

## Manslaughter

### Stabbing - Domestic

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	<b>Bogunovich</b> (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
2.	<b>Philp</b> NSWSC Abadee J 18.2.1991	Diminished responsibility  Stabbing - domestic	PG	MT 7y 6m AT 2y 6m			Stabbed sister's de facto during fight - when threatened with spade handle retrieved knives from kitchen and inflicted 16 stab wounds - some degree of provocation History of mental illness - schizophrenia - did not take medication
3.	<b>Whalen</b> 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
4.	<b>Peterson</b> 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
5.	<b>Spencer</b> 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
6.	<b>Chayna</b> (1993) 66 A Crim R 178	Diminished responsibility  Victim under 18y  Stabbing - domestic	VG		Conviction AA 3 x mansl substituted  MT 6y AT 6y  2 x FT 6y (concurrent)		Female offender - invited sister-in-law to house and subjected her to 'frenzied attack', hiding body in backyard - later that night stabbed own daughter and left body in room for two days - stabbed second daughter two days later when she returned from camp Major depressive illness Convicted at trial of 3 x murder

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7.	<b>Woolsey</b> 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
8.	<b>Nguyen</b> NSW SC Allen J 23.9.1993  (1995) 36 NSWLR 397	Stabbing – domestic  Provocation	VG	MT 2y 3m AT 9m	Conviction AD	Nil	Stabbed sister's brother in law during fight - argument over treatment of sister - no intent to do GBH - intended to show victim could not continue to treat sister badly and to prevent continuation of fight.
9.	<b>Thomas</b> NSWSC Dunford J 3.11.1994	Provocation  Stabbing - domestic	PG	MT 3y 6m AT 3y		mal wounding and assaults	Stabbed sister's ex de facto - history of violence - sister raped by victim - night of stabbing fight broke out between offender and victim as victim tried to approach sister
10.	<b>Josifovski</b> 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
11.	<b>Gilham</b> (25) NSWSC Abadee J 7.4.1995	Provocation  Stabbing - domestic	PG	5y Bond		nil	Stabbed brother who had just killed their parents Remorse - excellent prior character and prospects for rehabilitation
12.	<b>Quinn</b> (37) NSWSC Abadee J 28.4.1995	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	MT 1y 1m 20d AT 2y 5m		Minor	Stabbed brother - using knife to prepare breakfast when argument developed - parried knife in response to punch from victim Both chronically and severely mentally ill - forensic patient at time of sentence - schizophrenic/bi-polar/ chronic schizo affective disorder
13.	<b>Simon</b> 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

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14.	<b>Barton</b> NSWCCA 28.7.1995	Diminished responsibility  Stabbing - domestic	PG  Sched: Mal Wound Ass	MT 8y AT 8y	AA MT 5y AT 5y		During visit was attacked by elderly and mentally retarded neighbour with knife - responded by stabbing neighbour 24 times Intellectual and personality deficits meant inability to respond appropriately to attack
15.	<b>McIntyre</b> 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.	<b>Varagnolo</b> 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.	<b>Edwards</b> NSWSC Simpson J 2.8.1996  (1996) 90 A Crim R 510	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	3y PD	Crown AA MT 18m AT 18m		Female stabbed male lover during argument Care for third party not exceptional circumstances
18.	<b>Khan</b> (1996) 86 A Crim R 552	Provocation  Stabbing - domestic	VG	MT 2y AT 3y	Crown AA MT 4y AT 2y	nil	Stabbed wife's lover - devout Muslim - delay between finding wife with lover and arming himself
19.	<b>EJ</b> (49) NSWCCA 1.4.1997	Diminished Responsibility  Stabbing - domestic	PG Manslaughter  2 x Att murder	MT 12y AT 6y	AA MT 9y AT 3y	nil	Killed wife and attacked two daughters with tomahawk In financial difficulties and concerned could not provide for family - manic depressive, bipolar affective disorder
20.	<b>Appleby</b> NSWSC Ireland J 18.7.1997	Unlawful and dangerous- stabbing  Stabbing - domestic	PG	MT 3y AT 3y		dishonesty and drugs	Stabbed brother in fight with kitchen knife - single stab wound - intent to frighten - just woken from deep sleep and responding to argument between brother and girlfriend

