Manslaughter

Context of Domestic Violence

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	**Hill** (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.	**Bogunovich** (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
3.	**Manning** 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
4.	**Roberts** 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
5.	**Whalen** 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

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

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6.	**Gardner** 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
7.	**Peterson** 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
8.	**McMillan** 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
9.	**Spencer** 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
10.	**Morabito** (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.	**Woolsey** 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
12.	**Pavia** NSWCCA 9.12.1994	Provocation Assault - domestic	VG	MT 9y AT 3y	AA MT 7y AT 3y	nil	Intense but turbulent homosexual relationship with victim - bashed victim with barbell and statuette - previous assaults on victim

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13.	**Josifovski** 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
14.	**Simon** 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
15.	**McIntyre** 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.	**Varagnolo** 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 – Aboriginal female - stolen generation
17.	**Carlson** NSWCCA 25.11.1996	Diminished responsibility Assault – domestic	PG	MT 11y AT 5y	AD	long record, bond for DV	Assaulted de facto wife - substantial number of blows - violent relationship characterised by alcohol abuse - some provocative statements from victim prior to attack Permanent brain damage from car accident and alcohol - reduced self control
18.	**Young** (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
19.	**Moore** 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 female - violent past, including domestic violence - pancreatitis, PTSD, borderline personality disorder - truly remorseful - commenced rehabilitation

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20.	**Nardoni** (26) [1999] NSWSC 1097 Grove J	Unlawful and dangerous - assault Assault - domestic	PG	MT 2y AT 3y (PSC 1y)		assault, mal injury, nuisance offences	Assaulted de facto wife - died of head injuries next morning Violent relationship - alcohol and drugs
21.	**Sherry** (38) [2000] NSWCCA 35	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
22.	**Kennedy** [2000] NSWSC 109 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
23.	**Kirkwood** (63) [2000] NSWSC 184 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.
24.	**Vandersee** (47) [2000] NSWSC 916 James J	Provocation Assault – domestic	VG (at murder trial)	8y NPP 5y		nil	Bashed sleeping husband to death with blunt end of a tomahawk or axe - provoked by domineering, controlling and cruel behaviour of victim over many years - medium degree of provocation Suffering mild depression at time of offence - made immediate admissions to police
25.	**Ko** (26) [2000] NSWSC 1130 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

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26.	**Bolt** (19) [2001] NSWSC 747 Hidden J (2001) 126 A Crim R 284 [2001] NSWCCA 487	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
27.	**Melrose** [2001] NSWSC 847 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
28.	**Eriksson** (23) [2001] NSWSC 781 Ireland AJ Co-offender: HILL	Criminal negligence Victim under 18y Failure to provide	PG (50% plea and assist)	3y NPP 18m		insignificant	Female - 2y son thrown into lounge by de facto – failed to obtain medical assistance despite deteriorating health of child - number of serious injuries inflicted on child by de facto over 10-14 days prior to death Difficult childhood - remorse - volatile and chaotic relationship with father of children then with co-offender - willing to give evidence against co-offender - will become blind within ten years - strict protection
29.	**Whiting** (35) [2002] NSWSC 827 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
30.	**Yeoman** (43) [2003] NSWSC 194 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

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31.	**O'Brien** [2003] NSWCCA 121	Criminal negligence Victim under 18y Failure to provide	VG	5y NPP 2y	AD	Nil	1y daughter died of malnutrition – refused to take daughter to hospital when requested by doctor – claimed husband refused hospital treatment and she was threatened and dominated by him – suffering BWS Assistance against husband – protective custody
32.	**Mercy** [2004] NSWSC 472 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 female - 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
33.	**Dawes** [2004] NSWCCA 363	Substantial impairment Assault – domestic Victim under 18y	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
34.	**Russell** (48) [2006] NSWSC 722 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
35.	**Cavanough** (22) [2007] NSWSC 561 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 female - deprived and violent childhood – sexual abuse – drug and alcohol addiction – functioning at borderline level – mother to 2y child – remorse – prospects of rehabilitation
36.	**Stephenson** (43) [2007] NSWSC 672 Hidden J [2008] NSWCCA 266	Unlawful and dangerous - assault Assault - domestic	PG	6y NPP 3y 6m	AD	Minor	During verbal argument punched female partner to head with closed fist several times – spontaneous offences – both victim and offender consumed drugs and alcohol during evening Volatile and obsessive relationship – drug and alcohol abuse – offence out of character – prospects of rehabilitation - remorse

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37.	**Ferguson** (36) [2008] NSWSC 761 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
38.	**Zeilaa** (73) [2009] NSWSC 532 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
39.	**Chant** (41 – 48 at sentence) [2009] NSWSC 593 Howie J	Provocation Shooting - domestic	PG (5%) Mansl Interfering with human remains	4y 9m NPP 3y 4m FT 10m Total: 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
40.	**Worrall** (20) [2010] NSWSC 593 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

