

Manslaughter

Non-Parole Period Ten Years or More

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	Ulgun NSWCCA 5.3.1991	Diminished responsibility Shooting - domestic	PG	MT 15y AT 5y	AA MT 12y AT 4y	nil	Fired ten shots at neighbours believing them to be contract killers Suffering paranoid schizophrenia
2.	Farrar NSWCCA 6.5.1991	Unlawful and dangerous - misc Motor vehicle		MT 13y 8m AT 4y 5m	AA MT 10y 8m AT 3y 8m	appalling driving record including culpable driving causing death	Drove car into side of tree killing police officer holding on to side of car Alcohol involved
3.	Fryer NSWCCA 17.3.1992	Diminished Responsibility Assault - general	PG Mansl Robbery Assault Arson	MT 14y AT 10y 7y 7y 'light sentence' (all concurrent)	AD		Fatally bashed one man and assaulted four other victims with two co offenders during 'rumbles' - planned to attract publicity Intellectual deficits - difficulty maintaining independent life
4.	Evers NSWCCA 16.6.1993	Diminished responsibility Shooting - general	VG 5 x Mansl	MT 18y AT 7y	AD	nil	Shot five people in units after believing victims called him 'dole bludger'. Not treatable and danger to community - severe personality disorder - close to psychotic - tendency to transient psychosis triggered by stress or drugs (three overlapping disorders)
5.	Keceski (33) NSWCCA 10.8.1993	Diminished responsibility Assault - domestic	VG	MT 10y AT 3y 4m	AD	no significant	Broke into house and bashed ex girlfriend to death with glass decanter Depressive illness

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6.	Vella (33) NSWCCA 15.12.1995	Provocation Assault – general	VG	MT 10y AT 4y	AD	minor	Attacked by victim with iron bar without warning or provocation - during ensuing fight overpowered victim and assaulted him with bar - disposed of body without knowing if dead Below average intelligence
7.	Carlson NSWCCA 25.11.1996	Diminished responsibility Assault – domestic	PG	MT 11y AT 5y	AD	long record, bond for DV	Assaulted de facto wife - substantial number of blows - violent relationship characterised by alcohol abuse - some provocative statements from victim prior to attack Permanent brain damage from car accident and alcohol - reduced self-control
8.	Cooper NSWCCA 24.2.1998	Diminished Responsibility Shooting - general	VG Arson	MT 12y AT 6y	AD		Offences committed at instigation of co-accused's father - burnt down house of rival and executed victim at his home – co-accused acquitted Major depressive dissociative state - elements of brainwashing by co-offender's father
9.	Horan (45) NSWSC Hidden J 20.3.1998	Diminished Responsibility Shooting - general	PG (see facts)	MT 16y AT 6y (earliest release date 30.3.2002)		old record - irrelevant	Re-determination under s13A (1986) manslaughter, wound with intent to murder, 5 x shoot at police with intent to murder, common assault. Behaving strangely day of offence - police despatched to find offender at request of family - fired at them repeatedly until emptied rifle Paranoid schizophrenic - some rehabilitation but psychiatric state still major concern.
10.	Bessant (25 at offence) NSWSC Smart J 20.5.1998	Unlawful and dangerous - shooting Shooting - general	VG	MT 12y AT 6y (earliest release date 31.5.2001)		bad record - committed AR four days after shooting.	Re-determination under s.13A (1987) contracted to drive past and fire at house to frighten occupants - 5y girl killed - dispute between neighbours Substantial rehabilitation although minor drug matters in gaol - when eligible for release will have spent 15y 10m in gaol
11.	Murdoch NSW CCA 10.12.1998	Victim under 18y Assault – domestic Unlawful and dangerous - assault	PG	MT 10y AT 5y	AD		Male angered when de facto's 3y son dirtied clothes - blow to abdomen and forced child to have cold shower - few factual details

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12.	Veen (28 at offence – 45 at re-determination) [2000] NSWSC 656 Sully J	Diminished responsibility Stabbing - general	VG	Life Re-determination MT 20y Life		non fatal stabbing in 1971 and stabbing manslaughter in 1975 (DR)	Redetermination of life sentence (1983) stabbed homosexual male victim in flat - agreed initially to have sex but became angry and stabbed victim in rage Aboriginal - fostered at young age and subjected to sexual abuse in early teens - brain damage and alcohol abuse - offence committed 9 months after release on licence for earlier manslaughter - issue of dangerousness.
13.	Bowtell (17 at offence - 29 at re-sentence) [2000] NSWSC 803 Hidden J	Diminished responsibility Assault – general Juvenile offender	PG	Life Re-determination 21y NPP 15y		on bail for AR at time of offence	Redetermination of life sentence (1988) dragged 81y female victim into nearby yard - bashed her to death, and brutally sexually assaulted body - left naked body in bin After initial struggle in jail marked improvement in behaviour - diagnosed with ADD and good rehabilitation - genuine remorse
14.	Guider (36 at offence - 52 at sentence) [2002] NSWSC 756 Wood CJ at CL	Unlawful and dangerous - misc Poison / drug	PG	17y NPP 12y		sentenced for sexual offences committed on young children over lengthy period of time	(1986) killing of young girl - picked up victim and took her somewhere - victim died after being drugged with normison - body never recovered - no details of offence provided by offender - part of series of sexual offences committed on young children over 15y years - involved using stupefying drugs to take photographs and commit sexual acts Dysfunctional background - denied offence for long period of time - no insight into offending - dangerousness - strict protection - paedophilia
15.	Hoerler (20) [2003] NSWSC 1187 Miles AJ (2004) 147 A Crim R 520 [2004] NSWCCA 184	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (10%) Sched: 5 unrelated offences	11y NPP 8y 3m	Crown AA 14y 4m NPP 10y 9m	Mal damage, burglary, assaults	Multiple injuries to 7m son of de facto – punch forced lower teeth into roof of mouth – punch to abdomen – clamp to toes causing breaks – died by asphyxiation or vomit inhalation Protective custody

