

## ***Director of Public Prosecutions v Paulino (Sentence)* [2017] VSC 794 (21 December 2017) – Victorian Supreme Court**

‘Current sentencing practices’ – ‘Post-separation violence’ – ‘Protection order’ – ‘Sentencing’ – ‘Stalking’ – ‘Threats to kill’ – ‘Victorian systemic review into family violence deaths unit’ – ‘Women’

Charges: Murder x 1.

Appeal type: Sentence.

Facts: The defendant and victim were estranged. The defendant made open threats to kill the deceased, slut-shamed her to her family and friends, nuisance-calling her at work, and following her and her new boyfriend. The deceased took out a protection order against the defendant. Shortly before a Family Court hearing, she was stabbed by the defendant, and was found dead by her sons ([7]). At a pre-trial hearing, relationship evidence was admitted (see *DPP (Victoria) v Paulino* (Ruling No 1) [2017] VSC 343 (17 June 2017)) After a jury trial, the defendant was found guilty.

Justice Bell referred the case to the Victorian Systemic Review into Family Violence Deaths unit at the Coroners Court. The function of the unit includes identifying risks associated with deaths resulting from family violence. His Honour highlighted features of this case, including that:

- > the murder was preceded by threats to kill, assassination and blaming directed towards the deceased that were open and persistent;
- > there was an intervention order on foot, which was not a sufficient deterrent;
- > Family Court proceedings, initiated by the deceased, had reached a critical stage;
- > the parties had separated; and
- > the deceased had expressed a fear that her husband would kill her.

Issues: Sentence to be imposed.

Decision and Reasoning: The defendant was sentenced to a period of 30 years with a non-parole period of 25 years.

Justice Bell placed importance on the fact that current sentencing practices being more condemnatory of men murdering women ([25]), the circumstances of stalking and breaches of intervention orders leading up to the murder ([27]), and the murder was premeditated ([29]).