

## Manslaughter

### Stabbing - Domestic

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	<b>Bogunovich</b> (1985) 16 A Crim R 456	Provocation Stabbing – domestic	PG	4y Bond			Stabbed husband after long history of domestic violence – on night of killing husband had struck offender outside club
2.	<b>Philp</b> NSWSC Abadee J 18.2.1991	Diminished responsibility Stabbing - domestic	PG	MT 7y 6m AT 2y 6m			Stabbed sister's de facto during fight - when threatened with spade handle retrieved knives from kitchen and inflicted 16 stab wounds - some degree of provocation History of mental illness - schizophrenia - did not take medication
3.	<b>Whalen</b> NSWCCA 5.4.1991	Provocation Stabbing – domestic	PG	MT 5y AT 3y	AD		Killed husband with carving knife and axe - relationship had deteriorated - on day of killing verbally and physically abused by victim
4.	<b>Peterson</b> NSWSC 22.5.1992 Enderby J	Provocation Stabbing - domestic	PG	5y Bond (PSC 5m)		unimportant	Stabbed step brother in fight - element of self-defence - victim aggressively picked fight with offender - both had been drinking - no premeditation History of violence at hands of stepfather and brothers
5.	<b>Spencer</b> NSWSC Mathews J 18.12.1992	Provocation Stabbing – domestic	PG	3y PD		Nil	Killed de facto husband with single stab wound - history of domestic violence - victim physically and verbally abusing offender Fragile mental state
6.	<b>Chayna</b> (1993) 66 A Crim R 178	Diminished responsibility Victim under 18y Stabbing - domestic	VG		Conviction AA 3 x mansl substituted  MT 6y AT 6y  2 x FT 6y (concurrent)		Female offender - invited sister-in-law to house and subjected her to 'frenzied attack', hiding body in backyard - later that night stabbed own daughter and left body in room for two days - stabbed second daughter two days later when she returned from camp Major depressive illness Convicted at trial of 3 x murder

**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
7.	<b>Woolsey</b> NSWSC Newman J 19.8.1993	Unlawful and dangerous – stabbing  Stabbing – domestic	PG	4y GBB		nil	History of domestic violence when victim drunk – offender assaulted during argument with victim - picked up knife to scare victim off and stabbed him
8.	<b>Nguyen</b> NSW SC Allen J 23.9.1993  (1995) 36 NSWLR 397	Stabbing – domestic  Provocation	VG	MT 2y 3m AT 9m	Conviction AD	Nil	Stabbed sister's brother in law during fight - argument over treatment of sister - no intent to do GBH - intended to show victim could not continue to treat sister badly and to prevent continuation of fight.
9.	<b>Thomas</b> NSWSC Dunford J 3.11.1994	Provocation  Stabbing - domestic	PG	MT 3y 6m AT 3y		mal wounding and assaults	Stabbed sister's ex de facto - history of violence - sister raped by victim - night of stabbing fight broke out between offender and victim as victim tried to approach sister
10.	<b>Josifovski</b> NSWSC Smart J 25.1.1995	Diminished responsibility  Stabbing – domestic	PG	MT 6y 9m AT 6y 6m			Stabbed wife 51 times after she refused to have sex - considered killing himself but taken to police by relatives – suffering paranoid delusional disorder History of mental illness and paranoia – history of violent acts towards victim and threats on her life - Yugoslav migrant
11.	<b>Gilham</b> (25) NSWSC Abadee J 7.4.1995	Provocation  Stabbing - domestic	PG	5y Bond		nil	Stabbed brother who had just killed their parents Remorse - excellent prior character and prospects for rehabilitation
12.	<b>Quinn</b> (37) NSWSC Abadee J 28.4.1995	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	MT 1y 1m 20d AT 2y 5m		Minor	Stabbed brother - using knife to prepare breakfast when argument developed - parried knife in response to punch from victim Both chronically and severely mentally ill - forensic patient at time of sentence - schizophrenic/bi-polar/ chronic schizo affective disorder
13.	<b>Simon</b> NSWSC Bruce J 21.7.1995	Stabbing – domestic	PG	MT 2y AT 3y			Stabbed de facto husband during fight after day of drinking at hotel History of domestic violence

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
14.	<b>Barton</b> NSWCCA 28.7.1995	Diminished responsibility  Stabbing - domestic	PG  Sched: Mal Wound Ass	MT 8y AT 8y	AA MT 5y AT 5y		During visit was attacked by elderly and mentally retarded neighbour with knife - responded by stabbing neighbour 24 times Intellectual and personality deficits meant inability to respond appropriately to attack
15.	<b>McIntyre</b> NSWSC McInerney J 15.3.1996	Provocation  Stabbing – domestic	PG	MT 2y AT 4y		nil	Stabbed de facto husband when he grabbed her hair - prelude on previous occasions to serious assault - relationship characterised by inhumane treatment of offender - consumed drugs and alcohol
16.	<b>Varagnolo</b> NSWSC McInerney J 21.3.1996	Unlawful and dangerous - stabbing  Stabbing – domestic	PG	2y GBB		mal wound but not relevant	Long history of violent relationship with victim, including rape - night of killing violent argument, including assault on offender's young daughter - picked up knife with intention of frightening victim - stabbing occurred when victim moved towards offender Very deprived background – part Aboriginal - stolen generation
17.	<b>Edwards</b> NSWSC Simpson J 2.8.1996  (1996) 90 A Crim R 510	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	3y PD	Crown AA MT 18m AT 18m		Female stabbed male lover during argument Care for third party not exceptional circumstances
18.	<b>Khan</b> (1996) 86 A Crim R 552	Provocation  Stabbing - domestic	VG	MT 2y AT 3y	Crown AA MT 4y AT 2y	nil	Stabbed wife's lover - devout Muslim - delay between finding wife with lover and arming himself
19.	<b>EJ</b> (49) NSWCCA 1.4.1997	Diminished Responsibility  Stabbing - domestic	PG Manslaughter  2 x Att murder	MT 12y AT 6y	AA MT 9y AT 3y	nil	Killed wife and attacked two daughters with tomahawk In financial difficulties and concerned could not provide for family - manic depressive, bipolar affective disorder
20.	<b>Appleby</b> NSWSC Ireland J 18.7.1997	Unlawful and dangerous- stabbing  Stabbing - domestic	PG	MT 3y AT 3y		dishonesty and drugs	Stabbed brother in fight with kitchen knife - single stab wound - intent to frighten - just woken from deep sleep and responding to argument between brother and girlfriend