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21.	<b>Lam</b> (40) NSWSC Hidden J 20.3.1998	Unlawful and dangerous - stabbing  Stabbing - domestic	VG	MT 3 AT 2y		minor assaults	Shared house with victim - confrontation about victim's unwelcome advances to offender's girlfriend – victim became aggressive and tried to take up knife - offender grabbed knife first - multiple wounds as fight continued through house
22.	<b>Bollen</b> (1998) 99 A Crim R 510	Unlawful and dangerous - stabbing  Stabbing - domestic	VG	MT 4y 3m AT 1y 3m	AA MT 3y 4m AT 1y 2m	minor	Lived in flat above garage next to victim's house - history of much antagonism - victim and brother verbally abusing offender - victim later approached offender who lunged and stabbed victim - deliberate but reactionary action
23.	<b>Young</b> (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
24.	<b>Moore</b> 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
25.	<b>Kennedy</b> (70) NSWSC Greg James J 30.6.1998	Unlawful and dangerous - stabbing  Stabbing – domestic	PG	3y GBB			Stabbed 78y husband once in stomach - died fourteen days later Culpability affected by mental conditions including dementia – intoxication – poor health – abused by husband
26.	<b>Bryant</b> <a href="#">[1999] NSWCCA 181</a>	Unlawful and dangerous - stabbing  Stabbing - domestic	VG (at murder trial)	MT 6y 6m AT 3y 6m	AD	other offences not specified	During struggle in kitchen victim savagely and brutally stabbed in chest and head - other wounds to body History of heavy drinking - remorse
27.	<b>Korhonen</b> (16) <a href="#">[1999] NSWSC 933</a> Hulme J  (K) <a href="#">[2000] NSWCCA 24</a>	Diminished responsibility  Provocation  Juvenile offender  Stabbing - domestic	VG	4y GBB	Crown AD	insignificant	Stabbed man he had been staying with – previous week had been sodomised by victim – provocation very high Developmental delays and profoundly disturbed - appalling childhood - gross psychiatric disturbances - ill-equipped to deal with stress - positive evidence of rehabilitation

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28.	<b>Tran</b> (37) <a href="#">[1999] NSWSC 1146</a> Bell J	Substantial Impairment  Stabbing - domestic	VG (at murder trial) Manslaughter  Mal wound	MT 3y 6m AT 2y 6m  FT 12m (concurrent)			Stabbed mother in law with scissors - wife stabbed in shoulder attempting to help - estrangement from wife caused primarily by victim - had gone to house of wife to see her resulting in confrontation with victim Excellent prospects of rehabilitation - severe depression
29.	<b>Howard</b> (31) <a href="#">[1999] NSWSC 1228</a> Bell J	Provocation  Stabbing - domestic	VG (at murder trial)	MT 5y AT 1y 6m		one juvenile offence	Stabbed neighbour during argument at offender's flat Good prospects of rehabilitation
30.	<b>Sherry</b> (38) <a href="#">[2000] NSWCCA 35</a>	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
31.	<b>Kennedy</b> <a href="#">[2000] NSWSC 109</a> 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
32.	<b>Kirkwood</b> (63) <a href="#">[2000] NSWSC 184</a> 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.
33.	<b>Bryant</b> (31) <a href="#">[2000] NSWSC 245</a> Dowd J	Diminished responsibility  Stabbing - domestic	VG Manslaughter  Mal inflict GBH	MT 7y AT 4y  FT 2y (concurrent)		nil for violence	Stabbed ex-girlfriend and cut her throat during argument - assaulting male in face with baseball bat Long history of mental illness and drug addiction - delusional paranoid schizophrenic state

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34.	<b>Dally</b> (47) (2000) 115 A Crim R 582 <a href="#">[2000] NSWCCA 162</a>	Provocation  Stabbing - domestic	VG	MT 6y AT 2y	AD	assault 21 years ago	Stabbed flatmate once in chest during argument over accommodation arrangements - picked up carving knife and victim stabbed when he pushed offender around – no pre-meditation Lonely life culminating in alcohol dependency - remorse
35.	<b>Jans</b> (55) <a href="#">[2000] NSWSC 525</a> Grove J	Substantial impairment  Stabbing - domestic	PG	PSC 6m 4y GBB		Nil	Stabbed wife with kitchen knife - found by police threatening to jump off 12 storey roof - undiagnosed Huntington's Chorea disease caused victim to become irrationally abusive to offender over long period of time - suffered major depressive episode at time of killing Forgiven by 3 children and low risk of re-offending
36.	<b>Sette</b> (31) <a href="#">[2000] NSWSC 648</a> Barr J	Substantial impairment  Victim under 18y  Stabbing - domestic	PG	2y suspended for 2y		nil	Female removed 1y son from adoptive parents during access visit - stabbed him and hid body in dam - impulsive killing - significant depressive illness for long period of time and in dissociated state at time of killing Forced into adoption by family - support of family – remorse - rehabilitation
37.	<b>Kelly</b> (30) <a href="#">[2000] NSWSC 701</a> Barr J	Provocation  Stabbing - domestic	PG	7y NPP 3y 6m		irrelevant	Stabbed victim during altercation in kitchen - victim started physical fight pushing offender to ground and causing wound to head - offender feared further assault may cause death because of earlier brain injury - stabbed victim seven times in chest and abdomen with fishing knife - intent to do really serious injury - culpability low Aboriginal male - immediate assistance to victim - confession to police - genuine remorse
38.	<b>Ko</b> (26) <a href="#">[2000] NSWSC 1130</a> 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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39.	<b>Connolly</b> <a href="#">[2001] NSWSC 787</a> Dowd J	Substantial impairment  Stabbing - domestic	PG (25%)	7y 6m NPP 4y 6m		minor record	Stabbed wife after forming unfounded suspicion she was unfaithful to him - suffering delusional disorder focussed upon perceived unfaithfulness of wife - similar obsession with former wife - intoxicated at time of offence Remorse
40.	<b>Pello</b> (40) <a href="#">[2001] NSWSC 650</a> Hidden J	Substantial impairment  Stabbing - domestic	PG	5y 6m NPP 3y		insignificant	Stabbed female sharing house after victim argued and abused other occupants of house for several hours - provocation assessed against background of stressful and exploitative environment of house - offence uncharacteristic - degree of provocation high and relevant to culpability Unhappy childhood in West Timor - miserable existence in Australia - genuine remorse - suffering psychiatric illness at time of offence - isolation in gaol
41.	<b>Potts</b> (34) <a href="#">[2001] NSWSC 753</a> Hidden J	Substantial impairment  Stabbing - domestic	VG (at murder trial - 20% for offer)	7y NPP 3y 9m		armed robbery, minor drug and violence, street offences.	Stabbed father in frenzied attack - deeply affected by deaths of mother and two siblings - history of aggression during previous exacerbations of illness Schizophrenia
42.	<b>Bolt</b> (19) <a href="#">[2001] NSWSC 747</a> Hidden J  (2001) 126 A Crim R 284 <a href="#">[2001] NSWCCA 487</a>	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
43.	<b>Melrose</b> <a href="#">[2001] NSWSC 847</a> 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
44.	<b>Gardiner</b> (46) <a href="#">[2001] NSWSC 1147</a> Whealy J	Provocation  Stabbing – domestic	PG (12%)	7y 11m NPP 5y		Lengthy minor matters only	Stabbed flatmate during argument over rent money - victim aggressive and abusive - stabbed victim in neck - attempted to save victim Special circumstances - no previous custody.

