

<h2 style="margin: 0;">Manslaughter</h2> <h3 style="margin: 0;">Assault - Asphyxiation / Strangulation</h3>

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	Dodd (1991) 57 A Crim R 349 NSWCCA	Unlawful and dangerous - assault Assault – general Strangulation	PG	3y PD	Crown AA FT 3y		Strangled victim after she refused sex - voluntary disclosure of guilt to otherwise unsolved crime after 10 years - had sex with woman's body - affected by drugs
2.	Haynes NSWSC Studdert J 25.3.1994	Diminished responsibility Victim under 18y Assault – domestic Strangulation	PG 2 x Mansl	MT 6y AT 6y		driving offence	Strangled and suffocated daughter and stepdaughter during access after argument with estranged wife - children told him they could not see him again and had been subjected to sexual abuse Obsessive personality and depressive disorder - news from children triggered catastrophic depression
3.	Forsyth (20) NSWSC Finlay J 26.7.1994	Diminished responsibility Assault – domestic Strangulation	PG	MT 4y AT 4y			Bashed / strangled girlfriend's mother Brain damage caused by assault - loss of self-control

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
4.	Dawney (30) [1999] NSWSC 944 Barr J	Substantial Impairment Victim under 18y Assault – domestic Asphyxiation	PG	MT 5y AT 3y		nil	Mother smothered 3y daughter - father of child taking Family Court action to gain custody Violent upbringing - history of sexual abuse - major depressive illness - borderline and schizotypal personality disorder - stresses at time of offence
5.	Nguyen (mid 40s) [1999] NSWCCA 333	Unlawful and dangerous - assault Assault – domestic Asphyxiation	PG Mansl Kidnapping 2 x Mal discharge rifle Sched: 6 x discharge firearm	MT 6y AT 4y FT 4y FT 4y (all concurrent)	AD	nil	Went to ex-girlfriend's house armed with rifle to confront her about money owing - tied up sister and mother - siege developed when police arrived, and gunfire exchanged - mother died from asphyxiation caused by being gagged and rib broken
6.	Duthie (35) [1999] NSWSC 1224 Newman J	Diminished responsibility Assault – general Strangulation	PG	MT 5y AT 3y		long criminal record	Strangled friend/cell mate in suicide pact - both prisoners on remand and intended to commit suicide – euthanasia Suffering chronic schizophrenia - hepatitis C

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.	Wang [2000] NSWSC 447 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
8.	Graham (20) [2000] NSWSC 1033 Whealy J	Unlawful and dangerous - assault Assault – general Strangulation	VG (at murder trial)	5y NPP 3y		nil	Became involved in homosexual encounter with stranger in park - pursued by victim when changed mind and attempted to disengage - strangled victim in headlock acting in unreasonable fear for safety Youth - good character - suffering depression - isolated incident
9.	Hawkins (76) [2001] NSWSC 420 O'Keefe J	Substantial impairment Assault – domestic Strangulation	PG (25%)	3y NPP 2y		nil	Strangled wife of nearly 50 years – suffering depression - adverse reaction to overdose of Zoloft (anti depressive medication) Offence completely out of character - excellent personal and family history - remorse - voluntarily surrendered to police - considered suicide but concerned about effect on daughter
10.	Adamson (19) [2001] NSWSC 499 Howie J (2002) 132 A Crim R 511 [2002] NSWCCA 349	Unlawful and dangerous - assault Assault – general Asphyxiation	PG (10%) Mansl 2 x s.61J	11y NPP 7y 6m 8y <u>Total:</u> 14y NPP 10y 6m	AD	malicious wounding	During party had vaginal and anal intercourse with victim knowing she was not consenting - deliberately placed hand over victim's mouth and nose to prevent her calling out, causing asphyxiation Raised alarm and attempted to resuscitate victim