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
21.	<b>Lam</b> (40) NSWSC Hidden J 20.3.1998	Unlawful and dangerous - stabbing  Stabbing - domestic	VG	MT 3 AT 2y		minor assaults	Shared house with victim - confrontation about victim's unwelcome advances to offender's girlfriend – victim became aggressive and tried to take up knife - offender grabbed knife first - multiple wounds as fight continued through house
22.	<b>Bollen</b> (1998) 99 A Crim R 510	Unlawful and dangerous - stabbing  Stabbing - domestic	VG	MT 4y 3m AT 1y 3m	AA MT 3y 4m AT 1y 2m	minor	Lived in flat above garage next to victim's house - history of much antagonism - victim and brother verbally abusing offender - victim later approached offender who lunged and stabbed victim - deliberate but reactionary action
23.	<b>Young</b> (mid 30s) NSWSC Levine J 20.5.1998	Provocation  Stabbing – domestic	PG	MT 3y AT 3y		2 bonds, mal damage, assault	7 stab wounds to husband - victim started assaulting offender in argument about wine consumption - offender 'snapped' and went into frenzy - no premeditation Stormy and volatile relationship - offender not passive, helpless victim - some prospects of rehabilitation
24.	<b>Moore</b> NSWCCA 16.6.1998	Unlawful and dangerous - stabbing  Stabbing – domestic	PG	MT 2y 11m 21d AT 3y	AD	minor	Stabbed de facto husband during violent argument - history of violence and alcohol abuse Aboriginal with violent past, including domestic violence - pancreatitis, PTSD, borderline personality disorder - truly remorseful - commenced rehabilitation
25.	<b>Kennedy</b> (70) NSWSC Greg James J 30.6.1998	Unlawful and dangerous - stabbing  Stabbing – domestic	PG	3y GBB			Stabbed 78y husband once in stomach - died fourteen days later Culpability affected by mental conditions including dementia – intoxication – poor health – abused by husband
26.	<b>Bryant</b> <a href="#">[1999] NSWCCA 181</a>	Unlawful and dangerous - stabbing  Stabbing - domestic	VG (at murder trial)	MT 6y 6m AT 3y 6m	AD	other offences not specified	During struggle in kitchen victim savagely and brutally stabbed in chest and head - other wounds to body History of heavy drinking - remorse
27.	<b>Korhonen</b> (16) <a href="#">[1999] NSWSC 933</a> Hulme J  (K) <a href="#">[2000] NSWCCA 24</a>	Diminished responsibility  Provocation  Juvenile offender  Stabbing - domestic	VG	4y GBB	Crown AD	insignificant	Stabbed man he had been staying with – previous week had been sodomised by victim – provocation very high Developmental delays and profoundly disturbed - appalling childhood - gross psychiatric disturbances - ill-equipped to deal with stress - positive evidence of 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
28.	<b>Tran</b> (37) <a href="#">[1999] NSWSC 1146</a> Bell J	Substantial Impairment  Stabbing - domestic	VG (at murder trial) Manslaughter  Mal wound	MT 3y 6m AT 2y 6m  FT 12m (concurrent)			Stabbed mother in law with scissors - wife stabbed in shoulder attempting to help - estrangement from wife caused primarily by victim - had gone to house of wife to see her resulting in confrontation with victim Excellent prospects of rehabilitation - severe depression
29.	<b>Howard</b> (31) <a href="#">[1999] NSWSC 1228</a> Bell J	Provocation  Stabbing - domestic	VG (at murder trial)	MT 5y AT 1y 6m		one juvenile offence	Stabbed neighbour during argument at offender's flat Good prospects of rehabilitation
30.	<b>Sherry</b> (38) <a href="#">[2000] NSWCCA 35</a>	Unlawful and dangerous – stabbing  Stabbing – domestic	VG	MT 2y 6m AT 2y 6m	Crown AA MT 3y 6m AT 2y 6m	lengthy but minor alcohol related record	Stabbed de facto wife during violent altercation - stabbed wife below ear History of volatile and violent relationship - alcohol problems
31.	<b>Kennedy</b> <a href="#">[2000] NSWSC 109</a> Barr J	Unlawful and dangerous - stabbing  Stabbing – domestic	PG	4y GBB			Stabbed de facto husband in chest once during confrontation - circumstances of offence unclear but history of extreme and cruel domestic violence - spontaneous offence Genuine remorse – suicidal - violent childhood beaten first by mother then victim
32.	<b>Kirkwood</b> (63) <a href="#">[2000] NSWSC 184</a> Bell J	Unlawful and dangerous - stabbing  Stabbing – domestic	PG	MT 12m AT 18m		minor record	Aboriginal female had sexual relationship with victim for 4-5 years - violent argument where victim threw stool at offender and threatened her with knife - offender took knife and 'poked' victim in chest. Mildly intellectually handicapped – alcoholic - not prone to violence - health problems - carer for handicapped son.
33.	<b>Bryant</b> (31) <a href="#">[2000] NSWSC 245</a> Dowd J	Diminished responsibility  Stabbing - domestic	VG Manslaughter  Mal inflict GBH	MT 7y AT 4y  FT 2y (concurrent)		nil for violence	Stabbed ex-girlfriend and cut her throat during argument - assaulting male in face with baseball bat Long history of mental illness and drug addiction - delusional paranoid schizophrenic state

