

## Manslaughter

### Poison / Drug

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

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

**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.	<b>Richards</b> (39) <a href="#">[2002] NSWSC 415</a> Kirby J	Substantial impairment  Victim under 18y  Poison / Drug	PG (25%) Mansl  2 x Att murder	5y GBB (from date of sentence)  FT 15m 10d (immediate release)		nil	Suffering delusional disorder focussed on perceived sexual abuse by fathers of children - faced losing custody of children at Family Court hearing - attempted to kill self and three children by carbon monoxide poisoning - only baby died Improvement in mental health - protective custody - remorse
5.	<b>Guider</b> (36 at offence - 52 at sentence) <a href="#">[2002] NSWSC 756</a> Wood CJ at CL	Unlawful and dangerous - misc  Poison / Drug	PG	17y NPP 12y		sentenced for sexual offences committed on young children over lengthy period of time	(1986) killing of young girl - picked up victim and took her somewhere - victim died after being drugged with normison - body never recovered - no details of offence provided by offender - part of series of sexual offences committed on young children over 15y years - involved using stupefying drugs to take photographs and commit sexual acts Dysfunctional background - denied offence for long period of time - no insight into offending - dangerousness - strict protection - paedophilia
6.	<b>Gow</b> <a href="#">[2006] NSWDC 78</a> Berman DCJ	Criminal negligence  Poison / Drug	PG	18m NPP 12m suspended		Nil	Patient died from drug prescribed by doctor – prescribed wrong form of morphine – failed to properly instruct victim as to taking of drug – failed to write instructions on prescription as required – looked up wrong drug in writing out required amount – tired and under stress Remorse – admitted mistake openly in court – excellent character – caring doctor
7.	<b>Rowe</b> (26) <a href="#">[2007] NSWSC 300</a> Howie J	Unlawful and dangerous - misc  Victim under 18y  Poison / Drug	VG (at murder trial)	5y 6m NPP 3y		Drugs and dishonesty	Mother killed 7m son by ingestion of methadone – struggling to cope with crying baby – sought to settle – distraught at death Disturbed childhood resulting in early drug addiction – onerous custodial conditions

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
8.	Eckersley (66) <a href="#">[2021] NSWSC 562</a> Beech-Jones J	Substantial impairment  Poison / Drug	VG (murder trial – 25% for offer to plead)	2y CCO		Nil	Female killed 92y mother at nursing home by mixing pentobarbitone into her soup and spoon feeding it to her – suffering severe depressive disorder – distressed by mother's suffering over many years as a result of deterioration in her health – not planned offence – formed intent to kill just prior to committing offence – acted out of love Aggravating factors – use of narcotic drug – in home of victim – breach of trust – victim vulnerable because of age Prior good character – good prospects of rehabilitation – remorse

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
9.	<b>Bushell</b> (42)	Unlawful and dangerous - misc	VG (25%) Manslaughter	<u>Indicative:</u> 5y 3m		Lengthy but relatively low seriousness – breached conditional liberty	Victim died from accidental overdose after B injected mixture of heroin and cocaine provided by T – context of consensual dug use – body moved from site of drug operations to protect victim’s partner - no evidence of planning, hostility or aggression – offenders friends with victim – not sophisticated – unlawful act at low end of spectrum – consent of victim to injection significantly reduced objective seriousness – although T’s liability accessorial culpability of offenders similar B assisted in collection of 1.928kg methylamphetamine from storage unit on behalf of T – third person arrested transporting drugs to Qld – laboratory found in residential unit with 1.4442kg manufactured methylamphetamine, 2.80522kg MDA of low purity and 783g ephedrine – B trusted participant taking orders from T (T sentenced to total of 9y NPP 5y 9m for drug offences in separate, earlier proceedings) For both offenders found clear association between difficult and deprived childhood, mental health issues and offending resulting in reduction in moral culpability – drug addiction – physical health issues – difficult custodial conditions – remorse – guarded but improving prospects of rehabilitation – lengthy delay – special circumstances - totality
		Poison / drug	(25%) Supply lge comm qty methylamphet	6y 9m NPP 4y 3m			
		Accessorial (Tozer)	(15%) Manuf lge comm qty methylamphet	7y 7m NPP 4y 9m			
			(15%) Supply lge com qty MDA	6y 4m NPP 4y			
			Sched: Possess precursor	<u>Aggregate:</u> 12y NPP 8y			
	<b>Tozer</b> (31)		VG (25%) Manslaughter	5y 6m NPP 2y 9m		Shorter but more serious record	
	<a href="#">[2025] NSWSC 382</a> Weinstein J			<u>Total (taking into account sentence for drug offences):</u> 11y 3m NPP 8y 6m			

Last Updated: Apr 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.