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
11.	Masson (23) [2001] NSWSC 1037 Howie J	Unlawful and dangerous - assault Assault – general Accessory Asphyxiation	VG (at murder trial) Rob with wounding Larceny	7y 6m NPP 4y 6m FT 3y 6m FT 18m (all concurrent)		nil	Went with co-offender to house of 75y female acquaintance to borrow money – co-offender unexpectedly suffocated – continued involvement in robbery out of fear - contemplated unlawful and dangerous act by co-offender during robbery - aware that co-offender had knife Supportive family Offender dealt with for murder
12.	Laupama (29) [2001] NSWSC 1082 Bell J	Substantial impairment Assault - domestic Victim under 18y Hanging	PG (just under 10%) Sched: Kidnapping	12y NPP 8y		assault	Hung de facto wife's 5y daughter in noose from pergola following separation from de facto Major depressive illness with PTSD, social phobia, substance dependence - sexually assaulted as child
13.	Tran (25) [2003] NSWSC 373 Greg James J	Unlawful and dangerous – assault Assault – domestic Asphyxiation	PG	5y NPP 2y 3m		Nil	Went to bed with partner – both intoxicated – killed partner during night possibly by suffocation – verging on automatism due to intoxication and sleep disorder – vague as to details – disposed of body – lower end of culpability Prior good character – good prospects of rehabilitation – Vietnamese
14.	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 Asphyxiation	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

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
15.	Dawes [2004] NSWCCA 363	Substantial impairment Assault – domestic Victim under 18y Asphyxiation	PG	5y GBB	Crown AD	Nil	Mother suffocated 10y autistic son – suffering major depressive illness – unable to obtain proper assistance or intervention – victim very difficult to manage – verbal and physical abuse by husband – illness and death of family members – step father physically abusing daughter – made serious attempt at suicide Depressive illness - remorse and contrition – evidence of rehabilitation with daughter
16.	Hamoui [No.4] (27) [2005] NSWSC 279 Kirby J	Provocation Assault – domestic Strangulation	VG (at murder trial)	11y NPP 8y		Serious offences involving violence – breached bail	Strangled girlfriend and left body in car –circumstances of killing not clear – victim bound at some stage – intent to kill – gratuitous cruelty – victim’s relationships with other men probable provocation Physically and emotionally abused as a child – no contrition but evidence of rehabilitation in jail – resumed religious studies – engaged to sister of another inmate – possible mental illness
17.	Nicol (86) [2005] NSWSC 547 Hulme J	Substantial impairment Assault – domestic Asphyxiation	PG	2y NPP 1y Suspended		Nil	Assaulted wife with iron bar and asphyxiated her with plastic bag – intent to kill Elderly couple with many health problems – depression – genuine attempt at suicide
18.	Massei [2005] NSWSC 1030 Adams J [2006] NSWSC 1298 Adams J	Substantial impairment Assault – domestic Asphyxiation	PG (25%)	Sentencing initially deferred for 12m 5y 6m NPP 2y 9m 14d			Awoke during night and struck wife with glass ornament – placed sufficient pressure on throat to break bone – doused victim with accelerant and set fire to unit – cause of death probably suffocation or asphyxiation – victim died before burned by fire Suffering chronic and severe depression – Argentinian – separated from wife but on good terms – attempted suicide after lighting fire