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
34.	<b>Dally</b> (47) (2000) 115 A Crim R 582 <a href="#">[2000] NSWCCA 162</a>	Provocation  Stabbing - domestic	VG	MT 6y AT 2y	AD	assault 21 years ago	Stabbed flatmate once in chest during argument over accommodation arrangements - picked up carving knife and victim stabbed when he pushed offender around – no pre-meditation Lonely life culminating in alcohol dependency - remorse
35.	<b>Jans</b> (55) <a href="#">[2000] NSWSC 525</a> Grove J	Substantial impairment  Stabbing - domestic	PG	PSC 6m 4y GBB		Nil	Stabbed wife with kitchen knife - found by police threatening to jump off 12 storey roof - undiagnosed Huntington's Chorea disease caused victim to become irrationally abusive to offender over long period of time - suffered major depressive episode at time of killing Forgiven by 3 children and low risk of re-offending
36.	<b>Sette</b> (31) <a href="#">[2000] NSWSC 648</a> Barr J	Substantial impairment  Victim under 18y  Stabbing - domestic	PG	2y suspended for 2y		nil	Female removed 1y son from adoptive parents during access visit - stabbed him and hid body in dam - impulsive killing - significant depressive illness for long period of time and in dissociated state at time of killing Forced into adoption by family - support of family – remorse - rehabilitation
37.	<b>Kelly</b> (30) <a href="#">[2000] NSWSC 701</a> Barr J	Provocation  Stabbing - domestic	PG	7y NPP 3y 6m		irrelevant	Stabbed victim during altercation in kitchen - victim started physical fight pushing offender to ground and causing wound to head - offender feared further assault may cause death because of earlier brain injury - stabbed victim seven times in chest and abdomen with fishing knife - intent to do really serious injury - culpability low Aboriginal - immediate assistance to victim - confession to police - genuine remorse
38.	<b>Ko</b> (26) <a href="#">[2000] NSWSC 1130</a> Kirby J	Diminished responsibility  Provocation  Stabbing – domestic	PG	4y NPP 18m		Nil	Stabbed husband 17 times - married victim after he sexually assaulted her - unhappy and violent marriage - victim forced offender to have abortion and seeking divorce - offender isolated and suffering major depression - attempted suicide Exemplary life prior to offence - model prisoner - genuine remorse

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
39.	<b>Connolly</b> <a href="#">[2001] NSWSC 787</a> Dowd J	Substantial impairment  Stabbing - domestic	PG (25%)	7y 6m NPP 4y 6m		minor record	Stabbed wife after forming unfounded suspicion she was unfaithful to him - suffering delusional disorder focussed upon perceived unfaithfulness of wife - similar obsession with former wife - intoxicated at time of offence Remorse
40.	<b>Pello</b> (40) <a href="#">[2001] NSWSC 650</a> Hidden J	Substantial impairment  Stabbing - domestic	PG	5y 6m NPP 3y		insignificant	Stabbed female sharing house after victim argued and abused other occupants of house for several hours - provocation assessed against background of stressful and exploitative environment of house - offence uncharacteristic - degree of provocation high and relevant to culpability Unhappy childhood in West Timor - miserable existence in Australia - genuine remorse - suffering psychiatric illness at time of offence - isolation in gaol
41.	<b>Potts</b> (34) <a href="#">[2001] NSWSC 753</a> Hidden J	Substantial impairment  Stabbing - domestic	VG (at murder trial - 20% for offer)	7y NPP 3y 9m		armed robbery, minor drug and violence, street offences.	Stabbed father in frenzied attack - deeply affected by deaths of mother and two siblings - history of aggression during previous exacerbations of illness Schizophrenia
42.	<b>Bolt</b> (19) <a href="#">[2001] NSWSC 747</a> Hidden J  (2001) 126 A Crim R 284 <a href="#">[2001] NSWCCA 487</a>	Provocation  Stabbing - domestic	VG (at murder trial - 25% for offer)	5y 6m NPP 2y 6m	Crown AA 6y NPP 3y 6m	criminal record related to difficult background	Stabbed mother to death - extremely dysfunctional childhood caused by violent and abusive treatment by mother - earlier in afternoon mother had ordered mentally ill daughter to leave house – lost control when mother verbally abused offender and poked him in chest - degree of provocation high Unlikely to re-offend in this way – need for much rehabilitation - genuine remorse
43.	<b>Melrose</b> <a href="#">[2001] NSWSC 847</a> McClellan J	Unlawful and dangerous - stabbing  Stabbing – domestic	PG	4y GBB			Aboriginal woman stabbed partner during violent argument – victim had assaulted offender earlier in evening – long term domestic violence - isolated by move to another town and became depressed Remorseful and severe psychiatric reaction to killing - significant suicide risk
44.	<b>Gardiner</b> (46) <a href="#">[2001] NSWSC 1147</a> Whealy J	Provocation  Stabbing – domestic	PG (12%)	7y 11m NPP 5y		Lengthy minor matters only	Stabbed flatmate during argument over rent money - victim aggressive and abusive - stabbed victim in neck - attempted to save victim Special circumstances - no previous custody.

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
45.	<b>Murphy</b> (44) <a href="#">[2002] NSWSC 150</a> Buddin J	Substantial impairment  Stabbing - domestic	PG (25%)	7y 6m NPP 4y		nil	Stabbed estranged wife's lover in their bed – element of provocation combined with substantial impairment – spontaneous offence. Major depressive illness - devastated by marriage breakdown - considerations of deterrence and retribution much reduced - remorse - good prospects of rehabilitation
46.	<b>Mabbott</b> (35) <a href="#">[2002] NSWSC 502</a> Hidden J	Substantial impairment  Stabbing – domestic	PG	7y NPP 3y 6m		lengthy record – summary	Female stabbed stepbrother in neck after being called a dog - prior de facto relationship with victim characterised by violence - suffering paranoid delusions since birth of youngest son and schizophrenic illness at time of offence Improvement in mental condition - chaotic life including drug addiction, turbulent relationships and prostitution
47.	<b>Whiting</b> (35) <a href="#">[2002] NSWSC 827</a> Levine J	Unlawful and dangerous - stabbing  Stabbing – domestic	PG (33%)	5y 4m NPP 3y		prior violence	Stabbed de facto wife during domestic dispute - both parties affected by alcohol - victim initiated attack with beer bottle and approached offender with knife - during struggle offender took knife and victim stabbed once Relationship characterised by violence of part of both victim and offender - suffering alcohol dependence and personality disorder - genuine remorse - strict protection
48.	<b>Lynch</b> (48) <a href="#">[2002] NSWSC 1140</a> Whealy J	Provocation  Stabbing – domestic	PG (15%) Manslaughter  Mal Wound	7y 8m NPP 5y 9m  4y 3m NPP 3y 2m  <u>Total:</u> 8y 8m NPP 6y 9m		record related to drug addiction, AOABH and DV	Stabbed estranged wife and lover found in bed together - killed male – sentenced for malicious wounding of wife - build up of anger, distress, humiliation and jealousy over afternoon and evening - no intent to kill - degree of provocation quite high Remorse

