Manslaughter

Motor Vehicle

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	**Elliott** (28) NSWCCA 14.2.1991	Criminal negligence Motor vehicle	VG	MT 4y AT 1y 4m	AA FT 10m 25d backdated - immediate release	nil relevant	Truck driver collided with passenger coach – raining - before commencing journey aware of major fault in braking system which caused accident - criminality at lower end of scale Remorse
2.	**Farrar** NSWCCA 6.5.1991	Unlawful and dangerous - misc Motor vehicle		MT 13y 8m AT 4y 5m	AA MT 10y 8m AT 3y 8m	appalling driving record including culpable driving causing death	Drove car into side of tree killing police officer holding on to side of car Alcohol involved
3.	**Jenkins** NSWCCA 14.7.1993	Provocation Motor vehicle	VG	MT 2y 6m AT 3y 6m	AA MT 1y 6m AT 2y 6m	nil	Chinese woman met male victim with intention of plutonic relationship - victim attempted to force intercourse and offender took car with intention of escape - victim stood in front of car and was run over three times On appeal - SJ had not expected offender would serve sentence at gaol overlooking car park where offence took place
4.	**Stevens** (18) NSWCCA 13.8.1993	Unlawful and dangerous - misc Criminal negligence Motor vehicle	PG	MT 7y AT 2y 4m	AA MT 5y 6m AT 2y 6m		After drinking spree decided to steal car - killed owner who was seeking to prevent car being stolen

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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5.	**Cramp** (55) (1999) 110 A Crim R 198 [1999] NSWCCA 324	Criminal negligence Unlawful and dangerous - misc Motor vehicle Victim under 18y	VG	MT 7y AT 2y 4m	AD	2 x PCA	"Worst case category" - allowed 16y intoxicated female to drive car at high speed - ran into telegraph pole killing driver - 3 young children in car - looking after victim and children who were neighbours.
6.	**Ryan** (27) [2000] NSWSC 724 Adams J	Unlawful and dangerous - misc Motor vehicle	PG 2 x Mansl	7y 10m NPP 5y 10m (2m PSC)		minor traffic infringements	Driver of semi-trailer struck two cars driving in oncoming lane of six lane highway divided by median strip - intentionally drove across median strip - affected by methamphetamines and tiredness - failed to comply with driving restriction and falsified logbook - took drug to keep alert and enhance driving, not intending to be intoxicated
7.	**Do** [2000] NSWCCA 459	Criminal negligence Motor vehicle Victim under 18y	VG 2 x Mansl	MT 3y AT 1y (each)	Crown AD	nil	Driver of heavily laden truck lost control on downward incline of major road colliding with car and crashing into residential property - killed driver of car and 13y occupant of house - failure to observe warning signal and initial abandonment of responsibility although facts did not establish deliberate acceleration
8.	**Falzon** (24) [2000] NSWCCA 530	Motor vehicle	VG Manslaughter PG Dangerous driving causing GBH	MT 9y AT 3y FT 4y	AA 10y NPP 7y 6m FT 4y	Long	Stole car and became involved in high speed police chase - collided with car at intersection killing one person and injuring another - travelled at high speed and disregarded road signs - under influence of heroin. On appeal found barrister negligent in advising appellant not to plead guilty – offender resentenced on basis of intention to plead guilty