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45.	<b>Murphy</b> (44) <a href="#">[2002] NSWSC 150</a> Buddin J	Substantial impairment  Stabbing - domestic	PG (25%)	7y 6m NPP 4y		nil	Stabbed estranged wife's lover in their bed – element of provocation combined with substantial impairment – spontaneous offence. Major depressive illness - devastated by marriage breakdown - considerations of deterrence and retribution much reduced - remorse - good prospects of rehabilitation
46.	<b>Mabbott</b> (35) <a href="#">[2002] NSWSC 502</a> Hidden J	Substantial impairment  Stabbing – domestic	PG	7y NPP 3y 6m		lengthy record – summary	Female stabbed stepbrother in neck after being called a dog - prior de facto relationship with victim characterised by violence - suffering paranoid delusions since birth of youngest son and schizophrenic illness at time of offence Improvement in mental condition - chaotic life including drug addiction, turbulent relationships and prostitution
47.	<b>Whiting</b> (35) <a href="#">[2002] NSWSC 827</a> 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
48.	<b>Lynch</b> (48) <a href="#">[2002] NSWSC 1140</a> Whealy J	Provocation  Stabbing – domestic	PG (15%) Manslaughter  Mal Wound	7y 8m NPP 5y 9m  4y 3m NPP 3y 2m  <u>Total:</u> 8y 8m NPP 6y 9m		record related to drug addiction, AOABH and DV	Stabbed estranged wife and lover found in bed together - killed male – sentenced for malicious wounding of wife - build up of anger, distress, humiliation and jealousy over afternoon and evening - no intent to kill - degree of provocation quite high Remorse

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49.	<b>Yeoman</b> (43) <a href="#">[2003] NSWSC 194</a> 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
50.	<b>Laures</b> (66) <a href="#">[2003] NSWSC 785</a> Sully J	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	8y NPP 5y		Nil	Stabbed de facto wife once in chest during fight outside house when victim terminated relationship – called 000 then stabbed himself Diabetic – close relationship with own adult children – special circumstances
51.	<b>Yu</b> (33) <a href="#">[2003] NSWSC 1153</a> Wood CJ at CL	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	5y NPP 2y 6m		Nil	Illegal immigrant from Korea – became involved in physical fight with acquaintance at offender's home – double stab wounds to abdomen – no intent to stab – also struck victim to head five times with golf clubs – intoxication aggravated by extreme sleep deprivation - victim aggressive and threatening and refused to leave house Vulnerable – good character evidence – isolation in gaol – high prospects of rehabilitation
52.	<b>Marlow</b> (27) <a href="#">[2003] NSWSC 1130</a> Studdert J	Provocation  Stabbing - domestic	VG (at murder trial – 18% for offer)	9y NPP 6y 9m		Nil	Fatal stabbing with kitchen knife in victim's home – extremely violent killing – sexually assaulted by victim on 16 <sup>th</sup> birthday – subsequent consensual sexual encounters - victim attempted further sexual assault night of killing
53.	<b>Mercy</b> <a href="#">[2004] NSWSC 472</a> 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