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
49.	<b>Yeoman</b> (43) <a href="#">[2003] NSWSC 194</a> Buddin J	Unlawful and dangerous - stabbing  Stabbing – domestic	PG	4y GBB		Nil	Stabbed de facto husband of 25 years once in heart - both heavily intoxicated – not fully aware of actions due to effect of intoxication - element of provocation and long history of domestic violence – stabbed victim on previous occasion Prior good character - isolation caused by recent move - grief over recent death of father - effect of imprisonment on 5y old son - genuine remorse - excellent prospects of rehabilitation
50.	<b>Laures</b> (66) <a href="#">[2003] NSWSC 785</a> Sully J	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	8y NPP 5y		Nil	Stabbed de facto wife once in chest during fight outside house when victim terminated relationship – called 000 then stabbed himself Diabetic – close relationship with own adult children – special circumstances
51.	<b>Yu</b> (33) <a href="#">[2003] NSWSC 1153</a> Wood CJ at CL	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	5y NPP 2y 6m		Nil	Illegal immigrant from Korea – became involved in physical fight with acquaintance at offender's home – double stab wounds to abdomen – no intent to stab – also struck victim to head five times with golf clubs – intoxication aggravated by extreme sleep deprivation - victim aggressive and threatening and refused to leave house Vulnerable – good character evidence – isolation in gaol – high prospects of rehabilitation
52.	<b>Marlow</b> (27) <a href="#">[2003] NSWSC 1130</a> Studdert J	Provocation  Stabbing - domestic	VG (at murder trial – 18% for offer)	9y NPP 6y 9m		Nil	Fatal stabbing with kitchen knife in victim's home – extremely violent killing – sexually assaulted by victim on 16 <sup>th</sup> birthday – subsequent consensual sexual encounters - victim attempted further sexual assault night of killing
53.	<b>Mercy</b> <a href="#">[2004] NSWSC 472</a> Adams J	Unlawful and dangerous - stabbing  Stabbing – domestic	PG (25%)	4y 1m NPP 2y 3m (3m PSC)		Nil	Female - stabbed de facto in back – intent to frighten – seeking to make stand in context of continuing physical and sexual abuse Aboriginal with deprived, violent and sexually abusive childhood – serious drinking problem — diabetic – recent coronary by-pass surgery – 8 children, including one with victim – never been in paid employment

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
54.	<b>Muddle</b> (40) <a href="#">[2004] NSWSC 403</a> Bell J	Excessive self defence  Stabbing - domestic	VG (murder trial)	6y NPP 3y		Minor	Became involved in sustained physical fight with younger and powerfully built male acquaintance during drinking session at offender's home – victim threatened to kill then forced way into house – stabbed in upper back with knife - excessive self-defence to introduce weapon Genuine remorse – reasonable prospects of rehabilitation
55.	<b>Clarke</b> (50) <a href="#">[2004] NSWSC 1125</a> Barr J  <a href="#">[2008] NSWCCA 36</a>	Provocation  Stabbing - domestic	VG	8y NPP 6y	AD	Lengthy record for dishonesty offences	Stabbed neighbour after daughter complained of violent and heated argument – intent to inflict GBH – single thrust caused death – opportunistic – provocation not high – mid-range seriousness Moderate prospects of rehabilitation
56.	<b>Ward</b> (54) <a href="#">[2005] NSWSC 266</a> Whealy J  (2006) 166 A Crim R 273 <a href="#">[2006] NSWCCA 321</a>	Excessive self defence  Stabbing - domestic	VG (at murder trial)	7y NPP 4y	AD	Minor assault	Stabbed male neighbour in throat with penknife used to open letters – victim kicked offender with steel capped boots and punched him in head – unreasonable response to assault – history of poor relationship between neighbours Immediate remorse – good character and good prospects of rehabilitation
57.	<b>Dunn</b> (60) <a href="#">[2005] NSWSC 1231</a> Latham J	Provocation  Stabbing - domestic	VG (at murder trial – offer to plead)	8y NPP 5y		Nil	Stabbed female flatmate during argument – long history of taunting by victim – intent to inflict GBH – offence slightly above mid-range Socially isolated – organic brain damage due to alcoholism – genuine contrition
58.	<b>Wetherall</b> (38) <a href="#">[2006] NSWSC 486</a> Patten AJ	Substantial impairment  Stabbing - domestic	PG (20%)	3y NPP 18m		Minor	Female - took knife to hotel and stabbed estranged de facto husband – responding to daughter's allegation that victim sexually assaulted her – victim previously accepted possibility he had sexually assaulted daughter on earlier occasion while drunk – provocation relevant s.21A(3) <i>Crimes (Sentencing Procedure) Act</i> but not sufficient under s.23 <i>Crimes Act</i> . Offender sexually abused by family members during childhood – stress disorder – immediate remorse – mother to two daughters – good character

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
59.	<b>Russell</b> (48) <a href="#">[2006] NSWSC 722</a> Newman AJ	Provocation  Stabbing - domestic	PG	6y NPP 3y			Female – stabbed de facto husband during confrontation – history of domestic violence – intent to inflict GBH Mildly intellectually handicapped – difficult personal life – brain injury from accident
60.	<b>Jukes</b> (20) <a href="#">[2006] NSWSC 1065</a> Hoeben J  <a href="#">[2008] NSWSC 126</a> Hoeben J	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	2y NPP 12m suspended  On breach of suspended sentence 2y NPP 12m		Nil	Female – stabbed mother’s boyfriend during confrontation in kitchen – instinctive act – single stab wound – low range culpability Unfortunate background – mother to 5 children – youngest child disabled – immediate remorse – 90d PSC – 2y 6m rigorous reporting Sentence subsequently breached after commission of further offence of BES, failure to comply with reporting and counselling conditions and continued amphetamine addiction – pregnant at time of re-sentence
61.	<b>Cavanough</b> (22) <a href="#">[2007] NSWSC 561</a> Whealy J	Unlawful and dangerous - stabbing  Stabbing - domestic	VG (at murder trial – 10% for offer)	8y 2m NPP 5y			Female stabbed male de facto during domestic argument – spontaneous act – element of provocation – history of disputes – suffering depression and anxiety Aboriginal with deprived and violent childhood – sexual abuse – drug and alcohol addiction – functioning at borderline level – mother to 2y child – remorse – prospects of rehabilitation
62.	<b>King</b> (18) <a href="#">[2007] NSWSC 1134</a> Fullerton J	Excessive self defence  Stabbing - domestic	PG (25%)	4y NPP 22m		Nil	Argument broke out with strangers outside family home of offender – 30-40 additional men arrived to continue fight – genuine fear for safety of self, brother and family including children in house – retrieved knife from house – stabbed victim in neck – single stab wound - intent to inflict GBH only – low end of range of seriousness Good character – long term relationship with young child - remorse
63.	<b>York</b> (31) <a href="#">[2007] NSWSC 1470</a> Adams J	Unlawful and dangerous - stabbing  Stabbing - domestic	PG (20%)	5y NPP 3y			Stabbed male during argument with neighbours in caravan park – element of self-defence – impulsive offence – holding knife in hand because using it as eating utensil – low culpability Good character – prospects of rehabilitation – citizen of UK