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9.	**Clarke** [2001] NSWSC 703 McClellan J **Marsh** [2001] NSWSC 1109 McClellan J [2002] NSWCCA 151	Unlawful and dangerous - assault Assault – general Motor vehicle	PG (25%) Manslaughter Carried in conveyance PG (20%) Manslaughter Rob in Co Take & drive	5y NPP 3y 6m FT 6m (concurrent) 10y 4m NPP 7y 9m FT 6y FT 14m (all concurrent)	 Crown AD AD	Lengthy Lengthy	Offenders stole car, grabbed victim's handbag and drove off - victim tried to get handbag back grabbing onto offender - M punched victim who fell and hit head on rear tyre - died of head injuries. C - surrendered to police - considerable remorse - high level of assistance to police - protective custody M - denied involvement - plea out of acknowledgment of evidence of co-offender - higher culpability than co-offender
10.	**Lavender** (45) [2004] NSWCCA 120	Motor vehicle	VG Manslaughter	4y NPP 18m	Conviction AA Crown appeal considered and dismissed by dissenting judge	Nil relevant – minor traffic	Worker at sand mine pursued four teenage boys in front end loader – very slow speed but visibility impaired by front bucket and vegetation on sand – pursued boys over 140m including moving off track – fatally struck victim – more than momentary inattention – honest but negligently formed belief actions were safe Excellent character – genuine remorse On appeal: Giles JA dissenting on conviction appeal considered and dismissed Crown appeal – Adams J would have agreed for reasons given by Giles JA Note: High Court reinstated conviction and sentence. Subsequent appeal against sentence dismissed but offender taken immediately before parole board: [2006] NSWCCA 24
11.	**Hogan** [2004] NSWSC 959 Barr J	Unlawful and dangerous - misc Motor vehicle	PG	4y NPP 2y 3m		Some priors related to turbulent relationship	Wife had history of depression with violent and attention seeking behaviour – while offender driving her to hospital victim attempted to leave car at traffic lights – began to accelerate to shut car door – victim fell out and suffered fatal injury Criminality very low – remorse

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12.	**Cameron** (20) (2005) 157 A Crim R 70 [2005] NSWCCA 359	Motor vehicle	PG (22% on appeal) 3 x Mansl s.52A(4)	6y NPP 2y (each) FT 3y <u>Total</u>: 8y NPP 4y	Crown AA 9y NPP 6y	Priors – breached bond Subsequent offence of drive intoxicated	Permitted by owner to drive powerful car as birthday present – unlicenced, speeding and intoxicated – ignored warnings to slow down – collided with pole killing three passengers and injuring one passenger Protective custody
13.	**Lawler** (45) (2007) 169 A Crim R 415 [2007] NSWCCA 85	Motor vehicle	PG Manslaughter Dang driving causing GBH Dang driving causing GBH	10y 8m NPP 8y FT 2y FT 18m (concurrent)	AD	Traffic offences	Driver of prime mover approached slow moving traffic due to accident – unable to slow vehicle due to defective brakes – collided with 35 cars – one car incinerated killing driver – two drivers seriously injured – aware of braking problems – truck generally in poor condition, uninsured and unregistered due to financial difficulties Remorse
14.	**Borkowski** (37) (2009) 195 A Crim R 1 [2009] NSWCCA 102	Motor vehicle Unlawful and dangerous - misc	PG (25%) Manslaughter Manslaughter	FT 4y 7y NPP 4y <u>Total</u> 9y NPP 6y	Crown AD	Record	Street racing with two other cars along highway – collided with vehicle turning right killing occupants – speeding and under influence of alcohol and drugs Sentence manifestly inadequate but no intervention because of parity to co-offender
15.	**Young** (22) [2009] NSWCCA 298	Unlawful and dangerous - misc Motor vehicle	PG (12.5%)	8y NPP 5y	AD	Minor traffic matter	Heavily intoxicated after drinking at hotel – verbal and minor physical altercation between offenders' group and victim's group – drove car towards victim's group, mounted footpath and struck victim – intent to frighten – spontaneous offence – left scene of accident Remorse – good prospects of rehabilitation