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54.	<b>Muddle</b> (40) <a href="#">[2004] NSWSC 403</a> Bell J	Excessive self defence  Stabbing - domestic	VG (murder trial)	6y NPP 3y		Minor	Became involved in sustained physical fight with younger and powerfully built male acquaintance during drinking session at offender's home – victim threatened to kill then forced way into house – stabbed in upper back with knife - excessive self-defence to introduce weapon Genuine remorse – reasonable prospects of rehabilitation
55.	<b>Clarke</b> (50) <a href="#">[2004] NSWSC 1125</a> Barr J  <a href="#">[2008] NSWCCA 36</a>	Provocation  Stabbing - domestic	VG	8y NPP 6y	AD	Lengthy record for dishonesty offences	Stabbed neighbour after daughter complained of violent and heated argument – intent to inflict GBH – single thrust caused death – opportunistic – provocation not high – mid-range seriousness Moderate prospects of rehabilitation
56.	<b>Ward</b> (54) <a href="#">[2005] NSWSC 266</a> Whealy J  (2006) 166 A Crim R 273 <a href="#">[2006] NSWCCA 321</a>	Excessive self defence  Stabbing - domestic	VG (at murder trial)	7y NPP 4y	AD	Minor assault	Stabbed male neighbour in throat with penknife used to open letters – victim kicked offender with steel capped boots and punched him in head – unreasonable response to assault – history of poor relationship between neighbours Immediate remorse – good character and good prospects of rehabilitation
57.	<b>Dunn</b> (60) <a href="#">[2005] NSWSC 1231</a> Latham J	Provocation  Stabbing - domestic	VG (at murder trial – offer to plead)	8y NPP 5y		Nil	Stabbed female flatmate during argument – long history of taunting by victim – intent to inflict GBH – offence slightly above mid-range Socially isolated – organic brain damage due to alcoholism – genuine contrition
58.	<b>Wetherall</b> (38) <a href="#">[2006] NSWSC 486</a> Patten AJ	Substantial impairment  Stabbing - domestic	PG (20%)	3y NPP 18m		Minor	Female - took knife to hotel and stabbed estranged de facto husband – responding to daughter's allegation that victim sexually assaulted her – victim previously accepted possibility he had sexually assaulted daughter on earlier occasion while drunk – provocation relevant s.21A(3) <i>Crimes (Sentencing Procedure) Act</i> but not sufficient under s.23 <i>Crimes Act</i> . Offender sexually abused by family members during childhood – stress disorder – immediate remorse – mother to two daughters – good character

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59.	<b>Russell</b> (48) <a href="#">[2006] NSWSC 722</a> 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
60.	<b>Jukes</b> (20) <a href="#">[2006] NSWSC 1065</a> Hoeben J  <a href="#">[2008] NSWSC 126</a> Hoeben J	Unlawful and dangerous - stabbing  Stabbing - domestic	PG	2y NPP 12m suspended  On breach of suspended sentence 2y NPP 12m		Nil	Female – stabbed mother’s boyfriend during confrontation in kitchen – instinctive act – single stab wound – low range culpability Unfortunate background – mother to 5 children – youngest child disabled – immediate remorse – 90d PSC – 2y 6m rigorous reporting Sentence subsequently breached after commission of further offence of BES, failure to comply with reporting and counselling conditions and continued amphetamine addiction – pregnant at time of re-sentence
61.	<b>Cavanough</b> (22) <a href="#">[2007] NSWSC 561</a> 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
62.	<b>King</b> (18) <a href="#">[2007] NSWSC 1134</a> Fullerton J	Excessive self defence  Stabbing - domestic	PG (25%)	4y NPP 22m		Nil	Argument broke out with strangers outside family home of offender – 30-40 additional men arrived to continue fight – genuine fear for safety of self, brother and family including children in house – retrieved knife from house – stabbed victim in neck – single stab wound - intent to inflict GBH only – low end of range of seriousness Good character – long term relationship with young child - remorse
63.	<b>York</b> (31) <a href="#">[2007] NSWSC 1470</a> Adams J	Unlawful and dangerous - stabbing  Stabbing - domestic	PG (20%)	5y NPP 3y			Stabbed male during argument with neighbours in caravan park – element of self-defence – impulsive offence – holding knife in hand because using it as eating utensil – low culpability Good character – prospects of rehabilitation – citizen of UK