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16.	<p>Taber (27)</p> <p>Styman (37)</p> <p>[2005] NSWSC 1292 Studdert J</p> <p>(2007) 170 A Crim R 427 [2007] NSWCCA 116</p> <p>Co-offender: STYMAN</p>	<p>Unlawful and dangerous - assault</p> <p>Criminal negligence</p> <p>Assault - general</p>	<p>VG Mansl</p> <p>Agg rob</p> <p>VG Mansl</p> <p>Agg rob</p>	<p>18y NPP 13y 6m</p> <p>10y</p> <p><u>Total</u> 19y NPP 14y 6m</p> <p>18y NPP 13y 6m</p> <p>10y</p> <p><u>Total</u> 19y NPP 14y 6m</p>	AD	<p>Nil relevant</p> <p>Of little significance</p>	<p>Three offenders broke into home of 70y female – victim tied up, gagged and left with pillowcase over head – stole \$23,300 - 000 call not acted upon – victim died after 9 days – carefully planned offence – “most grave crime of manslaughter”</p> <p>Protective custody – no remorse – low prospects of rehabilitation</p>
17.	<p>Clare (35)</p> <p>[2006] NSWSC 812 Grove J</p> <p>(2008) 181 A Crim R 450 [2008] NSWCCA 30</p>	<p>Unlawful and dangerous - assault</p> <p>Victim under 18y</p> <p>Assault - domestic</p>	<p>VG Mansl</p> <p>PG s.66A</p>	<p>25y NPP 18y 9m</p> <p>FT 14y (concurrent)</p>	<p>AA 25y NPP 15y 9m</p> <p>FT 14y (concurrent)</p>	<p>Record for sexual offences against children</p>	<p>Babysitting 3y boy – sexually penetrated victim - victim vomited and choked – applied electrical wires in attempt to revive already deceased victim – death caused by unlawful and dangerous act of anal intercourse - worst case category</p> <p>Self-confessed paedophile - serving sentence for sexual assault of victim’s 6y sister</p>
18.	<p>BW (No 3) (46)</p> <p>[2009] NSWSC 1043 Hulme J</p> <p>[2011] NSWCCA 176</p>	<p>Criminal negligence</p> <p>Victim under 18y</p> <p>Failure to provide</p>	VG	<p>16y NPP 12y</p>	AD	Nil	<p>Father of 7y daughter who died from starvation and neglect – victim suffered developmental delay and autism – left in bedroom in unhygienic conditions - ignored daughter - worst case</p> <p>Mother convicted of murder - [2009] NSWSC 1043 / [2013] NSWCCA 103</p> <p>Unlikely to reoffend – rehabilitation.</p>

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19.	LC (32) [2010] NSWSC 815 Hidden J	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (10%)	14y 6m NPP 10y 6m		Manslaughter (diminished responsibility)– killed stranger at brothel – breached parole	Killed 13m stepson – held baby around the neck while shaking and choking him violently – threatened mother with knife when she attempted to intervene – threw child on mattress and stomped on chest - prior assaults over previous five months – slapped, shook, choked and punched baby on four prior occasions – impulsive offence Aboriginal with difficult childhood – drug and alcohol abuse
20.	Spark (23) [2012] NSWCCA 140	Motor vehicle Unlawful and dangerous - misc	PG (25%) Mansl Mansl Sched: Agg BES Take and drive conveyance	13y 6m NPP 9y 9m 12y 6m NPP 8y 9m <u>Total</u> 15y NPP 11y 3m	AD	Significant record including car theft offences – breached parole	Broke into home and stole car keys – drove away car parked in driveway – next day drove stolen vehicle on incorrect side of road - collided with oncoming car killing driver and passenger – under influence of drugs and alcohol – police pursuit over 2.2km up to speeds of 185kph – continued at high speeds after pursuit terminated for 3.2km – wet conditions – unlicensed – very high level of culpability Genuine remorse
21.	Nguyen (55) [2013] NSWSC 197 Fullerton J [2013] NSWCCA 195 [2016] HCA 17	Excessive self defence Shooting - general	PG (10%) Mansl s.33(1)(a) Sched: Firearms offence	9y 5m NPP 7y FT 7y (concurrent)	Crown AA 16y 2m NPP 12y 8y 1m NPP 6y <u>Total:</u> 17y 2m NPP 13y AD	Supply commercial qty drugs	During police raid of garage of units occupied by offender pursuant to search warrant offender fired shots striking constable in arm - police shots in reply fatally struck constable - offender subject of attempted armed robbery two weeks earlier in same location – unaware victim a police officer but ought reasonably to have foreseen possibility Vietnamese – commenced using drugs after death of first wife - remorse

