

Intentionally Choke, Suffocate or Strangle

s.37(1) (NSW) Crimes Act

s 37(1) Intentionally choke, suffocate or strangle another person so as to render them unconscious, insensible or incapable of resistance, reckless as to rendering that person unconscious, insensible or incapable of resistance.

Maximum penalty: 10 years

Commenced: 5.6.2014

NAME (AGE IF KNOWN)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
Hollaway (26) [2016] NSWCCA 166	s.37(1) Intentionally damage property Breach ADVO	VG PG	1y 9m NPP 1y FT 3m FT 1m (all concurrent)	Crown AD	Lengthy – breached parole for manslaughter	Female in turbulent and destructive relationship with female victim resulting in ADVO – at time of offence broke window with pot plant and forced entry into home of victim - found attempting to choke victim on ground Significantly deprived and traumatic background – mental illness issues and alcohol and drug abuse – manslaughter offence involved substantial impairment and self-defence on male victim threatening to rape offender - Hollaway [2013] NSWSC 218 per Price J
Jackson (36) [2021] NSWCCA 15	s.37(1) AOABH AOABH s.166 – Contravene DVO Sched: 2 x Assault AOABH	PG (10%)	<u>Indicative:</u> 6y 2m 2y 2m 2y 7m 6m <u>Aggregate:</u> 7y 9m NPP 5y 6m	AD	Criminal record for domestic violence offences – multiple terms of imprisonment	Troubled relationship with victim – resumed co-habitation in breach of DVO – awake to phone call – became angry with victim and started choking her in bed – hand around throat and over nose and mouth – slapped victim across head and threw her on to table – threw oranges striking her in the head – forced fingers into mouth and bit her ear and cheek – kicked victim lying on floor – when she attempted to leave grabbed her by hair and head butted to nose Aboriginal man with difficult and violent childhood – intellectual deficits – at crossroads – importance of deterrence for domestic violence offences

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This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.