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64.	<b>Turuta</b> (44) <a href="#">[2007] NSWSC 1505</a> Mathews AJ	Excessive self defence  Stabbing - domestic	VG (at murder trial)  Assault	7y NPP 4y 6m  FT 3m (concurrent)		Nil	Fought with neighbour and friend after offender physically assaulted partner – stabbed neighbour in back and stomach Extraordinary hardship to three children – serious physical deterioration of mother – born in Cook Islands
65.	<b>Stewart</b> (27) <a href="#">[2008] NSWSC 563</a> Johnson J  <a href="#">[2009] NSWCCA 152</a>	Excessive self defence  Stabbing - domestic	VG (at murder trial – 12.5% for offer)	10y 6m NPP 7y 3m	AD	Priors including violence	Altercation between offender and victim at house offender shared with mutual friend – asked by friend to leave - offender returned unannounced next afternoon – stabbed victim 12 times with push dagger during punch up with victim – armed with concealed weapon – intent to inflict GBH – high objective gravity
66.	<b>Kennedy</b> (40) <a href="#">[2008] NSWSC 703</a> Fullerton J	Unlawful and dangerous - stabbing  Stabbing - domestic	VG (at murder trial – offered to plead)	6y NPP 4y		Minor	Trivial argument with flatmate – struck back of head with heavy implement and stabbed once to back – no provocation – several acts of violence – no intent as result of intoxication (alcohol, drugs and pre-existing brain damage) – body found in unit after 27 days Long term user of illegal drugs – genuine remorse – good prospects of rehabilitation
67.	<b>Ferguson</b> (36) <a href="#">[2008] NSWSC 761</a> 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
68.	<b>Podesta</b> (19) <a href="#">[2008] NSWSC 1204</a> McCallum J	Substantial impairment  Stabbing - domestic	VG (at murder trial)	8y NPP 5y		Assault police – breached bond – minor traffic	Offender's mother received prank calls alleging to be from her boyfriend suggesting he had infected her with HIV – after confronting and arguing with victim offender followed victim down street and stabbed him multiple times – acting under delusional belief he would be assaulted by victim's associates – previously assaulted by victim in home invasion – impaired capacity to judge right from wrong – impaired capacity to control actions Schizophrenia Chaotic and dysfunctional family life

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69.	<b>Stewart</b> (30) <a href="#">[2008] NSWSC 1359</a> Mathews AJ	Unlawful and dangerous - stabbing  Stabbing - domestic	VG (at murder trial – 15%)	6y 4m NPP 4y		Nil	Stabbed husband during argument at home – spontaneous offence – combination of personality disorder and intoxication meant no required intent – victim stabbed outside 16y son’s bedroom - volatile relationship Difficult and abusive childhood resulting in personality disorder and substance abuse – attempted suicide many times
70.	<b>Zeilaa</b> (73) <a href="#">[2009] NSWSC 532</a> 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
71.	<b>Dowley</b> (41) <a href="#">[2009] NSWSC 722</a> Hidden J	Substantial impairment  Stabbing - domestic	PG (15%) Manslaughter  SMV	11y NPP 7y  FT 12m (concurrent)		Disturbing record for violence	Stabbed de facto partner and slit throat – took ice night before killing Paranoid delusional disorder Drug addiction – not taking medication prior to offence – some insight
72.	<b>Hevesi-Nagy</b> (52) <a href="#">[2009] NSWSC 956</a> Grove J	Substantial impairment  Stabbing - domestic	VG (at murder trial – offer to plead)	10y NPP 6y		nil	Female – with 14y son struck sleeping father of son with tomahawk – son armed with knife – offence planned over extended period - son mentally ill – obsessed with keeping father from normal relationship with son Delusional disorder of a persecutory nature substantially impairing capacity for self control Good prospects of rehabilitation
73.	<b>Lovett</b> (21) <a href="#">[2009] NSWSC 1427</a> Barr AJ	Provocation  Stabbing - domestic	VG (at murder trial)	10y 8m NPP 8y		Record for violence offences – breached conditional liberty	Aware victim at house of estranged partner – went to house, uninvited, at night, with knife – observed victim and partner having sexual intercourse – stabbed victim once in chest – assaulted victim with garden stake, dragged him out onto lawn and kicked body

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74.	<b>Worrall</b> (20) <a href="#">[2010] NSWSC 593</a> 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
75.	<b>Doolan</b> (43) <a href="#">[2010] NSWSC 615</a> 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
76.	<b>Duncan</b> (44) <a href="#">[2010] NSWSC 1241</a> 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
77.	<b>Goundar</b> <a href="#">[2010] NSWSC 1170</a> Kirby J  <a href="#">[2012] NSWCCA 87</a>	Provocation  Stabbing - domestic	VG (at murder trial – 17.5% for offer)	10y 8m NPP 8y	AD	Breached bail	Stabbed male friend during confrontation at ex-marital home – angry because victim had commenced sexual relationship with offender’s estranged wife – planned confrontation although use of knife spontaneous – ferocious and sustained attack - placed in bath and left to die – intent to kill – disposed of body in bush with estranged wife – well above mid-range Fijian Indian – drinking problem and adjustment and depressive disorder at time of offence