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16.	**Jojkic** (26) [2010] NSWDC 155 Nicholson SC DCJ	Motor vehicle Gross criminal negligence	PG (25%) Manslaughter s.52A(4) s.166 Cert: 4 related offences	8y 3m NPP 4y 9m 4y 6m NPP 3y Total: 9y 6m NPP 6y Concurrent sentences		Serial traffic offender – first time in custody	After period of dangerous driving along busy road lost control of car – crossed medium strip and collided with oncoming car – speeding – driving disqualified – driving under influence of alcohol and drugs – risk to road users Seriously injured in collision – mental health issues resulting from childhood abuse – drug user since teenage years – remorse – reasonable prospects of rehabilitation – special circumstances
17.	**Reynolds** (33) [2010] NSWSC 691 Grove J [2015] NSWCCA 29	Criminal negligence Motor vehicle (boat)	VG Manslaughter 5 x Mansl	6y 6m NPP 4y FT 4y Total: 7y 6m NPP 5y	Conviction AD	Nil	6 victims – boat collision – offender asked by friends to drop off keys to boat after work function – took workboat which he used in his employment – took large number of persons on boat – allowed PS to drive boat for short while – PS under influence of drugs and alcohol and did not have boat licence – boat collided with fishing boat – ought to have known PS unfit to drive boat and failed to supervise him. Remorse – good character – girlfriend was one of the victims
18.	**Iskov** [2010] NSWSC 1074 Barr AJ [2011] NSWCCA 241	Criminal negligence Motor vehicle	PG (25%) Manslaughter s.86 s.33	12y NPP 7y 6m 10y NPP 7y 6m 8y NPP 6y Total: 18y NPP 13y 6m	AA 9y NPP 5y 3m 10y NPP 7y 6m 8y NPP 6y Total: 15y NPP 11y 3m		Entered car of estranged wife and assaulted her on wrist and head with hard, blunt instrument – drove around in victim's car with victim in front seat unable to leave for three and a half hours – car collided with tree and victim killed by impact with windscreen – negligent in failing to obtain medical assistance for injuries, driving around with distressed passenger, failing to ensure victim wearing seat belt and collision with tree – negligence of driving not high Angered and depressed by marriage breakdown – suffering reactive depression

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19.	**Sparks** (26 at offence – 49 at sentence) **Stracey** (26 at offence – 49 at sentence) [2010] NSWSC 1512 Adams J	Unlawful and dangerous – assault Assault – general Motor vehicle	PG (25%) Manslaughter Rob in Co AR Sched: 3 offences PG (25%) Manslaughter Rob in Co Sched: 2 offences	6y 9m NPP 3y 6m 3y 9m NPP 2y 4y 10m NPP 2y 6m <u>Total</u>: 7y 10m NPP 4y 6m 5y 3m NPP 2y 3y NPP 1y 6m (concurrent)		Lengthy record including recent charges Numerous offences until 1993	Manslaughter: 1987 – Stracey drove van past female pedestrians while Sparks attempted to grab bags – third victim struck head on kerb in attempt to resist robbery – abandoned van and stole car – took extensive steps to cover up involvement – offence opportunistic but part of pre-mediated pattern of criminal behaviour Sparks: robbed real estate with blood filled syringe and knife in 1997 - disturbed childhood – poly drug abuse – drug affected at time of offence – genuine remorse Stracey: rehabilitation from drug abuse in early 1990s – supportive family
20.	**Woodbridge** (2010) 208 A Crim R 503 [2010] NSWCCA 185	Motor vehicle Criminal negligence	VG Manslaughter Agg driving cause GBH	3y NPP 2y FT 2y <u>Total</u>: 6y NPP 4y	Crown AA 7y NPP 4y FT 3y <u>Total</u>: 9y NPP 6y	High PCA	Female – drove intoxicated – crossed over to other side of road colliding with oncoming vehicle – one victim killed and second victim seriously injured – drove lengthy distance on busy highway on busy afternoon. Mental health issues – suffering depression – argument on morning with ex-husband and son caused offender to consume alcohol – good character.

