partner and the loss of his job. The offender had also been diagnosed with Delusional Disorder and subject to various treatment orders. A forensic psychiatrist gave evidence of the offender’s long history of major mental disorder and substance misuse, but noted that he had no history of being violent or anti-social other than when he was psychotic or affected by drugs. The offender also suffered from paranoid schizophrenia which was likely precipitated by his cannabis use and aggravated by his methamphetamine use.

The offender pleaded guilty at a relatively early stage of the proceedings. An element of remorse was identified in his post-offence conduct; however his Honour noted that the offender’s hostility towards his mother had not completely abated ([41]-[43]).

Further, the offender had no criminal history and made efforts to improve himself while in custody through education and work opportunities. Lasry J was satisfied that there was some evidence that he was capable of leading a law-abiding and productive life, and that his prospects of rehabilitation depended on his compliance with treatment for his mental health and substance misuse ([44]-[45]).

Lasry J was satisfied that the principles arising from *Verdins* meant that the offender's moral culpability was significantly reduced. Community protection was not a significant sentencing consideration provided that his serious mental health issues were properly managed ([53]). The offender was sentenced to 20 years' imprisonment with a non-parole period of 14 years.