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78.	<b>West</b> (18) <a href="#">[2011] NSWCCA 91</a>	Unlawful and dangerous - stabbing  Stabbing – domestic	PG (25%)	6y NPP 2y	Crown AA 6y NPP 3y	Children's Court – dishonesty, AOABH, driving	Stabbed girlfriend's brother during drunken argument at family gathering – single blow with scissors in heat of moment – not particularly forceful blow Intellectual disability – alcohol and cannabis abuse – just turned 18y
79.	<b>Quealey</b> (29) <a href="#">[2011] NSWSC 42</a> Hall J	Unlawful and dangerous - stabbing  Stabbing - domestic	VG (at murder trial)	6y NPP 3y 6m		Record - breached bond	Stabbed de facto husband in thigh during argument – single stab - victim behaved in aggressive manner – unplanned offence Both had chronic substance abuse problems – difficult and abusive childhood
80.	<b>Bugmy</b> (27) <a href="#">[2011] NSWSC 357</a> 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
81.	<b>Vulovic (No.4)</b> (53) <a href="#">[2012] NSWSC 212</a> Johnson J  <a href="#">[2013] NSWCCA 340</a>	Provocation  Stabbing - domestic	VG (at murder trial)	9y NPP 6y	AD	Record including assault	Stabbed male acquaintance during violent argument in offender's house – both parties intoxicated - provocative words and violence from victim – offender partially strangled – intent to inflict GBH – substantial level of objective gravity Reasonable prospects of rehabilitation
82.	<b>Singh</b> (22) <a href="#">[2012] NSWSC 637</a> 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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83.	<b>Won</b> <a href="#">[2012] NSWSC 855</a> Fullerton J	Provocation Stabbing - domestic	VG (at murder trial – 25% for offer to plead)	7y 6m NPP 5y		Nil	Stabbed male acquaintance in arm severing arteries – stab wounds to back, chest and abdomen – found victim having sex with offender’s wife – intent to kill Korean – exemplary character
84.	<b>Chen</b> <a href="#">[2012] NSWSC 1000</a> 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 response to threats to take son Suffering depressive disorder
85.	<b>Seymour</b> (24) <a href="#">[2012] NSWSC 1010</a> 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
86.	<b>JC</b> (17) <a href="#">[2012] NSWSC 1393</a> Barr AJ	Unlawful and dangerous - stabbing Juvenile offender Stabbing – domestic Victim under 18y	PG (modest)	5y 6m NPP 3y		nil	Female – stabbed 16y brother of de facto at offender’s flat – reason for killing unclear – spontaneous offence Troubled background – drug and mental health problems – probably in dissociative state at time of killing – remorse – chronic physical illness
87.	<b>Pitt</b> (40) <a href="#">[2012] NSWSC 1549</a> Latham J  <a href="#">[2014] NSWCCA 70</a>	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

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88.	<b>Hollaway</b> (22) <a href="#">[2013] NSWSC 218</a> Price J	Substantial impairment  Stabbing - domestic	PG (20%)	5y 4m NPP 3y		Record but no prison	Female – while staying at home of male acquaintance after time in psychiatric unit reacted to perceived threat by victim that he would rape or murder her – grabbed knife in house and stabbed victim several times – body not discovered for several months – victim had brain damage causing sexual and violent inhibition – element of provocation History of mental illness – suffering psychosis – significant reduction in moral culpability – remorse – disrupted and abusive childhood including sexual abuse leading to early drug abuse
89.	<b>Bugmy</b> (25) <a href="#">[2013] NSWSC 1885</a> Barr AJ	Excessive self- defence  Stabbing - domestic	PG	7y NPP 3y 6m		Violence, AOABH, assault & resist police. Previous custody.	Attended gathering with family and friends – consumption of alcohol and marihuana – fight broke out between 24y male victim and offender – offender fell to ground and victim continued punching – offender grabbed scissors lying nearby and stabbed victim three times to throat, face and spine – victim unreasonably refused medical treatment Under influence of drugs and alcohol – remorse - dysfunctional upbringing – alcohol and drug abuse – Aboriginal male - poor prospects of rehabilitation - need for assistance and supervision warrants longer parole period
90.	<b>Hassan</b> (54) <a href="#">[2014] NSWSC 280</a> Garling J  <a href="#">[2018] NSWCCA 213</a>	Provocation  Domestic - stabbing	VG (murder trial - 25% for offer)	12y NPP 9y	AD	nil	Stabbed wife multiple times during argument at family home – responding to low level verbal provocation – brutal and vicious assault on wife cowering under blankets in bed Born in Sudan – relatively safe childhood – good character
91.	<b>Villalon</b> (27) <a href="#">[2014] NSWSC 1261</a> Price J  <a href="#">[2015] NSWCCA 229</a>	Substantial impairment  Stabbing – domestic	VG (murder trial – discount for offer 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.