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21.	**Hyde** (22) [2012] NSWDC 93 Haesler SC DCJ	Motor vehicle	PG (25%) Manslaughter s.52A(4) s.53: drive furiously Sched: 4 x BES Receive stolen vehicle Fail to stop Police pursuit	Indicative: 10y 6m 3y 4m 1y 3m Aggregate: 11y 3m NPP 7y 3m		Breached parole – dishonesty, driving and stole car offences	Broke into family homes and stole valuables – stole keys and car from one residence – with two juvenile passengers in car drove dangerously to avoid police apprehension – speeding - flagrant breach of road rules – to avoid police spikes drove to incorrect side of highway and wrong way up entrance ramp – fatal collision with oncoming car – one passenger in offender's car seriously injured – driving disqualified and unlicenced Released to parole 2 months prior to offence – dysfunctional childhood – institutionalised – some insight and remorse
22.	**Duncan** (36) [2012] NSWCCA 78	Motor vehicle Victim under 18y	PG 2 x Mansl 3 x Agg dangerous driving causing GBH	9y 6m NPP 5y (each) FT 3y Total: 12y 6m NPP 8y	AD		Female driving car load of passengers 3am on country road – encouraged male driver to reach excessive speeds on journey out – on return journey sought to better speed – passengers asking offender to slow down - missed bend and collided with trees – four passengers aged under 18y Remorse – mother to children – excellent prospects of rehabilitation
23.	**Spark** (23) [2012] NSWCCA 140	Motor vehicle	PG (25%) Manslaughter Manslaughter Sched: Agg BES Take and drive conveyance	13y 6m NPP 9y 9m 12y 6m NPP 8y 9m Total 15y NPP 11y 3m	AD	Significant record including car theft offences – breached parole	Broke into home and stole car keys – drove away car parked in driveway – next day drove stolen vehicle on incorrect side of road - collided with oncoming car killing driver and passenger – under influence of drugs and alcohol – police pursuit over 2.2km up to speeds of 185kph – continued at high speeds after pursuit terminated for 3.2km – wet conditions – unlicenced – very high level of culpability Genuine remorse

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24.	**Winter** (43) [2012] NSWCCA 218	Motor vehicle	PG (25%) Manslaughter Manslaughter	3y 3y <u>Total</u> 4y NPP 2y	Crown AA 4y NPP 3y 4y NPP 3y <u>Total</u>: 9y NPP 6y		Female – suffered blackout due to undiagnosed epilepsy – hit two pedestrians – driving against medical orders after taking prescribed morphine and other drugs for migraine and smoking cannabis – previously suffered blackouts - not of highest order of culpability but driving in face of medical advice and knowledge of potential to lose consciousness places moral culpability at high level
25.	**Day** (27) [2014] NSWCCA 333	Motor Vehicle Unlawful and dangerous - misc	PG (25%) Manslaughter s.52A(3) Sched: 2 x s.52A(3)	9y NPP 6y FT 3y <u>Total</u>: 10y NPP 7y	AD		Truck driver veered off motorway and struck four cyclists on shoulder – one killed and three injured – significantly impaired by cannabis – grossly exceeded permitted driving hours prior to collision – chronic and acute fatigue – no proper rest breaks – moral culpability of high order Experienced driver – suffering depression and anxiety from financial pressures – pressured to keep illegal hours by employer
26.	**Gordon** (42) [2017] NSWSC 574 Campbell J	Unlawful and dangerous - misc Motor vehicle	VG (murder trial – 15% for offer to plead)	10y NPP 6y 6m		Record for violent impulse when intoxicated	Afternoon and evening drinking with victim and other friends – started driving victim home when earlier argument reignited – victim alighted from car – offender accelerated in reverse and deliberately struck victim – offered initial assistance then left victim at side of road – both highly intoxicated – impulsive but serious offence Alcohol problem – health problems affecting custodial conditions

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27.	**Chandler** (22) [2017] NSWSC 1758 Johnson J [2023] NSWCCA 59	Unlawful and dangerous - misc Motor Vehicle Victim under 18y	PG (5%) Manslaughter Sched: Take and drive MV Drive unlic Police pursuit offence	19y NPP 13y	AA 15y 8m NPP 10y 6m	breached bail – lengthy record – many driving offences – aggravating factor	Offender driving stolen car in police pursuit – drove through backyard killing 18m child – continued driving through park with adults and children and pursuit terminated – never held a licence to drive – previously lived in area and aware of proximity of park through backyard – held actual realisation of appreciable risk of serious injury – at gravest end of spectrum - aggravated by being committed in home of victim Extremely dysfunctional and difficult childhood resulting in early and heavy drug abuse – mental health issues – *Bugmy* considerations – institutionalised criminal – protective custody due to nature of offence On appeal: manifestly excessive
28.	**Lees** (41) [2019] NSWCCA 65	Motor vehicle Assault – domestic Unlawful and dangerous – misc	PG (10%) Manslaughter s.166 cert offences	16y NPP 12y 6m (concurrent)	AA 12y NPP 9y	Minor – breached two bonds	Female – deliberately drove at de facto standing several metres away – victim struck and dragged 30 metres under car – use of car as weapon – unplanned and spontaneous – no provocation – high range Difficult relationship – mental health issues On appeal: sentence manifestly excessive - failure to properly take into account mental health issues
29.	**Lord** (56) [2020] NSWSC 82 Harrison J [2020] NSWCCA 208	Unlawful and dangerous Motor vehicle Drowning	PG (15%)	10y 8m NPP 8y	AD	nil	After argument with wife deliberately drove car into river with wife as passenger – dragged wife from car but she did not survive – unplanned – serious example Prior good character On appeal – sentence not unreasonable
30.	**Fuller** (33) [2020] NSWSC 1580 Cavanagh J [2022] NSWCCA 203	Stabbing – general Provocation Excessive self-defence	VG (at murder trial - 25% for offer to plead)	9y NPP 6y 3m	AA 8y 4m NPP 5y 8m	Assault, contravene AVO, driving.	Stabbed victim twice after victim deliberately drove into offender's car – brought two large knives to scene - offence committed in broad daylight with many witnesses – known to each other – ongoing conflict between offender and victim and family members - SJ determined not necessary to reach concluded view as to whether verdict based on provocation or excessive self-defence Drug abuse – disadvantage - good prospects of rehabilitation – remorse On appeal: increased discount for guilty plea from 20%

