

# Intellectually Disabled Man Shown Mercy by Judge in Aggravated Assault Case

**Sarah Toomey**

Intellectually disabled 34 year old, Aiden Vallance, was sentenced in the County Court of Victoria on Tuesday, charged with aggravated burglary and threats to kill towards his former housemate during a period of paranoia and lack of vital medication.

The sentencing hearing was overseen by his Honour Judge McInerney and resulted in the bestowing of a combined sentence of a Community Correction order as well imprisonment as time served whilst in remand.

The incident took place on the 26<sup>th</sup> of August 2023 in a boarding house in which both the victim and the accused resided, whilst Mr Vallance was experiencing a paranoid episode due to not taking essential prescribed medication, entering the room of the victim by ‘smashing in the door’, holding a knife and threatened to kill the victim.

The altercation lasted a total of 30 seconds before police and medical personnel arrived and resulted in no injuries.

Judge McInerney identified that Mr Vallance suffers from a variety of mental inhibitions, stating that the accused received little to no education following being expelled from ‘numerous special schools following behavioural issues’, as well as the passing away of his father when Mr Vallance was 12 years old.

In terms of sentencing, Prosecutor Penny Thorp who was present at the plea hearing, recommended a term of imprisonment as forms of rehabilitation and punishment, with the charge of aggravated burglary holding a maximum sentence of 25years in prison.

Mr Vallance was identified by Judge McInerney as having three prior offences of burglary, all of which resulted in no charges being laid.

A variety of factors were considered in the laying of charges, including the guilty plea made by Mr Vallance, noted by Judge McInerney as mitigating the sentence, as well as identifying the incident as a ‘spontaneous encounter following an argument in the absences of essential medication’.

Judge McInerney handed down a combined sentence of a Community Correction order of three years, in which included psychological treatment, regular mental health assessments, supervision by qualified professional for the NDIS, as well as the implementation of a Justice Plan.

The CCO also contained a special condition in which Mr Vallance must take his prescribed medication as directed, as well as ‘submit to relevant blood tests to ensure compliance’.

The sentence also included a term of imprisonment of 63 days, identified as time served whilst Mr Vallance was in remand.

Mr Vallance was apologetic for his actions and in a letter addressed to the court at the plea hearing 'deeply regretted his behaviour as well as ensuring he would not reoffend' (read by his Attorney).

If you or anyone you know are suffering from mental health issues, help can be accessed at <https://www.beyondblue.org.au/>.

# REFLECTION

The case of Vallance v DPP was reported in the time zone of after sentencing has occurred or after the trial before appeal expiry and where Sub judice still applies. Reporting during this time period comes with a high level of sensitivity in mind, as members of the case could be influenced in the possibility of a retrial (not applicable in this case), as well as the need to consider the looming issue of defamation whilst reporting, in which I believe I remained fair and balanced in my reporting in this case.

The main way in which I aimed to remain balanced and fair when reporting this case was through the use of the inverted pyramid structure, as well as using passive language. By adopting these methods, I was less likely to express an opinion throughout my writing, thereby giving the reader all the information they need to form an opinion on their own.

The essential facts of this case are the persons involved, the accused Aiden Vallance, Judge McInerney, the defence and prosecution teams.

Other important facts of the case include what crime was committed, which was aggravated burglary, as well as the location and time and date where the crime took place. As this was a sentencing hearing, the factors which affect sentencing are also essential, such as what the accused pleaded (guilty), and any possible aggravating or mitigating factors that may impact sentencing. The final factors that were considered in the writing of this court report is the outcome of the sentencing, in which a combined sentence of a community correction order and a term of imprisonment.

In terms of checking for accuracy, I ensured whilst I was present in court that I listened to the clear facts of the case, as well as writing down as many notes as I could so that I was able to gain a fair and well-rounded understanding of what I needed to report on. I made sure to also check the County Court website for the correct spelling of important names of individuals involved in the case by looking at the court schedule. I also made certain to double check anything that I heard during the sentencing proceedings that I was unsure of, such as the maximum sentence of aggravated burglary and what a justice order is. The lack of access to the court notes did partially hinder my ability to add further detail in my reporting.

My main defence for any form of defamation claim is that I ensured to just report facts that I heard thought the case, as well as any language used was also used in the court proceedings, in doing this I am covered by the fact that all that is written is truthful in the eyes of a court room.

In the framing of my story, I aimed to have a clear topic sentence by using the five W's, in which gives my reader a clear understanding of what are the most important facts of the case,. I followed the inverted pyramid structure with the order of importance decreasing as the report went on, providing the most important contextual information towards the beginning, and less important material at the end.

In writing my headline, I considered what has been discussed in class that whilst you want the headline to be catchy, it must also be respectful and tasteful, so with this in mind I used language that has been stated in the court proceeding with words that would catch the reader's eye.

The who in my report was the accused Aiden Vallance, I chose the accused to be the who as I found them to be the most important person in this case. The case would not have happened if not for the Mr Vallance so be centring the report around him could make the most sense.

The quotes that I included aimed to add depth and context to my report, mainly said by Judge McInerney, is information that I would not have been able to include if they were not direct quotes. The quotes contained information regarding the mental capacity of Mr Vallance, which could be considered bias if they were written indirectly.

In terms of the information I left out of this report was anything I thought would not be essential to the telling of the story, including minor details that do not add any depth or enhance the reader's experience. As well as any detail that could be misunderstood as defamatory notions.

I was able to easily understand the legalities of this case as the information provided to me in class was clear and I was able to grasp a depth of knowledge on terminology, as well as how the sentencing process was undertaken.

I was pleasantly surprised with the fairness shown by the judge in this case, as he repeatedly stated that the mental state of the accused made him unaware of his actions, as well as stating that he wished to show him mercy, I was shocked with the understanding adopted by the Judge and the aim to rehabilitate the accused rather than punish him.

I included a helpline for Beyond Blue, a group dedicated to helping those who suffer from mental health issues as this report does mention the suffer of various mental health disorders, this making it more suitable for publication.

I considered clause two of the MEAA Code of ethics, in that I aimed to not place 'unnecessary emphases' on the specific characteristics of the accused, whilst also including them as they are a large part of this case and why the crime occurred.

## REFERENCES

1. *MEAA journalist Code of ethics* (2024) MEAA. Available at: <https://www.mcaa.org/mcaa-media/code-of-ethics/> (Accessed: 22 May 2024).