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92.	<b>Catley</b> (27) <a href="#">[2014] NSWCCA 249</a>	Substantial impairment  Stabbing - domestic	VG (murder trial) Manslaughter  2 x animal cruelty	11y NPP 8y  FT 2y  Total: 12y NPP 9y	AD	minor	Assaulted mother and stabbed her twice during argument – killed two cats by slashing throats Psychotic - depression
93.	<b>Wang</b> (23) <a href="#">[2016] NSWSC 222</a> RS Hulme AJ	Unlawful and dangerous - stabbing  Stabbing – domestic	VG (murder trial – 17.5% for offer)	6y 6m NPP 4y 6m		Nil relevant	Good friend of victim and shared unit – after night of drinking in unit with friends argued with victim – retrieved knife from room and fatally stabbed victim in leg – cause of argument unclear Genuine remorse
94.	<b>Anderson</b> (39) <a href="#">[2016] NSWSC 399</a> Hall J  <a href="#">[2018] NSWCCA 49</a>	Excessive self defence  Stabbing - domestic	PG (20%)	12y 9m NPP 9y 6m	12y NPP 9y	Significant – includes violence – breached bail	Stabbed estranged pregnant partner once in chest – forced entry into unit victim visiting and scuffled with three females – pushed one female causing all to fall – victim retrieved kitchen knife and approached offender – stabbing occurred during struggle for knife where offender grabbed knife and stabbed victim
95.	<b>Parker (No.2)</b> (55) <a href="#">[2016] NSWSC 813</a> Rothman J	Stabbing – domestic  Substantial impairment	VG (murder trial - 25% for offer to plead)	7y NPP 3y 6m		Record for violence	Female stabbed partner once in back – circumstances unclear – victim intoxicated and self-harming - below mid-range Aboriginal female - deprived and dysfunctional childhood - severe cognitive deficits exacerbated by alcoholic abuse – involved in abusive relationships – profound remorse
96.	<b>Jenbare</b> (52) <a href="#">[2016] NSWSC 1317</a> McCallum J	Substantial Impairment  Stabbing – domestic	PG (25%)	9y NPP 5y		Nil	Stabbed female partner – victim planning to arrange fake marriage between herself and her nephew so he could live in Australia – offender did not agree - would have to make false declaration – abandonment - stabbed victim eight times Underlying condition of severe, post-traumatic stress disorder, depression and cognitive impairment as survivor of torture while political prisoner in Ethiopia and trauma in refugee camps - prior good character.

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97.	<b>Tabalbag</b> (31) <a href="#">[2016] NSWSC 1570</a> Mathews AJ	Provocation  Stabbing – domestic	VG (murder trial - 25% for offer to plead)  Sched: AOABH	6y NPP 4y 6m		Nil	Came home unexpectedly during day to find female partner have intercourse with male acquaintance – pursued male into bathroom and stabbed several times – spontaneous act – cut finger of female partner – slightly below mid-line Prior good character – good prospects of rehabilitation – remorse – out of character
98.	<b>Ukropina</b> (57) <a href="#">[2016] NSWCCA 277</a>	Substantial Impairment  Stabbing – domestic	PG (25%)	6y 9m NPP 4y 9m	AA 6y NPP 4y	Nil	Father stabbed 29y daughter in back during argument – suffering severe depression with psychotic tendencies Genuine remorse – suicide attempts in custody
99.	<b>Hadchiti</b> (20) <a href="#">[2017] NSWSC 292</a> N Adams J	Excessive self- defence  Stabbing - domestic	PG (13%)	10y NPP 7y		Nil	2011 offence - lived with parents and family on semi-rural property – sister and 26y boyfriend arrived to collect sister's children - violent altercation between offender and boyfriend when he pushed offender's mother – offender stabbed in arm by victim – stabbed victim in chest and cut throat with knife being used for peeling fruit - intent to kill - honestly believed necessary to defend self and mother - serious example of offence Positive subjective case - unlikely to reoffend – remorse – good prospects of rehabilitation – delay – finding of special circumstances: youth - first time in custody
100.	<b>Chapman</b> (20) <a href="#">[2018] NSWSC 1741</a> Harrison J	Unlawful and dangerous - stabbing  Stabbing - domestic	PG (25%)	6y NPP 3y		nil	Father disconnected internet and attempted to remove cables from computer to stop son playing computer games and come to dinner – stabbed father once in shoulder –spontaneous offence – offender picked up knife from bench beside bed – low culpability due to autism spectrum disorder and depression – difficult relationship with father Immediate admission to offence – difficulty in prison – need for long parole period – support of mother

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101.	<b>Cahill</b> (25) <a href="#">[2018] NSWSC 1896</a> 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
102.	<b>McDonald</b> (59) <a href="#">[2019] NSWSC 858</a> Harrison J	Unlawful and dangerous - stabbing  Stabbing – domestic	VG (murder trial)	6y NPP 3y		Modest - no offence since 2004 – AOABH in 1991	Killed brother - single stab wound to chest during argument – intent to frighten - no intent to kill or cause serious injury - amount of force not significant – impulsive offence - consumption of alcohol - well towards bottom of range of objective seriousness. Aboriginal male with disadvantaged background – remorse - excellent prospects rehabilitation
103.	<b>Camilleri</b> (25) <a href="#">[2021] NSWSC 221</a> Wilson J  <a href="#">[2013] NSWCCA 106</a>	Substantial impairment  Stabbing – domestic	VG (murder trial – 17.5% on appeal)	21y NPP 16y 2m	AA 16y 6m NPP 12y	Assaults – harassment - limited criminal history due to diversion from justice system	Female - number of psychiatric and developmental disorders - tried to prevent mother (victim) from telephoning for ambulance to have offender admitted to hospital - stabbed victim to face and head - over 100 separate wounds inflicted ending in decapitation – used seven knives during prolonged attack – committed in presence of young child - gravity of offence – extreme violence - need for community protection. Multiple disorders - mild intellectual disability - autism - obsessive compulsive disorder - severe impact on capacity to function - prone to and unable to control outbursts of extreme rage On appeal: erred in assessment of objective seriousness