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22.	Tabbah (22) [2014] NSWSC 1764 Schmidt J	Accessory Shooting general	VG	14y NPP 10y		Lengthy - rob in company – AOABH	Co-offender shot V at close range in chest at night through window – joint criminal enterprise to commit robbery – planned offence - remained to assist co-offender knowing he had loaded gun and contemplated gun would be discharged. High risk of committing further violent offences – special circumstances. Co-offender Tirkai sentenced for murder – [2014] NSWSC 1764
23.	Khan (46) [2016] NSWSC 1073 Fullerton J	Arson Unlawful and dangerous - misc	VG Murder 2 x Mansl Recklessly cause GBH Reckless wound s.197(1)(b)	<u>Indicative:</u> 30y NPP 22y 20y NPP 15y 5y NPP 3y 9m 3y 6m NPP 2y 8m 4y <u>Aggregate:</u> 40y NPP 30y		Nil	Lessee of shop caused explosion intending to use insurance money to escape debts – killed male residing in unit above shop (murder) and mother and baby residing in unit above adjoining shop (manslaughter) – two males also residing in unit above shop injured escaping explosion
24.	Attwater (36) [2017] NSWSC 1710 Fullerton J [2021] NSWCCA 17	Unlawful and dangerous - assault Assault - general	VG (at murder trial) Mansl s.61J(1)	<u>Indicative</u> 18y 12y NPP 9y <u>Aggregate:</u> 19y NPP 14y 3m	AD	Minor offences	Engaged in sexual activity with male co-offender and female victim after heavy drinking – victim unconscious due to intoxication – inserted hand and fist into vagina forcefully, vigorously and repeatedly – ignored what would have been obvious bleeding – victim died from blood loss caused by two major tears to vaginal area – high level of culpability Delay and protective custody – co-offender convicted of hindering investigation and s.61J

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25.	Chandler (22) [2017] NSWSC 1758 Johnson J [2023] NSWCCA 59	Unlawful and dangerous - misc Motor Vehicle Victim under 18y	PG (5%) Mansl Sched: Take and drive MV Drive unlic Police pursuit offence	19y NPP 13y	AA 15y 8m NPP 10y 6m	breached bail – lengthy record – many driving offences – aggravating factor	Offender driving stolen car in police pursuit – drove through backyard killing 18m child – continued driving through park with adults and children and pursuit terminated – never held a licence to drive – previously lived in area and aware of proximity of park through backyard – held actual realisation of appreciable risk of serious injury – at gravest end of spectrum - aggravated by being committed in home of victim Extremely dysfunctional and difficult childhood resulting in early and heavy drug abuse – mental health issues – <i>Bugmy</i> considerations – institutionalised criminal – protective custody due to nature of offence On appeal: manifestly excessive
26.	Paterson (38) [2020] NSWSC 221 Bellew J	Unlawful and dangerous - assault Assault – general	PG (25%) Sched: 4 x possess drug	16y 6m NPP 12y 5m		record for violence – breached parole	Intoxicated victim forcibly removed from club – exchanged abusive words with group arriving at club including offenders – P attempted to punch victim – victim pursued by offenders 165 metres – O'B punched victim once causing fall – P kicked victim in head and stomped on head – victim lying prone on road and run over by car – liability based on joint criminal enterprise - culpability extremely high – just below murder Long history of depression and troubled childhood - ADHD

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27.	Camilleri (25) [2021] NSWSC 221 Wilson J [2013] NSWCCA 106	Substantial impairment Stabbing – domestic	VG (murder trial – 17.5% on appeal)	21y NPP 16y 2m	AA 16y 6m NPP 12y	Assaults – harassment - limited criminal history due to diversion from justice system	Female - number of psychiatric and developmental disorders - tried to prevent mother (victim) from telephoning for ambulance to have offender admitted to hospital - stabbed victim to face and head - over 100 separate wounds inflicted ending in decapitation – used seven knives during prolonged attack – committed in presence of young child - gravity of offence – extreme violence - need for community protection. Multiple disorders - mild intellectual disability - autism - obsessive compulsive disorder - severe impact on capacity to function - prone to and unable to control outbursts of extreme rage On appeal: erred in assessment of objective seriousness
28.	DF (25) [2022] NSWSC 762 Garling J	Victim under 18y Assault – Domestic Unlawful and dangerous - assault	PG (5%)	14y 3m NPP 10y 8m		Minor fraud. Not significant.	Female – mother killed own son / child aged 2 years 5 months – death caused by assault – blunt force injuries / trauma using hands or fists to victim’s head, abdomen, chest – multiple internal injuries and bruising – failed to call ambulance or take to hospital when victim appeared unwell. Unable to make any finding as to rehabilitation.

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