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
64.	<b>Turuta</b> (44) <a href="#">[2007] NSWSC 1505</a> Mathews AJ	Excessive self defence  Stabbing - domestic	VG (at murder trial)  Assault	7y NPP 4y 6m  FT 3m (concurrent)		Nil	Fought with neighbour and friend after offender physically assaulted partner – stabbed neighbour in back and stomach Extraordinary hardship to three children – serious physical deterioration of mother – born in Cook Islands
65.	<b>Stewart</b> (27) <a href="#">[2008] NSWSC 563</a> Johnson J  <a href="#">[2009] NSWCCA 152</a>	Excessive self defence  Stabbing - domestic	VG (at murder trial – 12.5% for offer)	10y 6m NPP 7y 3m	AD	Priors including violence	Altercation between offender and victim at house offender shared with mutual friend – asked by friend to leave - offender returned unannounced next afternoon – stabbed victim 12 times with push dagger during punch up with victim – armed with concealed weapon – intent to inflict GBH – high objective gravity
66.	<b>Kennedy</b> (40) <a href="#">[2008] NSWSC 703</a> Fullerton J	Unlawful and dangerous - stabbing  Stabbing - domestic	VG (at murder trial – offered to plead)	6y NPP 4y		Minor	Trivial argument with flatmate – struck back of head with heavy implement and stabbed once to back – no provocation – several acts of violence – no intent as result of intoxication (alcohol, drugs and pre-existing brain damage) – body found in unit after 27 days Long term user of illegal drugs – genuine remorse – good prospects of rehabilitation
67.	<b>Ferguson</b> (36) <a href="#">[2008] NSWSC 761</a> Barr J	Substantial impairment  Provocation  Stabbing - domestic	PG	7y NPP 4y		Nil	Female entered sexual relationship with 22y male – unhappy relationship involving physical abuse, drug abuse and threats to kill – stabbed victim during argument – impulsive and sudden offence – element of provocation Major depressive disorder Also suffering amphetamine abuse disorder – sexually abused as a child – remorse – prior good character
68.	<b>Podesta</b> (19) <a href="#">[2008] NSWSC 1204</a> McCallum J	Substantial impairment  Stabbing - domestic	VG (at murder trial)	8y NPP 5y		Assault police – breached bond – minor traffic	Offender's mother received prank calls alleging to be from her boyfriend suggesting he had infected her with HIV – after confronting and arguing with victim offender followed victim down street and stabbed him multiple times – acting under delusional belief he would be assaulted by victim's associates – previously assaulted by victim in home invasion – impaired capacity to judge right from wrong – impaired capacity to control actions Schizophrenia Chaotic and dysfunctional family life

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
69.	<b>Stewart</b> (30) <a href="#">[2008] NSWSC 1359</a> Mathews AJ	Unlawful and dangerous - stabbing  Stabbing - domestic	VG (at murder trial – 15%)	6y 4m NPP 4y		Nil	Stabbed husband during argument at home – spontaneous offence – combination of personality disorder and intoxication meant no required intent – victim stabbed outside 16y son’s bedroom - volatile relationship Difficult and abusive childhood resulting in personality disorder and substance abuse – attempted suicide many times
70.	<b>Zeilaa</b> (73) <a href="#">[2009] NSWSC 532</a> Howie J	Substantial impairment  Stabbing - domestic	PG (25%)	4y 10m NPP 2y 6m		Nil	Frenzied stabbing of 67y wife during argument over breakdown in relationship History of verbal and physical abuse - dementia
71.	<b>Dowley</b> (41) <a href="#">[2009] NSWSC 722</a> Hidden J	Substantial impairment  Stabbing - domestic	PG (15%) Manslaughter  SMV	11y NPP 7y  FT 12m (concurrent)		Disturbing record for violence	Stabbed de facto partner and slit throat – took ice night before killing Paranoid delusional disorder Drug addiction – not taking medication prior to offence – some insight
72.	<b>Hevesi-Nagy</b> (52) <a href="#">[2009] NSWSC 956</a> Grove J	Substantial impairment  Stabbing - domestic	VG (at murder trial – offer to plead)	10y NPP 6y		nil	Female – with 14y son struck sleeping father of son with tomahawk – son armed with knife – offence planned over extended period - son mentally ill – obsessed with keeping father from normal relationship with son Delusional disorder of a persecutory nature substantially impairing capacity for self control Good prospects of rehabilitation
73.	<b>Lovett</b> (21) <a href="#">[2009] NSWSC 1427</a> Barr AJ	Provocation  Stabbing - domestic	VG (at murder trial)	10y 8m NPP 8y		Record for violence offences – breached conditional liberty	Aware victim at house of estranged partner – went to house, uninvited, at night, with knife – observed victim and partner having sexual intercourse – stabbed victim once in chest – assaulted victim with garden stake, dragged him out onto lawn and kicked body