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104.	<b>Reid (No.2)</b> (47) <a href="#">[2021] NSWSC 475</a> Johnson J	Stabbing – domestic  Substantial Impairment	PG (10%) Manslaughter  Manslaughter	<u>Indicative:</u> 7y  7y  <u>Aggregate:</u> 10y 6m NPP 5y 6m		Nil	Stabbed parents one morning at their home – no rational motive, triggering event or argument – impairment at higher end of spectrum – mental illness distorted thinking – causal relationship to offending Underlying major depressive disorder on a background of personality disorder and alcohol use disorder No history of violence but difficult to assess risk of re-offending where questions remain over mental health
105.	<b>Smith</b> (56) <a href="#">[2021] NSWSC 928</a> Walton J	Excessive self defence  Stabbing - domestic	VG (murder trial – 25% for offer)	7y 6m NPP 5y 6m		Not significant – traffic offences, minor assault and drug matters, property	Victim and offender neighbours in intimate relationship – victim assaulted offender in car during argument and relationship ended – next day during argument at offender's house victim returned to car and picked up metal bar – offender retrieved ornamental knives from veranda and ran at victim – stabbed victim multiple times when she brandished bar – victim had history of violence – intent to GBH – unreasonableness of response considerable but not extreme – hid body and lied to police for several hours PSTD and Alcohol and Cannabis Use Disorder linked to extreme / impulsive response – history of childhood violence and early drug use – good use of time in custody and unlikely to re-offend – some remorse – significant reduced general deterrence – special circumstances for supervision and treatment

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106.	<b>Srsa</b> (53) <a href="#">[2021] NSWSC 924</a> Ierace J	Substantial impairment  Stabbing - domestic	PG (25%)	7y 10m NPP 5y		Breach AVO	Female – stabbing of male partner once to chest following argument over victim taking money out of offender’s bank account and graffitiing men’s toilets at hotel with offensive references to offender – pursued victim from house – element of provocation – capacity to control self substantially impaired – degree of impairment significantly more than required to activate defence – intent to cause GBH not kill – just below mid-range Alcohol use disorder, panic disorder with agoraphobia, depression, mild neurocognitive disorder (preliminary); PTSD, chronic anxiety disorders (generalised, agoraphobic and panic), chronic depressive disorder, substance use disorder (alcohol), enduring (post-traumatic) personality change Alcohol abuse - upset about grandson undergoing heart surgery – remorse – good rehabilitation prospects – no history of violence
107.	<b>Nancarrow</b> <a href="#">[2022] NSWSC 455</a> Hamill J	Unlawful and dangerous – stabbing  Stabbing - domestic  Excessive self defence	VG (at murder trial – 25% for offer)	7y 6m NPP 4y		Record for dishonesty, drug and driving offences - breached conditional release order	Stabbed victim twice during confrontation on stairs leading up to living area occupied by offender – victim lived in caravan on property – offender deliberately armed self with knife although no intent to kill or inflict GBH – victim aggressor and angry offender would not purchase drugs for him – offender believed conduct necessary for defence – towards lower end of range Remorse – good prospects of rehabilitation – anxiety disorder – delay due to Covid
108.	<b>Lupton</b> (30) <a href="#">[2023] NSWSC 412</a> Fagan J  <a href="#">[2024] NSWCCA 29</a>	Stabbing - domestic  Excessive self defence	PG (25%)	9y NPP 6y 9m	AA 8y 6m NPP 5y 6m	Lengthy record – offence committed while serving community correction order	Stabbed male acquaintance once in chest during argument over use of drugs in home of offender’s 9y daughter – intent to cause GBH – perceived threat no more than bruising or abrasions from blows delivered with fists or by kicking – neither assailant armed – unreasonable response by ‘very great margin’ Difficult childhood exposed to violence, drug abuse and sexual abuse – long-term substance abuse-genuine remorse On appeal: failed to have regard to relevance of need for drug rehabilitation and impact of Covid on custodial conditions

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109.	Steele (76) <a href="#">[2024] NSWSC 214</a> Davies J	Excessive self- defence  Stabbing - domestic	PG (25%)	6y 9m NPP 3y 6m		Nil	Single stab wound to neck of adult son at their home during family argument using kitchen knife – victim approached offender quickly – accepted responsibility but unable to explain or recall inflicting stab wound – relatively impulsive offending. Just below mid-range of objective seriousness. Good character – in remission from leukemia – no concern about reoffending – remorse – significant variation of statutory ratio given age and health.

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