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31.	**Smith** (40) [2020] NSWCCA 181	Motor vehicle	PG (25%) s.166 Cert: 3 offences	9y NPP 6y 3m Concurrent sentences	AA 7y 6m NPP 5y	2 PCA offences	Female drove intoxicated and under influence of cannabis – drove into post and hedge leaving car park – declined offer by acquaintance to drive home – struck speed hump and nearly struck young boy – fishtailed off road and struck signpost pulling panel off car – left road twice – continued to speed over distance then struck victim's car – victim died in hospital – alcohol level 0.261 – absolute abandonment of responsibility Dysfunctional and abusive childhood – abusive relationships as an adult – mental health issues and alcohol addiction - Bugmy considerations balanced with extreme gravity of offence Appeal: comparative cases establish manifestly excessive – bushfires and Covid affected contact with children
32.	**Crowley** [2021] NSWCCA 45	Motor vehicle Criminal negligence Unlawful and dangerous - misc	PG (25%) Manslaughter s.52A(4) 2 x s.52A(4) Sched 2 x Cause bodily harm by driving	Indicative 11y 4y 6m 4y 8m Aggregate: 14y 3m NPP 10y	AD	Minor traffic	Drove car over sustained period at high speed – 140kph in 70kph zone – included driving on wrong side of road and on bicycle lane – intoxicated – police chase during early phase - sideswiped several vehicles – collided head on with car killing passenger and seriously injuring other passengers – high moral culpability and abandonment of responsibility – satisfied both criminal negligence and unlawful and dangerous act Good character – remorse – good prospects of rehabilitation – mental health issues
33.	**Conway** (26) [2021] NSWDC 198 Norrish QC DCJ	Motor vehicle Gross criminal negligence	VG Manslaughter Fail to stop SMV	Indicative: 10y 3y 3y Aggregate: 11y NPP 7y		Breached bond for driving disqualified – driving, violence and dishonesty offences	Driving in stolen Land Rover on incorrect side of road – speeding and accelerating around bend – left scene of accident – under influence of drugs - not momentary or brief period of reckless driving Lack of insight and remorse – cannot find unlikely to re-offend or good prospects of rehabilitation