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
74.	<b>Worrall</b> (20) <a href="#">[2010] NSWSC 593</a> Fullerton J	Substantial impairment  Stabbing - domestic	PG (25%)	6y NPP 4y 3m		Nil	Female stabbed 18y sister to death – difficult relationship characterised at times by physical fighting – purchased knife prior to killing – stabbed sister in neck as she emerged from bathroom Suffering serious hormonal condition requiring constant medication – medication caused obesity affecting self esteem and resulting in poor compliance with medication regime – mood disorder associated with non-compliance with medication prescribed for congenital adrenal hyperplasia Prior good character - remorse
75.	<b>Doolan</b> (43) <a href="#">[2010] NSWSC 615</a> Grove J	Unlawful and dangerous – stabbing  Stabbing - domestic	PG (20%)	6y NPP 3y 9m		Minor record – alcohol related	Aboriginal female stabbed partner – volatile relationship characterised by alcoholism and violence – both intoxicated – chased victim with knife who responded in joking manner – stabbed once in chest – failed to appreciate dangerous nature of knife – lower end of scale of seriousness Distress and remorse – reasonably good prospects of rehabilitation
76.	<b>Duncan</b> (44) <a href="#">[2010] NSWSC 1241</a> Hidden J	Unlawful and dangerous – stabbing  Stabbing - domestic	PG (15%)	3y NPP 1y 4m		Minor – PCA offences	Female stabbed partner once in abdomen – victim came home from party, pushed offender out of bed and started argument over text message – offender grabbed knife in fear victim would continue assault – impulsive response in heat of argument - history of physical and verbal abuse – immediate remorse Excellent work record in welfare area – excellent prospects of rehabilitation
77.	<b>Goundar</b> <a href="#">[2010] NSWSC 1170</a> Kirby J  <a href="#">[2012] NSWCCA 87</a>	Provocation  Stabbing - domestic	VG (at murder trial – 17.5% for offer)	10y 8m NPP 8y	AD	Breached bail	Stabbed male friend during confrontation at ex-marital home – angry because victim had commenced sexual relationship with offender’s estranged wife – planned confrontation although use of knife spontaneous – ferocious and sustained attack - placed in bath and left to die – intent to kill – disposed of body in bush with estranged wife – well above mid-range Fijian Indian – drinking problem and adjustment and depressive disorder at time of offence

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
78.	<b>West</b> (18) <a href="#">[2011] NSWCCA 91</a>	Unlawful and dangerous - stabbing  Stabbing – domestic	PG (25%)	6y NPP 2y	Crown AA 6y NPP 3y	Children's Court – dishonesty, AOABH, driving	Stabbed girlfriend's brother during drunken argument at family gathering – single blow with scissors in heat of moment – not particularly forceful blow Intellectual disability – alcohol and cannabis abuse – just turned 18y
79.	<b>Quealey</b> (29) <a href="#">[2011] NSWSC 42</a> Hall J	Unlawful and dangerous - stabbing  Stabbing - domestic	VG (at murder trial)	6y NPP 3y 6m		Record - breached bond	Stabbed de facto husband in thigh during argument – single stab - victim behaved in aggressive manner – unplanned offence Both had chronic substance abuse problems – difficult and abusive childhood
80.	<b>Bugmy</b> (27) <a href="#">[2011] NSWSC 357</a> McCallum J	Unlawful and dangerous - stabbing  Stabbing - domestic	PG (25%)	8y 3m NPP 5y 6m		Breached parole for mal wounding of different de facto partner – appalling record of violence against de facto partners	Stabbed de facto partner in back – heavily intoxicated – use of weapon Drinking problem – breached condition of parole not to drink – breached apprehended violence order - psychosocial deprivation - alcohol and cannabis dependence including four-year history of petrol sniffing - very low intelligence
81.	<b>Vulovic (No.4)</b> (53) <a href="#">[2012] NSWSC 212</a> Johnson J  <a href="#">[2013] NSWCCA 340</a>	Provocation  Stabbing - domestic	VG (at murder trial)	9y NPP 6y	AD	Record including assault	Stabbed male acquaintance during violent argument in offender's house – both parties intoxicated - provocative words and violence from victim – offender partially strangled – intent to inflict GBH – substantial level of objective gravity Reasonable prospects of rehabilitation
82.	<b>Singh</b> (22) <a href="#">[2012] NSWSC 637</a> McClellan CJ at CL	Provocation  Stabbing - domestic	VG (at murder trial – 25% for offer)	8y NPP 6y		nil	Cut wife's throat with a Stanley knife during argument by ferocious attack – during argument verbally abused by brother-in-law on telephone and by victim – victim threatened to leave and have offender kicked out of country - married in India so both could move to Australia – long history of marital disharmony and violence – brutal and violent attack Immature with no family or friends for support – suffering psychiatric disorder at time of offending – good prospects of 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
83.	<b>Won</b> <a href="#">[2012] NSWSC 855</a> Fullerton J	Provocation Stabbing - domestic	VG (at murder trial – 25% for offer to plead)	7y 6m NPP 5y		Nil	Stabbed male acquaintance in arm severing arteries – stab wounds to back, chest and abdomen – found victim having sex with offender’s wife – intent to kill Korean – exemplary character
84.	<b>Chen</b> <a href="#">[2012] NSWSC 1000</a> Schmidt J	Substantial impairment Stabbing - domestic	PG (25%)	6y 9m NPP 3y 9m			Female fed ex-partner soup with sleeping tablets – stabbed sleeping victim causing serious injuries to penis and severing arteries – offender had history of emotional manipulation, cruelty towards son and dishonesty – panicked in response to threats to take son Suffering depressive disorder
85.	<b>Seymour</b> (24) <a href="#">[2012] NSWSC 1010</a> Price J	Excessive self defence Stabbing - domestic	VG (at murder trial)	6y 6m NPP 3y 6m		minor	Female stabbed mother in arm as act of excessive self-defence – victim bled to death - history of verbal and physical abuse by victim against offender – victim a drug user – deliberate stabbing – failed to assist victim but unaware could bleed to death – spontaneous offence Deprived and dysfunctional childhood – suffering depression at time of offence
86.	<b>JC</b> (17) <a href="#">[2012] NSWSC 1393</a> Barr AJ	Unlawful and dangerous - stabbing Juvenile offender Stabbing – domestic Victim under 18y	PG (modest)	5y 6m NPP 3y		nil	Female – stabbed 16y brother of de facto at offender’s flat – reason for killing unclear – spontaneous offence Troubled background – drug and mental health problems – probably in dissociative state at time of killing – remorse – chronic physical illness
87.	<b>Pitt</b> (40) <a href="#">[2012] NSWSC 1549</a> Latham J  <a href="#">[2014] NSWCCA 70</a>	Substantial Impairment Stabbing - domestic	PG (20%)	8y NPP 6y	AA 5y NPP 3y	minor	Victim and offender shared offender’s housing commission house – prolonged physical argument where police called on numerous occasions and AVO taken out on behalf of offender – police declined to remove victim from house – offender stabbed victim in heart Lengthy history of mental illness - alcohol, persecutory beliefs concerning the actions of the victim, and untreated schizophrenia

