

Lyn Burke

[REDACTED]

Committee Secretary

Legal Affairs and Community Safety Committee

SUBMISSION: Violent Child Deaths

Child homicide – mandatory minimum non-parole of 15 years imprisonment has been met with reasons against this mandatory sentence. Most can be rebuffed easily as the following points show.

1/ Judge's Discretion: Judges are ruled by law and cannot step outside those guidelines. The defence lawyer will ensure this, they will cite precedence after precedence until the judge's hands are tied.

2/ Jails are at 195% capacity: Build more jails, community service, home detention, etc. These should be used for lesser offenses to free up the jails to allow longer time penalties for those who commit violent offenses.

3/The Judge receives a brief of the case, this includes details of the age and vulnerability of the victim, coroner's report, police report and any other evidence showing the amount of violence the victim endured.

4/ Every case is different: Then explain why do these cases basically have the same sentence?

a) Michael Humprey's sentence 9yrs: death of 31 day old girl (Paige) in 2012 with fractured skull, ribs and legs

b) Rick Cataldo's sentence 8yrs, parole 3yrs 9mths: death of 57 day old girl (Lily Rain Cataldo) in 2012, multiple skull fracture, 4 rib fractures, spiral fracture to right arm.

c) Nicholas Baxter's sentence 9yrs: death of 6 week old boy (Matthew Baxter) in 2011. 17 rib fractures and brain haemorrhaging

d) Heidi Strbak's sentence 9yrs, parole 4yrs: death of 4yr old boy (Tyrell) in 2009. Punched in the stomach and 81 other injuries.

e) Matthew Williamson's sentence 9yrs, parole 7yrs. Killed 3yr old girl (Kyhessa-Lee) in 2013, repeated violence and sexual abuse, punched so hard in the stomach he ruptured her bowel.

f) Colin Randall sentenced 9yrs, parole 5yrs: Killed 10 week old boy (Kye Braxton Randall) in 2014. Fatal blow to abdomen.

g) Matthew Ireland's sentence 8yrs 6mths, parole 4yrs: Killed 18mth old boy (Hemi Les Burke) in 2015. 75 bruises to abdomen, broken rib, severed brain stem.

h) [REDACTED]

i) Ry Smith's sentence 9yrs: killed 4mth old boy,(Lennox Eddy) in 2013. headbutting, slapping, punching assault to "toughen him up"

j) [REDACTED]
[REDACTED]

k) [REDACTED]
[REDACTED]

l) [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

M) Anne Marie Lee sentence 9yrs and parole in July 2019. Killed 22mth old boy (Mason Lee) in 2016 by neglect, injuries to leg and anus, child cruelty.

Shane Burke and Kerri-ann Goodwin would like to appear as witnesses in front of the committee on the 25th March, 2019. As Justice 4 Hemi they would like to bear witness for all these children and all submissions made by family members.

Thank you

Lyn Burke