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Herald Sun

Grief-stricken dad asks: 'How can you not get life ?'



Donna Fitchett inside a prison van at the Supreme Court.v



Matthew (left) and Thomas Fitchett were murdered by their mother.

AN EVIL mum who drugged and murdered her two sons should have been jailed for life, the boys' father says.

Donna Fitchett, 51, yesterday was jailed for 27 years, with a minimum of 18 years, for the "chilling, callous murders" of Thomas, 11, and Matthew, 9.

"How can you not get life for taking two innocent lives, under any circumstance?" ex-husband David Fitchett pleaded to the *Herald Sun*.

Earlier, outside court, a grief-stricken Mr Fitchett choked back tears as he said: "My boys. I love them, I miss them." Fitchett has already served five years, meaning she could be released as early as 2023.

Prosecutors had wanted her jailed for life, which would have made her the only woman in Victoria serving a life term.

In 2008, Fitchett was sentenced to a hospital security order of 24 years, with a non-parole period of 18 years, for the murders. She successfully appealed, and faced a retrial.

"Having been through the ordeal twice, and seeking what I thought was

justice for my boys after the first one (trial), going through the appeal process has been an absolute nightmare and a horrendous time in my life," Mr Fitchett said outside court.

"Thomas and Matthew deserve justice. Life by two was the only thing that would satisfy me." Fitchett **drugged then strangled or smothered her boys** at their Balwyn North home on September 6, 2005.

Director of Public Prosecutions Jeremy Rapke, QC, said the sentence was under review. He said all sentences passed in the higher courts were reviewed.

At both trials, Fitchett **pleaded not guilty owing to mental impairment.**

Mr Fitchett has given the *Herald Sun* permission to publish a transcript of his harrowing phone call to 000 in the minutes after he found his sons cold in their beds. It is the first time a full transcript of the call has been published.

During the call, Mr Fitchett frantically tried to resuscitate the boys.

Donna Fitchett, who had **slashed her wrists**, called out: **"I don't want to live."**

In sentencing, Supreme Court judge Justice Elizabeth Curtain said Fitchett's crimes were "truly appalling and **offensive to civilised society**".

"You were their mother. Your responsibility was to nurture, care for, love and protect them," Justice Curtain said.

But in the greatest act of betrayal, Fitchett had robbed them of their lives, because "in an act of **unfathomable selfishness**, you came to the view that, **in your words, 'you couldn't and wouldn't ever abandon them'.**"

Justice Curtain said she sentenced Fitchett on the basis that at the time

she had mild to moderate depression. David Fitchett looked down and wept during sentencing.

Fitchett had left her husband a letter saying she couldn't abandon "our beautiful boys". "I've been dead for a few days. I just wanted peace," she wrote.

"I overdosed the boys and when they were asleep I suffocated them and then strangled them in case they woke up.

"They put up a bit of a struggle but said nothing. They didn't know it was me or it was happening to each other.

"They were happy this morning, said they loved you and had a great Father's Day.

"I pray I don't live through this."

In the first trial, revenge over her unsatisfactory marriage was put forward as her motive.

In a letter to a psychologist on the day of the murders, Fitchett wrote: "Sadly I'm too broken to go on. Today the boys will be given an overdose as I cannot and wouldn't ever abandon them.

"They think we are going on an exciting trip today but I've told them they need to take some medicine so they won't get air-sick.

"I'm not a coward, nor am I crazy. I see this as my greatest act of love."

Justice Curtain said life sentences would not be appropriate because of Fitchett's mental illness, and principles that state a sentence imposed in a first trial should be viewed as the upper limit of the sentence to be imposed after a retrial.

Fitchett is in a psychiatric unit at the Dame Phyllis Frost Centre.

At least two other Victorian female prisoners are serving the same minimum term as Fitchett.

Herald Sun

Transcript of Davd Fitchett's 000 call

- From: **Herald Sun**
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This is an edited transcript from the 000 call that David Fitchett made after discovering his sons cold in their beds.

David Fitchett: Hell!

.....

000: Now what's the problem there, tell me what's happened?

David: I think my wife killed my children and she's overdosed

000: How many, how many patients?

David: Three

000: Are they conscious?

David: No. Two boys are cold.
Are you there?

000: Yeah, now stay with me.
OK, were you at home?

David: Yeah, now

000: All right, stay on the phone with me, all right?

David: Yeah

000: I'm just updating, how many, how old are your kids?

David: Nine and 11

000: Stay on the phone with me. How old's your wife?

David: Can only do one at a time. Hey?

000: How old's your wife?

David: 45

000: OK, what I want you to do, OK? Go and grab, where, are you? Close to the kids?

David: I'm near one, I'm giving him CPR now

000: OK, what I want you to do is put your ear next to his mouth

David: He's not breathing, he's cold

000: OK, all right. What I want you to do

.....

000: All right, now how old is he, please?

David: 11. Stupid f---ing bitch

000: He's 11 years old, is he?

David: Yeah

000: All right. OK, now check ... just lie him flat on his back? Are you listening to me?

David: If I squeeze on his chest it, it go, air comes in and out

000: Does it?

David: Yeah.

.....

000: OK. Just 11. He's 11 you said. He's 11 years old is he?

David: Yeah. Send an ambulance will you?

000: Yeah they're on their way already. Sir, they're already on their way. Just stay with me, I'm just going to help you as best I can OK? Now lie him flat on his back OK?

David: Yeah

000: Remove any pillows and place one, one hand under his neck

David: Yeah

000: The other on the forehead and tilt his head back. Look into his mouth OK?

David: Hang on, I've got to put the phone down

.....

000: OK, what about your other son?

David: Hang on, no, she's done this today

.....

David: F---ing bitch

000: OK listen, sir

David: You f---ing bitch

000: Sir, sir, stay on the phone with me

David: Yeah

000: Are you there?

David: Yeah

000: I want you to go to your wife now. Can you go to your wife for me, OK?

David: You're not ...

Donna: Leave me alone

000: Is that her?

David: Yeah she's just f---ing slashed her wrist

Donna: You just leave me alone

000: Is she conscious? Is she?

David: Yeah

Donna: I don't want to live

David: F---ing hell!

Donna: Leave me alone

000: OK, stay on the phone
with me, sir

David: Tape it

Donna: I don't want to live

000: Stay on the phone with me

Donna: I don't want to live

000: Sir

David: Yeah

000: Can you go back to your
kids for me please, don't focus on her right now

David: Yep

000: OK, I want you to sit next to them and just make sure that they're, that they're not breathing, OK? Just put your ear next to both their mouths and make sure

David: No. He's still warm

000: Is he?

David: Yeah

000: OK. All right, now stay
with me, put him on his back for me

David: Yeah he's on his back

000: All right, open his mouth

.....

000: Do your best. Do your best for me. OK? Is there any vomit in both their mouths and make sure ...

.....

000: He's still warm though, you said, isn't he?

David: Yeah his body is, but he's on, in a bed

000: Is he? Get him off the bed and put him on the floor right now

David: Hang on. Come on Tommy

000: OK, you've got him on the floor?

David: Yeah

000: Put one hand under his neck, one on the forehead and tilt his head back please

David: Yep

000: Pinch his nose closed

David: Yep

000: OK, completely cover his mouth with your mouth

David: Yeah

000: And I want you to force
five deep breaths of air
into his lungs

.....

000: OK, well that's OK. I want you to check the pulse, OK? Slide your middle and index fingers into the groove of the, of the Adam's apple and feel carefully for a pulse, OK? Don't press too hard, feel for five seconds

David: It's either mine or his.
I can't tell

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