

CRIMINAL LAW JOURNAL

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Post-offence conduct and included offences – *CR Williams*

Problems of post-offence conduct on the part of an accused which is said to demonstrate a consciousness of guilt of a charged offence are compounded where that consciousness may, in addition to being referable to the primary offence alleged by the prosecution, also be referable to other possible offences (whether charged or not) arising out of the same incident. In the common law States, such evidence should be admitted where it meets the test of being sufficiently relevant to the issue of guilt of the primary offence alleged, as opposed to other possible offences, to justify consideration by the jury. Under the uniform Evidence Acts, simple relevance, subject to possible rejection on the grounds that the evidence might be prejudicial or misleading or confusing, governs admissibility. Where admitted, the judge's direction to the jury should include the possibility that guilt of some other lesser criminal offence or moral wrongdoing falling short of criminal behaviour might be one reason for post-offence conduct other than guilt of the primary offence charged. 208

Not a crime like any other: Sentencing breaches of domestic violence protection orders – *Heather Douglas*

The question of how to respond to domestic violence continues to be a significant issue in our communities. One of the underlying concerns of many of these initiatives is the role of criminal justice responses to domestic violence. Very low rates of criminal prosecution continue to be associated with domestic violence matters throughout most of Australia. One exception to this is the criminal prosecution of breaches of protection orders. In 2005, there were over 8,000 breaches of domestic violence orders prosecuted in Queensland. This article explores the role of sentencing in domestic violence matters through an examination of court responses to breach prosecutions. 220

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