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
19.	Leach (23) [2007] NSWSC 429 Hulme J (2008) 183 A Crim R 1 [2008] NSWCCA 73	Unlawful and dangerous - assault Assault – domestic Victim under 18y Asphyxiation	PG (10%) Sched: 2 x AOABH	7y 6m NPP 4y 6m	AA 6y NPP 3y 6m	Nil	Father killed 7w daughter by asphyxiation – sat on unsettled daughter to stop her crying – assault offences constituted by hitting victim on head with hand Intellectually disabled – depressive disorder – frustrated at inability to settle child – good character – remorse – excellent prospects of rehabilitation
20.	Hansell (31) [2007] NSWSC 1136 Latham J	Excessive self defence Assault – domestic Strangulation	PG (15%)	3y 4m NPP 2y		Nil relevant	After evening of drinking with friends victim turned violent and seriously assaulted offender's brother and wife – offender held victim around neck blocking airway – intent to restrain not choke – element of punishment and recklessness – lower end of scale of seriousness Good character – married with daughter – genuine remorse
21.	Frost [2008] NSWSC 220 Barr J	Provocation Assault – domestic Strangulation	PG	6y NPP 3y 6m		Nil	Ex-wife visited from Philippines and asked to take youngest daughter back for purpose of prostitution – choked ex-wife – panicked and buried body – left trail suggesting victim returned to Philippines
22.	Paddock (78) [2009] NSWSC 369 Rothman J	Substantial impairment Assault – domestic Asphyxiation	PG (20%)	6y NPP 4y 3m		Nil	Suffocated 70y partner preparing to move out – attempted to kill self – mid-range – significant impairment Paranoia and early dementia
23.	Nguyen (No.2) (29) [2009] NSWSC 1120 Hoeben J	Substantial impairment Assault – domestic Victim under 18y Asphyxiation	VG Manslaughter Manslaughter	5y NPP 3y 5y NPP 3y <u>Total</u> 6y NPP 4y		nil	Vietnamese mother killed 5y son and 3y daughter – attempted to kill children with rat poison – suffocated both children then took poison herself – made several unsuccessful attempts at suicide - distressed at husband's infidelity and leaving relationship – severe depression – killings had an element of retribution although primarily altruistic Severe depression 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
24.	Gloginya (41) [2009] NSWSC 1435 McCallum J	Unlawful and dangerous Assault – domestic Strangulation	PG (10%)	7y 8m NPP 4y 9m		Record for lesser offences of violence – no offences since 1998	Shared residence as carer for 56y male victim – difficult relationship and offender had taken recent steps to end responsibilities – spontaneous offence – Strangled victim although circumstances of killing unclear Suffering brain injury
25.	Cavanagh [2010] NSWSC 670 Rothman J	Substantial impairment Assault – domestic Strangulation	VG (at murder trial – 25% for offer)	9y NPP 5y		nil	Strangled mother with extension cord - separated from wife and children – victim loaned money to offender to assist with keeping his home for children – home transferred into victim's name – relationship between victim and offender deteriorated – victim suffering from early dementia – offender suggested they move into separate premises – victim responded by telling offender and children to leave - offender attacked victim – brutal killing – approaches but not in worst category Major depressive illness from marriage breakdown and access to children – good character – good rehabilitation prospects – remorse
26.	Mathers [2011] NSWSC 339 Hall J	Substantial impairment Asphyxiation Assault - domestic	PG	2y suspended sentence		Nil	Assisted partner to commit suicide - ingestion of amitriptyline tablets and final act of suffocation - long relationship of 22 years – victim suffered pain from spinal condition and expressed wish to die in suicide note – participation would not have been discovered but for offender's disclosures to police – suffering depressive illness/adjustment disorder - only motive was to assist victim carry out her express intention - no lengthy period of planning or premeditation - culpability at low end of range of sentences for manslaughter - leniency due to disclosures, confession of guilt and plea of guilty

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
27.	Li (22) [2012] NSWSC 477 Adamson J	Unlawful and dangerous – assault Assault – domestic Asphyxiation	PG (25%) Mansl Agg Rob 8 x Obtain money by deception	10y 6m NPP 7y FT 6y FT 1y <u>Total</u> 12y NPP 8y 6m		Nil	63y male met with offender for sexual encounters on various occasions – male found at home bound and gagged - died by asphyxiation – offender had beaten and bound victim and left him abandoned – taken ATM cards and made number of withdrawals totalling \$7k – did not check to see whether victim was alright Student from China - support from family.
28.	McCann (67) [2012] NSWSC 1462 Barr AJ	Excessive self defence Assault – domestic Strangulation	VG (murder trial)	7y NPP 3y 6m		Nil	Strangled boarder staying at offender's home with nylon cord after argument – offender disliked and feared victim – mental issues gave rise to increasingly erratic behaviour by offender Depression / bipolar – prior good character.
29.	Kain [2013] NSWSC 638 Adams J	Unlawful and dangerous - assault Assault - domestic Strangulation	PG (25%)	6y 9m NPP 4y		Nil	Strangled mother following argument – had lived together – immediately called sister and confessed Offence out of character - offender suffered dementia - state of mind likely to have prevented him truly appreciating likely outcome of his actions - cognitive impairment caused by brain damage caused delay in processing information – dementia caused loss of control in extent of violence inflicted
30.	Salcedo (24) [2014] NSWSC 1099 Adams J	Unlawful and dangerous Assault – domestic Strangulation	VG (murder trial - 15% for offer)	4y NPP 2y		Record including low level violence – breached suspended sentence and bail	Pulled and twisted scarf on girlfriend as she tried to stop him leaving unit – caused compression of blood vessel but no other injury – moderate force only - very unexpected death – did not intend harm – no argument – victim amphetamines intoxication significantly contributed to death - well within lowest range History of psychotic symptoms and schizophrenia – drug use - reduced moral culpability and general deterrence but increased focus on personal deterrence