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34.	**Abdulrahman** (36) [2021] NSWCCA 114	Motor vehicle	PG Manslaughter Drive disqualified Sched: 2 x possess drugs	Indicative 6y 9m 3m Aggregate 6y 10m NPP 4y 6m	Crown AA Indicative 10y 1m 3m Aggregate 10y 2m NPP 6y 8m	AOABH - firing firearm in public place - acc after fact manslaughter - demand property with menaces - low range PCA - dangerous driving – breached ICO	Speeding and driving while affected by drugs (ice and ecstasy) - struck and killed 12y male victim - failed to render assistance to dying child and instead stood by smoking cigarette and speaking on mobile telephone - able to think clearly enough to delete texts on phone, speak with family and concoct lie to tell police as to cause of accident. Drug abuse. On appeal: Sentencing judge failed to have regard to specific deterrence and need to protect community against further offending of similar nature – manifestly inadequate sentence - very high moral culpability given manner and circumstances of driving, drug usage and breach of conditional liberty for same conduct - lack of evidence of some prospect of not reoffending
35.	**Butler** (27) **Russell** (34) [2021] NSWDC 666 Haesler SC DCJ (Russell) [2023] NSWCCA 196	Unlawful and dangerous Motor vehicle Accessory	VG Manslaughter 2 x s.52A(3) PG (5%) Police pursuit Take and drive VG Manslaughter	Indicative: 10y 3y 6m 1y 5m 1y 5m Aggregate: 13y NPP 9y 3m 4y NPP 2y 11m	Conviction AD	Extensive record including police pursuit offence – breached parole and bail Lengthy	After attempting to extort money from male at service station offenders engaged in high speed pursuit of car with male and three other persons – matched speed and lane changes of pursued car at 160kph over 12km on motorway – pursued car struck by tanker due to speed resulting in death of passenger and serious injuries to second passenger and driver – offenders did not stop for accident and B took steps to avoid apprehension - car driven by B – R engaged in JCE to intimidate and stalk – supported B by presence and lesser culpability – serious motor vehicle offence B – Aboriginal male – difficult childhood aggravated by abuse suffered in juvenile detention – substance abuse - institutionalised R – substance abuse – institutionalised – family support

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36.	**Byrne** **Cahill** [2021] NSWCCA 185	Motor vehicle Criminal negligence	PG (25%) PG (25%)	10y 6m NPP 7y 10y 6m NPP 7y	AD	Driving offence nil	Street race – during break in TAFE studies each offending commenced driving to nearby café with passengers – pulled up at lights – spontaneous street race – collided with ute killing driver instantly – up to 143kph in 50kph zone – equal culpability – provisional drivers – danger to public and seriousness of offence increased by involvement of two cars – built up area of town – speed Youth – importance of general deterrence – both had good subjective case and remorse On appeal: sentences stern but not outside range
37.	**Smith** (32) [2022] NSWSC 269 Rothman J	Unlawful and dangerous – misc Motor vehicle	PG (5%)	8y 6m NPP 3y 6m		short	Present at home of victim during argument in backyard between victim and ex-girlfriend over her possessions – victim burning ex-girlfriend's possessions and acting in aggressive, violent and threatening manner – significant non-exculpatory provocation - offender drove at victim with ute pinning him to garage wall – intent to prevent further assault - victim died of internal injuries – well below mid-range In relationship with victim's ex-girlfriend – *Bugmy* factors applied – drug use at time of offending linked to background and mental health issues – remorse – facilitation of administration of justice – special circumstances including accumulation to existing sentences and proposed rehabilitation program
38.	**Moananu** (29) [2022] NSWCCA 85	Motor vehicle	PG (25%) 2 x Mansl Agg driving cause GBH	Aggregate 15y NPP 10m	AA Aggregate 12y 6m NPP 8y 4m	Refuse breath test, damage property.	Drove whilst intoxicated at excessive speed on freeway for 6km, crossed onto other side, crashed head-on with victims' vehicle - caused death of two victims, one of whom pregnant with well-advanced twins in utero who did not survive – further infliction of grave injuries on third surviving victim who suffered traumatic brain injury and other serious ongoing injuries. Dysfunctional traumatic background (*Bugmy*). CCA: Sentence manifestly excessive.

