

## Manslaughter

### Poison / Drug

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	<b>Hunt</b> NSWSC Hidden J 2.4.1996	Diminished responsibility  Victim under 18y  Poison / Drug	PG	MT 3y AT 4y		nil	Mother poisoned son on four occasions over several weeks Borderline personality disorder - symptoms of Munchausen's Syndrome by Proxy
2.	<b>Lamb</b> NSWCCA 3.4.1997	Unlawful and dangerous - misc  Poison / Drug  Accessory	VG	MT 2y AT 2y	AD	nil	Female - principal in the second degree - co-offender injected self, offender and victim with drug - victim asked for more and offender reluctantly agreed to have co-offender inject more - tried to obtain help - intended no harm Low intellectual capacity – Aboriginal - assistance re drug dealer - rehabilitation
3.	<b>Wang</b> <a href="#">[2000] NSWSC 447</a> Adams J	Unlawful and dangerous – assault  Assault – domestic  Strangulation  Substantial impairment  Poison / Drug  Victim under 18y	PG Mansl (husband)  Mansl (daughter)	6y NPP 4y  2y (concurrent)		nil	Female strangled husband and poisoned 1y daughter - attempting to kill self when found by police - accidentally killed husband trying to keep him from preventing her killing herself and daughter Severe depressive illness - daughter suffering from cerebral palsy and worried no one would look after her

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4.	<b>Richards</b> (39) <a href="#">[2002] NSWSC 415</a> Kirby J	Substantial impairment  Victim under 18y  Poison / Drug	PG (25%) Mansl  2 x Att murder	5y GBB (from date of sentence)  FT 15m 10d (immediate release)		nil	Suffering delusional disorder focussed on perceived sexual abuse by fathers of children - faced losing custody of children at Family Court hearing - attempted to kill self and three children by carbon monoxide poisoning - only baby died Improvement in mental health - protective custody - remorse
5.	<b>Guider</b> (36 at offence - 52 at sentence) <a href="#">[2002] NSWSC 756</a> 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
6.	<b>Gow</b> <a href="#">[2006] NSWDC 78</a> Berman DCJ	Criminal negligence  Poison / Drug	PG	18m NPP 12m suspended		Nil	Patient died from drug prescribed by doctor – prescribed wrong form of morphine – failed to properly instruct victim as to taking of drug – failed to write instructions on prescription as required – looked up wrong drug in writing out required amount – tired and under stress Remorse – admitted mistake openly in court – excellent character – caring doctor
7.	<b>Rowe</b> (26) <a href="#">[2007] NSWSC 300</a> Howie J	Unlawful and dangerous - misc  Victim under 18y  Poison / Drug	VG (at murder trial)	5y 6m NPP 3y		Drugs and dishonesty	Mother killed 7m son by ingestion of methadone – struggling to cope with crying baby – sought to settle – distraught at death Disturbed childhood resulting in early drug addiction – onerous custodial conditions

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8.	<b>Eckersley</b> (66) <a href="#">[2021] NSWSC 562</a> Beech-Jones J	Substantial impairment  Poison / Drug	VG (murder trial – 25% for offer to plead)	2y CCO		Nil	Female killed 92y mother at nursing home by mixing pentobarbitone into her soup and spoon feeding it to her – suffering severe depressive disorder – distressed by mother’s suffering over many years as a result of deterioration in her health – not planned offence – formed intent to kill just prior to committing offence – acted out of love Aggravating factors – use of narcotic drug – in home of victim – breach of trust – victim vulnerable because of age Prior good character – good prospects of rehabilitation – remorse
9.	<b>Bushell</b> <a href="#">[2023] NSWSC 1456</a> Rothman J	Assault – general  Poison – drug  Unlawful and dangerous – assault	VG (murder trial – 25% for offer to plead)  PG (25%) Supply lge comm qty methy lamphet  Manufacture lge comm qty methy lamphet  Supply lge comm qty MDMA  Sched: Possess precursor	Indicative: 9y  9y NPP 6y  10y NPP 6y 6m  9y NPP 9y  Aggregate: 18y NPP 12y		Substantial – breached conditional liberty	Male victim killed by overdose of drug mixture including heroin and cocaine – drugs deliberately injected without consent by offender and / or brother with intent to temporarily incapacitate – context of drug cook – placed body in car to suggest suicide – below mid-range. Delivered 1.928kg methylamphetamines to male who was subsequently arrested transporting drugs interstate – involved in drug lab where 1.4442kg manufactured methylamphetamine and 1004.4g ephedrine found – 2.80522kg MDMA – mid-range <i>Bugmy</i> considerations – mental health issues making onerous custodial conditions – extremely guarded prospects of rehabilitation

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