

## Manslaughter

### Arson

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	<b>Brown</b> NSWSC McInerney J 19.3.1993	Arson  Diminished Responsibility	VG	MT 8y AT 8y		Priors	Six killed in Backpackers Hostel Brain damage from birth - aggressive slow learner - pyromania
2.	<b>Camp</b> (45) NSWCCA 3.9.1996	Unlawful & dangerous - misc  Accessory  Arson	VG	MT 5y AT 3y	AD	no prison	Accessory before the fact - arranged to have shop burnt down - resident living over shop died.
3.	<b>Hampton</b> (22) NSWSC Dunford J 17.10.1997  (1998) 101 A Crim R 399 NSWCCA  <b>Mackey</b> (18) NSWSC Dunford J 17.10.1997  <a href="#">[1999] NSWCCA 167</a>	Unlawful & dangerous - misc  Arson  Accessory (Mackey)	PG 3 x mansl  Sched: Robb  PG 3 x mansl	MT 8y 6m AT 2y 6m   MT 6y AT 2y	AD   AD	lengthy record including robbery and mal damage - on parole and bail.  priors including assault, stealing, BES	Fire at private residence killed one adult and two children - H instigator and principal offender - M principal in second degree - both had previous arguments with occupants of house H: Aboriginal female - good prospects of rehabilitation M: Aboriginal male - good background - genuine remorse - excellent prospects of rehabilitation

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4.	<b>Hayne</b> NSWCCA 18.9.1998	Unlawful & dangerous - misc  Criminal negligence  Arson	VG	FT 18m	AD		Arguing with wife - splashed petrol around living room and set it alight - tried to rescue wife but failed Suffered severe burns himself
5.	<b>Gunes</b> <a href="#">[1999] NSWSC 130</a> Newman J	Diminished responsibility  Arson	PG	MT 5y AT 7y		assault - not relevant.	Poured petrol over father and set him alight Longstanding family dispute - history of mental illness - depression, paranoid schizophrenia
6.	<b>Olig</b> (36) <a href="#">[2000] NSWSC 1246</a> Adams J  <a href="#">[2002] NSWCCA 249</a>	Unlawful and dangerous - misc  Arson	VG (at murder trial)	12y NPP 8y	AD	no significant prior convictions	Deliberately set fire to house killing estranged de facto wife - surprised by speed of fire and made attempts to put it out and rescue victim - angered by victim defrauding him over house payments - actions directed primarily at house No remorse - deprived and difficult childhood
7.	<b>Huynh</b> <a href="#">[2003] NSWSC 1066</a> Kirby J	Criminal negligence  Arson	VG (at murder trial - small discount for offer)	6y NPP 3y 6m		Nil	During argument with ex-wife poured methylated spirits around kitchen and lit lighter - unexpected ignition - no intention to hurt wife Excellent character evidence, including from victim's parents - deep remorse - excellent prospects of rehabilitation - care of young son
8.	<b>Soon</b> (71) <a href="#">[2008] NSWSC 622</a> Grove J	Substantial impairment  Arson	PG (25%)	9y NPP 5y 6m		Nil	Female - set fire to house with estranged husband inside - husband quadriplegic and unable to leave bed - intent to kill - offence committed to prevent husband pursuing property claim in divorce proceedings - well planned offence Depression
9.	<b>SS</b> (40) <a href="#">[2010] NSWSC 1169</a> Kirby J	Unlawful and dangerous - misc  Arson	PG (17.5%)	6y 7m NPP 3y		Minor offences	Female set fire to house in attempt to commit suicide - rescued by partner who died from burns - intoxicated and upset at time of offence Suffered serious burns - troubled background and chaotic life with drug and alcohol abuse and mental disorders - previously set fire to bedroom in similar manner being rescued by neighbours - good prospects of rehabilitation

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10.	<b>Madden</b> (50) <a href="#">[2013] NSWSC 710</a> Hidden J	Unlawful and dangerous – misc  Arson	PG (15%)	7y NPP 4y		Not significant	Lived with two males – following argument between victim and other male offender threw methylated spirits on victim's coat and ignited it with cigarette lighter – victim collapsed almost immediately probably suffering cardiac arrest - offender left - all three chronic alcoholics – offender severely intoxicated Rehabilitation – remorse – alcoholism
11.	<b>Khan</b> (46) <a href="#">[2016] NSWSC 1073</a> 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
12.	<b>Hay</b> (46) <a href="#">[2021] NSWDC 669</a> Lerve DCJ	Unlawful and dangerous - misc  Arson	PG (25%) Manslaughter  s.195(1)(b) reckless destroy by fire	<u>Indicative</u> 9y  2y 3m  <u>Aggregate</u> 10y 3m NPP 6y 10m		Record	Female set fire to couch on patio of friend's house after being asked to move out – act of revenge – offence committed in early hours of morning when occupants sleeping - house caught fire and friend's disabled foster sister unable to escape – aware of victim's presence and vulnerability – both offences above mid-range Some remorse – difficult childhood including sexual abuse and early substance abuse – <i>Bugmy</i> factors – motor vehicle accident causing PTSD

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