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39.	**Davidson** [2022] NSWCCA 153	Motor vehicle Criminal negligence Victim under 18y	PG (25%) 4 x Mansl Agg driving cause GBH 2 x cause bodily harm	Indicative 14y 3m 6y 1y 4m Aggregate 28y NPP 21y	AA Indicative 10y 6m 5y 3m 1y 1m Aggregate 20y NPP 15y	Nil	Drove whilst under influence of drugs and alcohol at excessive speed - lost control of vehicle – mounted kerb, striking seven children from behind, dragging some of them along – four victims killed instantly – three victims injured, one with critical significant brain injuries – gross criminal negligence. Good subjective case – remorse, prospects of rehabilitation, prior good character - ADHD. CCA: sentence manifestly excessive.
40.	**Cook** (37) [2023] NSWCCA 9	Motor vehicle Unlawful and dangerous – misc	PG (25%) 2 x Mansl Reckless cause GBH s.112(2) Supply meth Poss short. firearm Poss loaded firearm in public place Sched: 6 offense	Indicative: 6y 3y NPP 2y 3m 2y 3m 2y 3m NPP 1y 8m 18m 10m Aggregate: 14y NPP 9y	Crown AD	Moderate but escalating record – breached suspended sentences and bond	Pursued car in aggressive and predatory manner after $7,000 drug rip off – unintentionally caused contact and subsequent crash – no intoxication – traveling at speed limit at time of offence – short period of driving on highway with light traffic - recovered money but provided no assistance – mid-range - other offences committed on separate occasions over six months – stole $66,000 goods from property – supplied 72.25g methamphetamine on 55 occasions over four months – firearms located after search of property - offences in low-range Difficult childhood and personal life – *Bugmy* factors applied – some remorse – difficult custodial conditions On appeal: sentences lenient but not manifestly inadequate in view of sentences imposed in similar cases

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41.	**Britton** [2024] NSWCCA 138	Motor vehicle Unlawful and dangerous act - misc Excessive self defence (acting in defence of another)	VG Manslaughter Manslaughter	Indicative 5y 5y Aggregate 6y NPP 3y	AA Indicative 4y 4y 3m Aggregate 5y NPP 2y 3m	Assault, drugs, contravene AVO, high range PCA. On bond.	Female - two female victims including own daughter - applicant's family in physical altercation with another group – applicant saw daughter lying on ground with KW punching her – applicant acting in defence of daughter drove motor vehicle towards KW intending to nudge KW away from daughter – caused deaths of both KW and daughter by crushing them with vehicle – degree to which applicant responded to threat to her daughter not excessive by a significant margin – well below mid-range Admission by applicant that she was driver facilitated administration of justice to a significant degree – extreme remorse for daughter's death, but not complete for victim KW - childhood involved sexual, physical abuse - dysfunctional upbringing - extra curial punishment in death of own daughter - special circumstances. CCA: SJ failed to take into account material consideration (acting in defence of daughter) in assessing objective seriousness.
42.	**Koosmen** (33) [2025] NSWCCA 122	Motor vehicle	PG (25%) Manslaughter s.112(2) s.112(1)(a) s.148 Sched: 6 offences	Indicative 12y 3y NPP 2y 18m 2y 6m Aggregate 15y NPP 10y	AA Indicative 10y 6m 2y 3m NPP 15m 18m 15m Aggregate 12y NPP 8y	Significant traffic record. On conditional liberty.	During police chase, drove through red light at significant speed hitting male victim who was driving through intersection - victim propelled into a telegraph pole and died at scene – intoxicated with alcohol and drugs – drove contrary to attempts by parents to stop him, ignored police sirens, accelerated away from police at speed and over double lines, drove through two red lights - counts 2-4: after collision, ran from scene, entered nearby premises pushing aside occupant - entered second premises and charged towards occupant - entered third premises, saw occupants and took car keys. Mental health – guarded rehabilitation prospects – special circumstances – substance abuse. CCA: errors as to Form 1 offences and application of guilty plea discount to indicative sentences.

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43.	**Wilkinson** (40) [2025] NSWDC 508 Conlon SC DCJ	Motor vehicle Unlawful and dangerous	PG (25%) Manslaughter Fail to stop	Indicative: 13y 6m 4y 6m Aggregate: 16y NPP 12y		No leniency entitlement	Driving in right side lane of double lane road stopped car preventing victim driving in left side lane from merging to avoid parked car – when victim approached driver window grabbed victim by jumper and drove off, forcing victim to run alongside car approx. 55m – when victim started to stumble let go of jumper – victim fell and run over by offender's car – no reason to stop car – used car as weapon – offence of very high order – level of dangerousness extreme – fail to stop offence towards higher end of range Remorse – difficult childhood including sexual abuse resulting in PTSD
44.	**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