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41.	**Doolan** (43) [2010] NSWSC 615 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
42.	**Duncan** (44) [2010] NSWSC 1241 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
43.	**Bugmy** (27) [2011] NSWSC 357 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
44.	**Singh** (22) [2012] NSWSC 637 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

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45.	**Rees** (27) [2012] NSWSC 922 Grove AJ	Substantial impairment Victim under 18y Drowning	VG (at murder trial – offer to plead)	5y NPP 3y 2m		nil	Female – drowned 17mth daughter by leaving in bath Ongoing destructive cruel relationship with father of child – lack of support - depression and depersonalisation led to actions which couldn't properly assess and control - otherwise loving and exemplary mother - good prospects rehabilitation
46.	**Chen** [2012] NSWSC 1000 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 repose to threats to take son Suffering depressive disorder
47.	**Seymour** (24) [2012] NSWSC 1010 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
48.	**Pitt** (40) [2012] NSWSC 1549 Latham J [2014] NSWCCA 70	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
49.	**Bryce** (41) [2014] NSWSC 1184 Beech-Jones J	Unlawful and dangerous – assault Assault - domestic	VG (at murder trial)	8y NPP 6y		Lengthy record including conviction for assault on former partner – breached bond	Assaulted female partner in their unit - subdural haematoma – no evidence as to how injury caused – offender did not realise assault dangerous – failure to obtain medical assistance aggravating factor although not aware injuries life threating Dysfunctional people in dysfunctional relationship – history of violence by both parties

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50.	**Villalon** (27) [2014] NSWSC 1261 Price J [2015] NSWCCA 229	Substantial impairment Stabbing – domestic	VG (murder trial – discount for offer increased to 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.
51.	**Merrick (No 5)** (32) [2016] NSWSC 661 Wilson J [2017] NSWCCA 264	Unlawful and dangerous - assault Assault - domestic	VG (murder trial)	11y NPP 8y 3m	AD		Struck girlfriend with blow to the head - led to victim's death two weeks later – violent relationship Family support - hard-working background – prior good character
52.	**Tarrant** (24) [2016] NSWSC 1155 Fagan J [2018] NSWCCA 21 [2018] NSWSC 774 Johnson J	Substantial Impairment Accessory Unknown	VG (murder trial - 35% for offer to plead and assistance)	10y 8m NPP 8y	AA Matter remitted for sentence 8y NPP 5y	Nil	Female arranged killing of partner by male lover – fed victim sleeping tablets then called co-offender to house – victim killed in unknown manner and body disposed of by co-offender – abusive relationship with victim since 15y – suffering chronic depressive disorder, PTSD and Battered Women's Syndrome - aggravating factors were use of stupefying drug, in company, in victim's home and planning Gave evidence against co-offender – remorse - mother to five children – exposed to serious domestic violence as a child – good prospects of rehabilitation - delay Co-offender *Roff* sentenced for murder: [2016] NSWSC 1151 / [2017] NSWCCA 208
53.	**Dowdle** (57) [2018] NSWSC 240 Hamill J	Assault – Domestic Substantial Impairment	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

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54.	**TP** (mid 30s) [2018] NSWSC 369 Hamill J	Criminal negligence Victim under 18y Failure to provide	PG (20% plea and assist)	4y NPP 18m		minor traffic	Mother failed to remove 12y daughter from danger and obtain medical treatment – aware victim brutally subjected to severe physical abuse over many years by male partner – aware of extent and seriousness of abuse – offender and second daughter also subjected to abuse – failed to obtain medical treatment after threats by partner and fear of losing children although on occasions obtained treatment for herself Suffering batter women's syndrome – PTSD and depression – significantly reduced culpability – onerous effect of custody Male partner sentenced for murder JK [2018] NSWSC 250
55.	**Cahill** (25) [2018] NSWSC 1896 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
56.	**AS** (22) [2018] NSWSC 930 Fullerton J	Criminal negligence Victim under 18y Failure to provide	PG (50% plea and assistance)	3y NPP 16m			Female - failed to remove 2y 8m daughter from abusive domestic relationship with partner and failed to obtain medical treatment – death of victim caused by assaults of male partner over two days – sustained assaults on child in week before fatal assault – offender also subjected to physical abuse and control by male partner History of sexual and physical abuse at hands of father, step mother and subsequent partners – chronic and complex mental health issues – good character