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
88.	<b>Hollaway</b> (22) <a href="#">[2013] NSWSC 218</a> Price J	Substantial impairment  Stabbing - domestic	PG (20%)	5y 4m NPP 3y		Record but no prison	Female – while staying at home of male acquaintance after time in psychiatric unit reacted to perceived threat by victim that he would rape or murder her – grabbed knife in house and stabbed victim several times – body not discovered for several months – victim had brain damage causing sexual and violent inhibition – element of provocation History of mental illness – suffering psychosis – significant reduction in moral culpability – remorse – disrupted and abusive childhood including sexual abuse leading to early drug abuse
89.	<b>Bugmy</b> (25) <a href="#">[2013] NSWSC 1885</a> Barr AJ	Excessive self- defence  Stabbing - domestic	PG	7y NPP 3y 6m		Violence, AOABH, assault & resist police. Previous custody.	Attended gathering with family and friends – consumption of alcohol and marihuana – fight broke out between 24y male victim and offender – offender fell to ground and victim continued punching – offender grabbed scissors lying nearby and stabbed victim three times to throat, face and spine – victim unreasonably refused medical treatment Under influence of drugs and alcohol – remorse - dysfunctional upbringing – alcohol and drug abuse – Aboriginal - poor prospects of rehabilitation - need for assistance and supervision warrants longer parole period
90.	<b>Hassan</b> (54) <a href="#">[2014] NSWSC 280</a> Garling J  <a href="#">[2018] NSWCCA 213</a>	Provocation  Domestic - stabbing	VG (murder trial - 25% for offer)	12y NPP 9y	AD	nil	Stabbed wife multiple times during argument at family home – responding to low level verbal provocation – brutal and vicious assault on wife cowering under blankets in bed Born in Sudan – relatively safe childhood – good character
91.	<b>Villalon</b> (27) <a href="#">[2014] NSWSC 1261</a> Price J  <a href="#">[2015] NSWCCA 229</a>	Substantial impairment  Stabbing – domestic	VG (murder trial – discount for offer 25% on appeal)	8y NPP 5y 6m	7y 6m NPP 5y 1m	nil	Stepfather abusive towards offender - also concerned about inappropriate sexual behaviour towards offender's sister – stabbed stepfather and hit over head with hammer – element of provocation – unplanned offence Schizophrenia – low risk of re-offending - remorse.

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
92.	<b>Catley</b> (27) <a href="#">[2014] NSWCCA 249</a>	Substantial impairment  Stabbing - domestic	VG (murder trial) Manslaughter  2 x animal cruelty	11y NPP 8y  FT 2y  Total: 12y NPP 9y	AD	minor	Assaulted mother and stabbed her twice during argument – killed two cats by slashing throats Psychotic - depression
93.	<b>Wang</b> (23) <a href="#">[2016] NSWSC 222</a> RS Hulme AJ	Unlawful and dangerous - stabbing  Stabbing – domestic	VG (murder trial – 17.5% for offer)	6y 6m NPP 4y 6m		Nil relevant	Good friend of victim and shared unit – after night of drinking in unit with friends argued with victim – retrieved knife from room and fatally stabbed victim in leg – cause of argument unclear Genuine remorse
94.	<b>Anderson</b> (39) <a href="#">[2016] NSWSC 399</a> Hall J  <a href="#">[2018] NSWCCA 49</a>	Excessive self defence  Stabbing - domestic	PG (20%)	12y 9m NPP 9y 6m	12y NPP 9y	Significant – includes violence – breached bail	Stabbed estranged pregnant partner once in chest – forced entry into unit victim visiting and scuffled with three females – pushed one female causing all to fall – victim retrieved kitchen knife and approached offender – stabbing occurred during struggle for knife where offender grabbed knife and stabbed victim
95.	<b>Parker (No.2)</b> (55) <a href="#">[2016] NSWSC 813</a> Rothman J	Stabbing – domestic  Substantial impairment	VG (murder trial - 25% for offer to plead)	7y NPP 3y 6m		Record for violence	Female stabbed partner once in back – circumstances unclear – victim intoxicated and self-harming - below mid-range Aboriginal with deprived and dysfunctional childhood - severe cognitive deficits exacerbated by alcoholic abuse – involved in abusive relationships – profound remorse
96.	<b>Jenbare</b> (52) <a href="#">[2016] NSWSC 1317</a> McCallum J	Substantial Impairment  Stabbing – domestic	PG (25%)	9y NPP 5y		Nil	Stabbed female partner – victim planning to arrange fake marriage between herself and her nephew so he could live in Australia – offender did not agree - would have to make false declaration – abandonment - stabbed victim eight times Underlying condition of severe, post-traumatic stress disorder, depression and cognitive impairment as survivor of torture while political prisoner in Ethiopia and trauma in refugee camps - prior good character.

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
97.	<b>Tabalbag</b> (31) <a href="#">[2016] NSWSC 1570</a> Mathews AJ	Provocation  Stabbing – domestic	VG (murder trial - 25% for offer to plead)  Sched: AOABH	6y NPP 4y 6m		Nil	Came home unexpectedly during day to find female partner have intercourse with male acquaintance – pursued male into bathroom and stabbed several times – spontaneous act – cut finger of female partner – slightly below mid-line Prior good character – good prospects of rehabilitation – remorse – out of character
98.	<b>Ukropina</b> (57) <a href="#">[2016] NSWCCA 277</a>	Substantial Impairment  Stabbing – domestic	PG (25%)	6y 9m NPP 4y 9m	AA 6y NPP 4y	Nil	Father stabbed 29y daughter in back during argument – suffering severe depression with psychotic tendencies Genuine remorse – suicide attempts in custody
99.	<b>Hadchiti</b> (20) <a href="#">[2017] NSWSC 292</a> N Adams J	Excessive self- defence  Stabbing - domestic	PG (13%)	10y NPP 7y		Nil	2011 offence - lived with parents and family on semi-rural property – sister and 26y boyfriend arrived to collect sister’s children - violent altercation between offender and boyfriend when he pushed offender’s mother – offender stabbed in arm by victim – stabbed victim in chest and cut throat with knife being used for peeling fruit - intent to kill - honestly believed necessary to defend self and mother - serious example of offence Positive subjective case - unlikely to reoffend – remorse – good prospects of rehabilitation – delay – finding of special circumstances: youth - first time in custody
100.	<b>Chapman</b> (20) <a href="#">[2018] NSWSC 1741</a> Harrison J	Unlawful and dangerous - stabbing  Stabbing - domestic	PG (25%)	6y NPP 3y		nil	Father disconnected internet and attempted to remove cables from computer to stop son playing computer games and come to dinner – stabbed father once in shoulder –spontaneous offence – offender picked up knife from bench beside bed – low culpability due to autism spectrum disorder and depression – difficult relationship with father Immediate admission to offence – difficulty in prison – need for long parole period – support of mother

