

## Manslaughter

### Shooting - Domestic

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	<b>Hill</b> (1981) 3 A Crim R 397	Provocation  Shooting – domestic	VG Murder		Conviction AA Manslaughter substituted  4y 6m NPP 1y		Shot husband after many years of physical abuse - on night of killing husband had returned home drunk and violent
2.	<b>Manning</b> NSWCCA 15.4.1988	Unlawful and dangerous - shooting  Shooting - domestic	PG	5y NPP 2y	AD	nil	Shot husband - good relationship with history of violent arguments – on night of killing had argument over phone - went to friend's house and obtained rifle - shot at husband in dark intending to frighten him when he arrived home
3.	<b>Roberts</b> NSWSC (Hunt J) 31.8.1989	Unlawful and dangerous - shooting  Shooting – domestic	PG	2y GBB		Nil	Aboriginal female shot husband - history of domestic violence - physical & psychological abuse - treated like a 'dog' - husband had ongoing affair - on day of offence violent argument - intended to shoot husband in leg but confrontation led to shooting in chest
4.	<b>Ulgun</b> 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
5.	<b>Mathews</b> (42) NSWCCA 17.4.1991	Provocation  Shooting - domestic	VG Murder  s.33  s.35  Armed with intent		Conviction AA Manslaughter verdict substituted  MT 9y 8m 22d AT 6y 2m 11d		Custody dispute with parents-in-law - killed mother-in-law and badly wounded father-in-law

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6.	<b>Troja</b> NSWCCA 16.7.1991	Diminished responsibility  Shooting - domestic	VG	MT 8y AT 4y	AD	nil	Shot husband who was having affair and wanted divorce – shot through glass door with rifle Depressive illness
7.	<b>Ryan</b> (46) NSWSC Abadee J 25.7.1991	Unlawful and dangerous - shooting  Shooting - domestic	PG	MT 3y 4m AT 1y 1m (PSC 1.5m)			Shot wife with shotgun - deliberately placed gun near victim, threatening her Moderately affected by alcohol
8.	<b>Gardner</b> NSWSC Wood J 27.3.1992	Diminished Responsibility  Provocation  Shooting – domestic	PG	7y GBB			Shot husband under extreme stress – husband very ill with MS and physically dependent - child suffered cerebral palsy and was also utterly dependent - victim terrorised offender and kept gun beside bed – shot victim once, then buried and reported him as missing Extreme use of mechanisms of denial and repression developed to cope with major childhood traumas - son died in lead-up to trial - pregnant at time of sentencing - wholly exceptional case
9.	<b>McMillan</b> NSWSC Slattery AJ 17.12.1992	Unlawful and dangerous - shooting  Shooting - domestic	VG	MT 5y AT 3y		PCA and unlicensed driver	Turbulent relationship with female victim - on day of shooting victim told him to leave - pointed rifle at victim and it discharged - affected by alcohol
10.	<b>Morabito</b> (1992) 62 A Crim R 82	Provocation  Shooting – domestic  Accessory	VG	MT 8y AT 2y 6m	AD	nil	Arranged for lover to shoot husband during day leave from gaol - victim had record for violence, involved in organised crime and history of domestic violence - lured victim to place of killing and supplied gun - genuine fear that victim would kill her and children if he found out about affair
11.	<b>Panozzo</b> NSWCCA 25.3.1993	Provocation  Shooting - domestic	VG	MT 8y AT 2y 6m	AD		Shot estranged wife in front of two young daughters at point blank range - angered by finding love letters to another man
12.	<b>Barnett</b> (1994) 71 A Crim R 515	Diminished responsibility  Shooting – domestic  Victim under 18y			Conviction AA Manslaughter substituted:  MT 8y AT 2y		Minding two step children while working as security guard - children arguing and shot step son at point blank range Brain damage as a result of car accident - loss of self- control Convicted of murder at trial

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13.	<b>Alexander</b> (1994) 78 A Crim R 141  NSWCCA 24.2.1995	Provocation  Shooting - domestic		MT 2y 6m AT 3y 6m	Crown AD	nil	Shot wife during argument - provocation was victim's attitude and behaviour to offender's children from first marriage
14.	<b>Tran</b> (39) <a href="#">[1999] NSWCCA 443</a>	Unlawful and dangerous - shooting  Shooting – domestic	PG	MT 4y 6m AT 1y 5m	AD	driving offences	Suspected teenage brother stealing from mother - accidentally shot victim in head with licensed pistol trying to scare him Married with 5 children
15.	<b>Butcher</b> (50) <a href="#">[2000] NSWSC 92</a> Barr J	Provocation  Shooting - domestic	PG	MT 2y 6m AT 2y		nil	Shot friend in chest after finding him engaged in sexual intercourse with wife Genuine remorse - depressed at time - will not re-offend
16.	<b>Luong</b> (17) <a href="#">[2000] NSWSC 505</a> Sully J	Unlawful & dangerous - shooting  Criminal negligence  Victim under 18y  Shooting - domestic	VG	4y NPP 2y		nil	Hosted party for school friends at family home - while displaying gun deliberately fired at 16y female friend mistakenly believing no live ammunition in gun Excellent subjective features
17.	<b>Trevenna</b> (32) <a href="#">[2003] NSWSC 463</a> Buddin J  (2004) 149 A Crim R 505 <a href="#">[2004] NSWCCA 43</a>	Excessive self defence  Shooting - domestic	PG	7y 6m NPP 4y 6m	Crown AD	Minor record – breached bond	Female - attacked by male house mate – choked and threatened with death – victim holding cricket bat – shot victim in back of head – volatile and deteriorating relationship – in fear of victim – victim large and intimidating male – unpremeditated - element of provocation Childhood history of sexual abuse – remorse – positive prospects of rehabilitation
18.	<b>Hantis</b> (48) <a href="#">[2005] NSWSC 549</a> James J	Substantial impairment  Shooting - domestic	VG (at murder trial)  PG Possess unauthor firearm	8y NPP 4y  FT 6m (concurrent)			Deliberate and premeditated killing of mother's de facto husband – angered by perception that victim stealing from business and assaulting mother Suffering depression – serious injuries from suicide attempt – remorse – good character - genuine attempt to commit suicide