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57.	**French** (32 at offences – 41 at sentence) [2021] NSWSC 1531 Dhanji J	Unlawful and dangerous – assault Assault - domestic	PG (10%) Mansl Dispose of corpse	9y NPP 6y 2y 8m NPP 2y Total 10y NPP 7y		Personal violence offences, AOABH, assault, destroy property by fire, aggravated sexual assault, detain with intent	Assaulted and killed female partner - concealed body - fatal assault culmination of assaults over a number of hours - where deceased's remains not found for five and a half years – deceased's disappearance subject of coronial inquest - history of domestic violence / personal violence offences against deceased. Background of deprivation - special circumstances.
58.	**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.
59.	**King** (25) [2024] NSWSC 620 N.Adams J	Stabbing – domestic Excessive self defence	PG (25%)	6y 9m NPP 4y 3m		Mostly drugs and property offences – on bail for agg robbery	Stabbed sister's male partner during struggle – victim forced entry to sister's home and punched and hit her – in response offender struggled with victim, retrieving knife from kitchen and stabbing victim three time to side of body – intent to inflict GBH – domestic violence - high degree of aggression and violence shown by victim to sister – unplanned response of short duration – lower end of mid-range Genuine remorse – strong family support – reasonable prospects of rehabilitation – ice user – special circumstances

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60.	**Saliba** (20) [2025] NSWSC 659 Yehia J	Unlawful and dangerous – stabbing Stabbing - domestic	VG (at murder trial – 25% for offer) Manslaughter PG (25%) Possess unauthorised firearm	Indicative: 7y 6m 7m Aggregate: 7y 9m NPP 4y 3m		AR - breached ICO	Play fighting with 18y cousin at home of offender – picked up knife – became angry when perceived victim shaping up and stabbed him once in chest – victim unarmed and provided no threat – escalated over short time and unplanned – actual use of weapon – in home of offender – domestic violence offence – just below mid-range - .303 rifle found in roof cavity of home – well below mid-range PTSD resulting from sexual abuse in Year 9 and Hodgins lymphoma when 19 years – moral culpability reduced by youth and mental health – little evidence of remorse – prospects of rehabilitation and risk of re-offending guarded – special circumstances
61.	**Huber** (69) [2025] NSWSC 1039 Rothman J	Assault – domestic Unlawful and dangerous act	VG Manslaughter (at murder trial) PG (5%) AOABH s.166 Cert: Breach ADVO Trespass Assault	12y NPP 8y 9m FT 17m FT 12m Conviction only Conviction only Total: 12y 9m NPP 9y 6m		Lengthy and significant record	Fatal assault on female partner – no brain injuries – assault precipitated stress necessary to cause heart to stop – pre-existing coronary heart disease - methadone detected – no intent to cause GBH – volatile and often violent relationship – victim relied upon offender for some care after stroke – AOABH related to punching to face several days earlier Some evidence of childhood trauma – complex PTSD at time of offence – couple made homeless by floods – danger of institutionalisation – failure to take responsibility

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62.	**Hooker (No.4)** (44) [2026] NSWSC 723 Dhanji J	Motor vehicle Extreme provocation	VG (at murder trial – 25% for offer at Local Court)	3y 9m NPP 2y		Nil except drive unlicenced in 2005	Female - after verbal and physical altercation drove at estranged husband striking him against wall of house – victim died of sepsis several weeks later – intent to at least cause GBH formed seconds before impact – found extreme provocation based on offence of intimidation – abuse and intimidation including act of sexual assault and assault over extended period leading to feeling of powerlessness – high degree of provocation – high level of violence by offender although single act in short space of time – provocation very substantial factor in reducing gravity of offence – mental health impairment also substantially impaired ability to control actions (without deciding if substantial impairment defence) Traumatic background including sexual and physical abuse and parental abandonment – serious physical and mental health conditions – prior good character – remorse - excellent prospects of rehabilitation – impact of custody and proceedings on offender – allowed 15 months for stringent bail conditions – special circumstances
63.	**Noufle** (56) [2026] NSWSC 1137 Hamill J	Stabbing - domestic Excessive self-defence	PG (25%)	6y 9m NPP 3y		Nil	Female – killed husband – history of controlling behaviour and domestic violence by deceased – deceased planning to marry another woman - single stab wound in urgent circumstances while deceased choking offender - dismembered victim's body and placed body parts into garbage bags – rang Witness A, with Witness A took garbage bags containing body parts to various suburbs and disposed of body parts in rubbish bins – flew overseas with Witness A – when police inquired as to deceased, offender concealed killing by lying that deceased alive. Complex and compelling subjective case - childhood trauma and dysfunction - extreme emotional, physical and sexual abuse during childhood, dislocation, significant disruption to education – mental health / psychiatric conditions - generally favourable view of prospects of rehabilitation – special circumstances.

Last updated: September 2026