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
31.	Telemete (30) [2015] NSWSC 909 Adams J	Unlawful and dangerous - assault Assault – general Asphyxiation Fight - assault Accessory	VG (murder trial – 25% for offer)	7y 6m NPP 4y 6m		Trivial offence	Fight between group of Samoan born men and victim and friends after midnight on street – all intoxicated – victim assaulted and kicked by co-offender – offender inflicted some injuries – victim died from positional asphyxiation – offender left scene unaware of seriousness of injuries Genuine remorse – out of character – good prospects of rehabilitation
32.	Duffy (No.7) (34) [2015] NSWSC 1321 Davies J [2017] NSWCCA 77	Unlawful and dangerous - assault Assault - General Accessory Strangulation	VG (murder trial) Mansl PG (25%) Steal from dwelling house	12y NPP 8y FT 2y Total: 12y 8m NPP 8y 8m	AD	Contravening domestic violence restrictions, break and enter, behave offensive manner.	Co-offender strangled female victim with belt around her neck while offender held victim down - victim met co-offender at hotel and invited offender, co-offender and others to parents' place – all parties affected by drug and alcohol – victim killed after sexual involvement with offender – buried in shallow grave at property – guns and other property stolen from property after killing - spontaneous killing - above mid-range of objective seriousness No psychiatric or psychological issues - drug and alcohol abuse – lack of remorse – poor prospects of rehabilitation – continued illicit drug use in custody - supportive family. Co-offender sentenced for murder: <i>Evans</i> [2015] NSWSC 254
33.	Errington (29) [2018] NSWSC 79 Adamson J	Unlawful and dangerous - assault Assault – domestic Asphyxiation	VG (at murder trial – 35% for offer to plead and assistance)	8y 5m NPP 6y 4m		AR - robbery - firearm offences	Offender and girlfriend came to live with half-brother – offender's ice addiction caused serious tension with victim – following argument offender punched and assaulted victim with cooking pot causing loss of consciousness - hog-tied and gagged victim and left him in unit – returned two hours later to discover victim had died as a result of cardiac arrest or asphyxiation - did not contact police but made arrangements for escape - above mid-range but not in most serious category. Assistance – remorse – drug addiction Note: co-offender acquitted on appeal: [2019] NSWCCA 260

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.	Dowdle (57) [2018] NSWSC 240 Hamill J	Assault – Domestic Substantial Impairment Asphyxiation	PG (25%)	3y NPP 2y		PCA	Female - killed adult son severely disabled from car accident – disability caused son to drink and be physically abusive towards mother over long period – received little support - administered sedatives then placed plastic bag over head Suffering major depressive disorder with underlying psychiatric conditions - remorse
35.	Patel (30) [2018] NSWSC 952 Lonergan J [2019] NSWCCA 170	Excessive self- defence Asphyxiation / strangulation Assault - general	VG (murder trial - 15% for offer to plead)	9y 4m NPP 7y	AD	Nil	Female - killed female victim – victim to marry offender's friend with whom offender had been sexually involved – in confrontation offender threatened by victim with knife resulting in physical struggle - victim died by strangulation and suffocation – failure by offender to try to resuscitate or call 000 - serious offence of its kind – killing occurred in home of victim. Good prospects rehabilitation - good character - unlikely to reoffend
36.	Hutchison (36) [2019] NSWSC 25 Hamill J Co-offender: WILKINSON	Excessive self- defence Substantial impairment Assault – domestic Asphyxiation	VG (murder trial – 25% for early offer)	9y NPP 5y 6m		Nil	Female – brutal premeditated attack on ex-husband in company of new fiancé - tricked victim into returning home to extract confession that victim had abused or mistreated their two children - victim struck and punched numerous times suffering broken nose - use of electric prod - offence committed in presence of 9y son - victim aspirated food into lungs and died of asphyxia – body placed in boot of car and dumped on roadside - precise roles of each offender not known though evidence shows H was major perpetrator - most serious example of manslaughter due to planning and premeditation of assault - intention to inflict GBH formed after attack while offender in a rage – offender's compromised mental state led to belief actions necessary to protect children due to allegations by children – excessive response - mother kills children's father Chronic mental health issues arising from early child sexual assault – drug abuse – difficult relationships