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19.	<b>Zeng</b> <a href="#">[2005] NSWSC 1344</a> McClellan CJ at CL	Substantial impairment Shooting - domestic	PG (25%) Manslaughter  Possess pistol	8y NPP 4y 6m  FT 18m (concurrent)			Female shot female cousin in head – upset by victim's plan to move out of shared accommodation – possessed gun with intention of committing suicide – impulsive offence - suffering major depressive disorder Remorse – Chinese national with language difficulties
20.	<b>Nam</b> (29) <a href="#">[2006] NSWSC 802</a> Adams J	Excessive self defence Shooting - domestic	PG (17%) Manslaughter  2 x Mal inflict GBH	4y 6m NPP 2y  FT 18m (concurrent)		Minor – no violence	Attempt made by group of males to unlawfully evict offender and family (including 14m child) from farmhouse – program of intimidation undertaken at night involving violence and threats to rape and kill – offender panicked and provoked - fired shot gun at advancing group – use of gun reasonable but not uncontrolled firing - bottom of range - extremely provocative conduct of victims a substantial mitigating factor Father to young child
21.	<b>Moore</b> (72) <a href="#">[2006] NSWSC 1369</a> Bell J	Provocation Shooting - domestic	PG (25%)	4y 6m NPP 2y		Nil	Shot 41y neighbour from housing commission flats – lengthy period of confrontation intensified during previous 6 days – unsuccessful in attempt to obtain AVO – significant distress and turmoil – threatened by victim who was a drug user with mental problems Community involvement – impeccable character – early stages of dementia and some hearing loss
22.	<b>Antaky</b> (50) <a href="#">[2007] NSWSC 1047</a> Hulme J	Substantial impairment Shooting - domestic	VG (at murder trial)	8y NPP 6y		Nil	Shot brother-in-law during family dispute – victim displayed threatening behaviour toward offender's parents – offender had “fixed determination” to kill victim Depressive disorder
23.	<b>Kaiser</b> (34)   <b>Hunt</b> (19)  <a href="#">[2007] NSWSC 1362</a> Barr J  (Kasier) <a href="#">[2009] NSWCCA 130</a>	Unlawful and dangerous - shooting  Shooting – domestic  Accessory	PG  Sched: Supply amphet  PG	10y 11m NPP 8y 2m  9y NPP 6y 9m	AD	Breached conditional liberty – record for ADVO offences  Priors – breached conditional liberty	K angry with former lover over ending of relationship and drug debt – arranged for H to 'deal with' her – H fired three shots at house killing V – carefully planned offence – K accessory in sense of not being shooter K – instigator and planner – drug addictions – bipolar disorder in remission H – chose to use gun

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24.	<b>Seelin</b> (37) <a href="#">[2009] NSWSC 286</a> Fullerton J	Unlawful and dangerous - shooting  Shooting - domestic	PG (10%) Manslaughter  Possess unauth firearm	7y 2m NPP 5y 4m  FT 2y 6m (concurrent)		Nil	Friendly relationship with male neighbour soured – victim assaulted offender and made threats against family – offender kept loaded revolver in house with young children for some time before shooting – legitimate fear – on day of shooting spoke to victim over fence with loaded firearm concealed – victim later approached offender outside house and repeated threats – pursued offender into offender's house and damaged screen door – offender fired one shot through screen door – element of self-defence and defence of young children in house Prior good character – offence out of character – sound prospects of rehabilitation – mild chronic depressive illness
25.	<b>Chant</b> (41 – 48 at sentence) <a href="#">[2009] NSWSC 593</a> Howie J	Provocation  Shooting - domestic	PG (5%) Manslaughter  Interfering with human remains	4y 9m NPP 3y 4m  FT 10m  <u>Total:</u> 5y 4m NPP 3y 11m		nil	Female shot husband in head during argument – physically abusive relationship – gun initially produced by victim – dismembered body and disposed of in various locations Son assisted in hiding body

Last updated: Jan 2019