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
101.	<b>Cahill</b> (25) <a href="#">[2018] NSWSC 1896</a> Johnson J	Substantial impairment  Stabbing – domestic	PG (10%)	8y NPP 5y		lesser offences – breached bond for wounding victim	Female stabbed fiancé – background of volatile and violent relationship over several years – both out drinking evening of offence – victim becoming more belligerent – at home victim assaulted male accompanying group in mistaken belief male fancied offender – offender stabbed fiancé in neck – intent to cause GBH - suffering PTSD or major depressive disorder as a result of relationship – use of weapon aggravating factor – mid-range seriousness Immediate regret – excellent prospects of rehabilitation
102.	<b>McDonald</b> (59) <a href="#">[2019] NSWSC 858</a> Harrison J	Unlawful and dangerous - stabbing  Stabbing – domestic	VG (murder trial)	6y NPP 3y		Modest - no offence since 2004 – AOABH in 1991	Killed brother - single stab wound to chest during argument – intent to frighten - no intent to kill or cause serious injury - amount of force not significant – impulsive offence - consumption of alcohol - well towards bottom of range of objective seriousness. Indigenous with disadvantaged background – remorse - excellent prospects rehabilitation
103.	<b>Camilleri</b> (25) <a href="#">[2021] NSWSC 221</a> Wilson J  <a href="#">[2013] NSWCCA 106</a>	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

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
104.	<b>Reid (No.2)</b> (47) <a href="#">[2021] NSWSC 475</a> Johnson J	Stabbing – domestic  Substantial Impairment	PG (10%) Manslaughter  Manslaughter	<u>Indicative:</u> 7y  7y  <u>Aggregate:</u> 10y 6m NPP 5y 6m		Nil	Stabbed parents one morning at their home – no rational motive, triggering event or argument – impairment at higher end of spectrum – mental illness distorted thinking – causal relationship to offending Underlying major depressive disorder on a background of personality disorder and alcohol use disorder No history of violence but difficult to assess risk of re-offending where questions remain over mental health
105.	<b>Smith</b> (56) <a href="#">[2021] NSWSC 928</a> Walton J	Excessive self defence  Stabbing - domestic	VG (murder trial – 25% for offer)	7y 6m NPP 5y 6m		Not significant – traffic offences, minor assault and drug matters, property	Victim and offender neighbours in intimate relationship – victim assaulted offender in car during argument and relationship ended – next day during argument at offender’s house victim returned to car and picked up metal bar – offender retrieved ornamental knives from veranda and ran at victim – stabbed victim multiple times when she brandished bar – victim had history of violence – intent to GBH – unreasonableness of response considerable but not extreme – hid body and lied to police for several hours PSTD and Alcohol and Cannabis Use Disorder linked to extreme / impulsive response – history of childhood violence and early drug use – good use of time in custody and unlikely to re-offend – some remorse – significant reduced general deterrence – special circumstances for supervision and treatment

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
106.	<b>Srsa</b> (53) <a href="#">[2021] NSWSC 924</a> Ierace J	Substantial impairment  Stabbing - domestic	PG (25%)	7y 10m NPP 5y		Breach AVO	Female – stabbing of male partner once to chest following argument over victim taking money out of offender’s bank account and graffitiing men’s toilets at hotel with offensive references to offender – pursued victim from house – element of provocation – capacity to control self substantially impaired – degree of impairment significantly more than required to activate defence – intent to cause GBH not kill – just below mid-range Alcohol use disorder, panic disorder with agoraphobia, depression, mild neurocognitive disorder (preliminary); PTSD, chronic anxiety disorders (generalised, agoraphobic and panic), chronic depressive disorder, substance use disorder (alcohol), enduring (post-traumatic) personality change Alcohol abuse - upset about grandson undergoing heart surgery – remorse – good rehabilitation prospects – no history of violence
107.	<b>Nancarrow</b> <a href="#">[2022] NSWSC 455</a> Hamill J	Unlawful and dangerous – stabbing  Stabbing - domestic  Excessive self defence	VG (at murder trial – 25% for offer)	7y 6m NPP 4y		Record for dishonesty, drug and driving offences - breached conditional release order	Stabbed victim twice during confrontation on stairs leading up to living area occupied by offender – victim lived in caravan on property – offender deliberately armed self with knife although no intent to kill or inflict GBH – victim aggressor and angry offender would not purchase drugs for him – offender believed conduct necessary for defence – towards lower end of range Remorse – good prospects of rehabilitation – anxiety disorder – delay due to Covid
108.	<b>Lupton</b> (30) <a href="#">[2023] NSWSC 412</a> Fagan J  <a href="#">[2024] NSWCCA 29</a>	Stabbing - domestic  Excessive self defence	PG (25%)	9y NPP 6y 9m	AA 8y 6m NPP 5y 6m	Lengthy record – offence committed while serving community correction order	Stabbed male acquaintance once in chest during argument over use of drugs in home of offender’s 9y daughter – intent to cause GBH – perceived threat no more than bruising or abrasions from blows delivered with fists or by kicking – neither assailant armed – unreasonable response by ‘very great margin’ Difficult childhood exposed to violence, drug abuse and sexual abuse – long-term substance abuse-genuine remorse On appeal: failed to have regard to relevance of need for drug rehabilitation and impact of Covid on custodial conditions

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
109.	Steele (76) <a href="#">[2024] NSWSC 214</a> Davies J	Excessive self- defence  Stabbing - domestic	PG (25%)	6y 9m NPP 3y 6m		Nil	Single stab wound to neck of adult son at their home during family argument using kitchen knife – victim approached offender quickly – accepted responsibility but unable to explain or recall inflicting stab wound – relatively impulsive offending. Just below mid-range of objective seriousness. Good character – in remission from leukemia – no concern about reoffending – remorse – significant variation of statutory ratio given age and health.

Last Updated: Mar 2024