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
37.	Wilkinson (39) [2019] NSWSC 235 Hamill J Co-offender: HUTCHINSON	Assault – domestic Asphyxiation Accessory	VG (at murder trial – 25% for offer)	8y NPP 4y 9m		minor offences	Planned assault of partner's ex-husband to obtain confession to his assaults on son – victim lured to his own home where he was assaulted by co-offender – offender involved in assault to lesser extent - injuries and ligature caused asphyxiation – committed in company, in presence of victim's 9y son and in home of victim – panicked when victim died and dumped body by side of dirt road Prior good character – good prospects of rehabilitation - remorse
38.	Davidson (No.3) [2020] NSWSC 58 Davies J	Unlawful and dangerous - assault Assault – General Strangulation	VG (at murder trial)	11y NPP 7y		serious violent offences	Unable to form intent for murder due to intoxication from drugs – walked into cell of another prisoner during day and closed door – choked victim and assaulted him fracturing several ribs – offender left cell and victim found by another prisoner – sustained assault – no history of animosity - mid range seriousness - offence committed while awaiting sentence for attempt to choke different cell mate - major factor in offending was drugs although underlying mental illness also taken into account – deterrence and community protection significant Commenced drug use as a child – very low intellectual capacity – onerous custodial conditions as a result of offences – institutionalised – special circumstances
39.	Songcuan (No.3) (73) [2023] NSWSC 183 Campbell J	Strangulation / choking Extreme provocation	VG (murder trial – 25% for offer)	7y 6m NPP 6y		Nil	Strangled wife who wrongly believed offender having affair – deceased aggressive and physically violent toward offender – offender felt he “had no choice but to silence her” - put arm around throat and his hand over mouth, applied pressure until deceased calmed down and stopped breathing - attempted to make scene look like a suicide with fake suicide note by deceased. Cumulative provocation over years by deceased, aggressive and controlling towards offender, with physical violence and threatening to kill him if unfaithful - provocation intensifying over short period up to killing, with degree of physical violence in minutes leading up to offender losing immediate self-control. Advanced age – 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
40.	Valencia Valencia (No.3) (20) [2023] NSWSC 780 Yehia J	Assault – general Unlawful and dangerous act Asphyxiation	VG (murder trial – 25% for offer)	10y NPP 6y 9m		nil	Offender paid victim for sexual services in her home – became angry when realised victim transgender and started punching victim – during struggle asphyxiated victim with lamp chord across neck – sought to conceal presence and left unit then country without seeking assistance for victim – spontaneous offence – mid-range Colombian national – remorse - discount for facilitation of administration of justice – difficulties in custody – isolation – good prospects of rehabilitation – unlikely to re-offend
41.	Godfrey (20) [2023] NSWSC 1312 Cavanagh J	Assault – general Strangulation Excessive self-defence	PG (25%)	4y 9m NPP 2y 10m		Limited history	Killed male victim by applying Brazilian jiu-jitsu hold known as “rear naked choke” – become involved in struggle with another drug addict in hallway outside unit – maintained choke hold beyond reasonable time for self-defence – degree of unreasonableness not extreme or high – persistence of lawful conduct – did not use available weapon Very difficult and traumatic teenage years with violence, drugs and mental health issues reduced moral culpability – remorse – excellent prospects of rehabilitation
42.	Fraser (22) [2025] NSWSC 1202 Chen J	Assault – general Unlawful and dangerous Accessorial	PG (25% - total combined discount unknown)	6y 6m NPP 4y 2m		Driving offence	Male friend attended unit residence of offender and co-offender to collect drugs – victim overpowered by co-offender and forced to ground – at request offender provided duct tape which was placed over victim’s mouth – co-offender held victim in chokehold while offender sat on legs – victim vomited and suffocated – unsuccessful attempt made to resuscitate but no medical assistance called – body kept in unit for several days until arrangements made with third person to place body in cabinet and throw into river – joint criminal enterprise – co-offender primary offender – planned assault in attempt to recover drug debt – flown to Germany and not returned – moderately serious manslaughter Prior good character – genuine remorse – good prospects of rehabilitation – unlikely to re-offend – impact of mental health on custodial conditions – special circumstances

Last Updated: Oct 2025

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.