

Manslaughter Drowning

Maximum Penalty: 25 years (s.25 (NSW) Crimes Act)

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	Bailey NSWSC Hunt J 18.9.1991	Unlawful and dangerous - assault Drowning Assault - domestic		MT 3y AT 1y (discount for assistance)		minor	Co offender Norton convicted of murder - assaulted flat mate on beach and dragged him to water - died from drowning Alcoholic - 33% discount for assistance to authorities
2.	Wilson (40) [1999] NSWSC 1235 Newman J	Unlawful and dangerous - assault Drowning Assault - domestic	PG	3y GBB		Nil	Assaulted father on boat then threw body overboard wrongly believing him to be dead - father drowned - assault in response to threats made by father against offender's girlfriend - father violent record, on bail for conspiracy to murder Good character - service in Naval Reserve - early acknowledgment of guilt - genuine remorse - suffering abnormality of mind at time of offence
3.	Mika Sagato (2000) 116 A Crim R 31 [2000] NSWSC 852 Grove J	Unlawful and dangerous - misc Victim under 18y Drowning	PG	2y suspended sentence		Nil	Husband and wife held down 3y child while mother poured water down his throat - all held genuine religious beliefs about demons and believed child needed to be exorcised Mother of child found mentally ill Intense religious beliefs – remorse – parents to four children
4.	ANG (16) [2001] NSWSC 758 Ireland AJ	Criminal negligence Drowning Juvenile offender	PG	2y suspended sentence		nil	Pushed unconscious body of 31y uncle into river - did so at earlier request of suicidal uncle - uncle suffered depression and intoxicated at time - offender under influence of drugs from drinks spiked without knowledge of offender Well respected youth - good family support - deeply affected by incident - rehabilitation.

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
5.	Laing (35) [2004] NSWSC 510 G.James J	Unlawful and dangerous - misc Drowning	PG (25%)	6y 6m NPP 3y 6m		Minor	Held head of male boarder under water in bath – dumped body in bush – circumstances of assault unclear – intoxicated Long history of alcohol abuse – unlikely to reoffend – full remorse
6.	RG (44) [2006] NSWSC 21 Buddin J	Substantial Impairment Victim under 18y Drowning	PG	3y NPP 1y 3m 2d (immediate release)		Minor	Mother drowned 5m daughter in river – suffering psychotic illness (substantial impairment in upper range) Protective custody – family and community support – remorse – good prospects of rehabilitation
7.	LTN (29) [2011] NSWSC 614 Hidden J	Substantial impairment Victim under 18y Drowning	PG (20%)	4y NPP 2y		nil	Suffering from schizoaffective disorder – drowned 2y daughter in canal – had been seeking to kill herself as well – impairment of very high order Good family support – good prospects of rehabilitation
8.	Rees (27) [2012] NSWSC 922 Grove AJ	Substantial impairment Victim under 18y Drowning	VG (at murder trial – offer to plead)	5y NPP 3y 2m		nil	Female – drowned 17mth daughter by leaving in bath Ongoing destructive cruel relationship with father of child – lack of support - depression and depersonalisation led to actions which couldn't properly assess and control - otherwise loving and exemplary mother - good prospects rehabilitation
9.	MB (35 at offence – 41 at sentence) [2017] NSWSC 619 Beech-Jones J	Substantial impairment Drowning Victim under 18y	PG	4y GBB (little under 2y PSC)		Nil significant	2010 offence - mother either drowned or failed to retrieve 6m daughter from water – reckless indifference to life – breach of trust – not planned Suffering schizoaffective disorder – major depressive disorder with psychotic features – became obsessed that daughter had genetic disorder despite testing showing no abnormality – found not fit to plead and sentenced to limiting term for murder – spent just under 2 years in custody before stabilising and entering plea for manslaughter Good personal support – prospects of rehabilitation – extra curial punishment – importance of supervision and reintegration into community

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
10.	Lord (56) [2020] NSWSC 82 Harrison J [2020] NSWCCA 208	Unlawful and dangerous - misc Motor vehicle Drowning	PG (15%)	10y 8m NPP 8y	AD	nil	After argument with wife deliberately drove car into river with wife as passenger – dragged wife from car but she did not survive – unplanned – serious example Prior good character On appeal – sentence not unreasonable

Last Updated: Aug 2020