Manslaughter

Unlawful and Dangerous - Miscellaneous

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	**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
2.	**Stevens** (18) NSWCCA 13.8.1993	Unlawful & 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
3.	**Camp** (45) NSWCCA 3.9.1996	Unlawful & dangerous - misc Accessory Arson	VG	MT 5y AT 3y	AD	no prison	Accessory before the fact - arranged to have shop burnt down - resident living over shop died.
4.	**Lamb** 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

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.	**Hampton** (22) NSWSC Dunford J 17.10.1997 (1998) 101 A Crim R 399 NSWCCA **Mackey** (18) NSWSC Dunford J 17.10.1997 [1999] NSWCCA 167	Unlawful & dangerous - misc Arson Accessory (Mackey)	PG 3 x Mansl Sched: Robb PG 3 x Mansl	MT 8y 6m AT 2y 6m MT 6y AT 2y	AD AD	lengthy record including robbery and mal damage - on parole and bail. priors including assault, stealing, BES	Fire at private residence killed one adult and two children - H instigator and principal offender - M principal in second degree - both had previous arguments with occupants of house H: Aboriginal female - good prospects of rehabilitation M: Aboriginal male - good background - genuine remorse - excellent prospects of rehabilitation
6.	**Hayne** NSWCCA 18.9.1998	Unlawful & dangerous - misc Criminal negligence Arson	VG	FT 18m	AD		Arguing with wife - splashed petrol around living room and set it alight - tried to rescue wife but failed Suffered severe burns himself
7.	**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.
8.	**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

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9.	**Mika** **Sagato** (2000) 116 A Crim R 31 [2000] NSWSC 852 Grove J	Unlawful and dangerous - misc Victim under 18y Drowning	PG	2y suspended sentence		Nil	Husband and wife held down 3y child while mother poured water down his throat - all held genuine religious beliefs about demons and believed child needed to be exorcised Mother of child found mentally ill Intense religious beliefs – remorse – parents to four children
10.	**Olig** (36) [2000] NSWSC 1246 Adams J [2002] NSWCCA 249	Unlawful and dangerous - misc Arson	VG (at murder trial)	12y NPP 8y	AD	no significant prior convictions	Deliberately set fire to house killing estranged de facto wife - surprised by speed of fire and made attempts to put it out and rescue victim - angered by victim defrauding him over house payments - actions directed primarily at house No remorse - deprived and difficult childhood
11.	**Guider** (36 at offence - 52 at sentence) [2002] NSWSC 756 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
12.	**Laing** (35) [2004] NSWSC 510 G.James J	Unlawful and dangerous - misc Drowning	PG (25%)	6y 6m NPP 3y 6m		Minor	Held head of male boarder under water in bath – dumped body in bush – circumstances of assault unclear – intoxicated Long history of alcohol abuse – unlikely to reoffend – full remorse
13.	**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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14.	**Rowe** (26) [2007] NSWSC 300 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
15.	**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 Total 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
16.	**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
17.	**SS** (40) [2010] NSWSC 1169 Kirby J	Unlawful and dangerous – misc Arson	PG (17.5%)	6y 7m NPP 3y		Minor offences	Female set fire to house in attempt to commit suicide – rescued by partner who died from burns – intoxicated and upset at time of offence Suffered serious burns – troubled background and chaotic life with drug and alcohol abuse and mental disorders – previously set fire to bedroom in similar manner being rescued by neighbours – good prospects of rehabilitation
18.	**Scott** (36 at offence – 44 at sentence) [2012] NSWSC 70 Buddin J	Unlawful and dangerous - misc Unknown	VG (murder trial)	7y 6m NPP 4y 6m		Record – not significant	Killed female acquaintance - time, cause and place of death unknown – remains found 5 years later – acted to conceal body – both victim and offender drug addicts

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19.	**Madden** (50) [2013] NSWSC 710 Hidden J	Unlawful and dangerous – misc Arson	PG (15%)	7y NPP 4y		Not significant	Lived with two males – following argument between victim and other male offender threw methylated spirits on victim's coat and ignited it with cigarette lighter – victim collapsed almost immediately probably suffering cardiac arrest - offender left - all three chronic alcoholics – offender severely intoxicated Rehabilitation – remorse – alcoholism
20.	**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 Total: 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
21.	**Khan** (46) [2016] NSWSC 1073 Fullerton J	Arson Unlawful and dangerous - misc	VG Murder 2 x Mansl Recklessly cause GBH Reckless wound s.197(1)(b)	Indicative: 30y NPP 22y 20y NPP 15y 5y NPP 3y 9m 3y 6m NPP 2y 8m 4y Aggregate: 40y NPP 30y		Nil	Lessee of shop caused explosion intending to use insurance money to escape debts – killed male residing in unit above shop (murder) and mother and baby residing in unit above adjoining shop (manslaughter) – two males also residing in unit above shop injured escaping explosion

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22.	**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
23.	**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
24.	**Lees** (41) [2019] NSWCCA 65	Motor vehicle Assault – domestic Unlawful and dangerous – misc	PG (10%) Manslaughter s.166 certificate 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
25.	**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

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26.	**Hay** (46) [2021] NSWDC 669 Lerve DCJ	Unlawful and dangerous Arson	PG (25%) Manslaughter s.195(1)(b) reckless destroy by fire	Indicative 9y 2y 3m Aggregate 10y 3m NPP 6y 10m		Record	Female set fire to couch on patio of friend's house after being asked to move out – act of revenge – offence committed in early hours of morning when occupants sleeping - house caught fire and friend's disabled foster sister unable to escape – aware of victim's presence and vulnerability – both offences above mid-range Some remorse – difficult childhood including sexual abuse and early substance abuse – *Bugmy* factors – motor vehicle accident causing PTSD
27.	**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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28.	**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
29.	**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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30.	**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.
31.	**White** [2025] NSWSC 243 Harrison CJ at CL [2025] NSWCCA 111	Unlawful and dangerous - misc	VG	Community Corrections Order 2y	Crown AD	nil	Police officer - deployed taser whilst on duty on 95yr old female victim armed with knife in aged care home – victim of frail disposition and symptoms consistent with form of cognitive impairment – death caused by injuries sustained from fall following use of taser - deployed taser in response to what he perceived to be a threat that never called for such a response - may have overestimated or misunderstood nature and extent of risk posed by victim – lower end of objective seriousness Remorse - good character - extra-curial punishment, loss of employment – no risk of re-offending – strong social support – major depressive disorder, PTSD CCA: Sentence not manifestly inadequate.

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32.	**Bushell** (42) **Tozer** (31) [2025] NSWSC 382 Weinstein J [2026] NSWCCA 88 (Tozer)	Unlawful and dangerous - misc Poison / drug Accessorial (Tozer)	PG (25%) Manslaughter (25%) Supply lge comm qty methylamphet (15%) Manuf lge comm qty methylamphet (15%) Supply lge com qty MDA Sched: Possess precursor PG (25%) Manslaughter	Indicative: 5y 3m 6y 9m NPP 4y 3m 7y 7m NPP 4y 9m 6y 4m NPP 4y Aggregate: 12y NPP 8y 5y 6m NPP 2y 9m Total (taking into account existing sentence for drug offences): 11y 3m NPP 8y 6m	AD	Lengthy but relatively low seriousness – breached conditional liberty Shorter but more serious record	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 On appeal: no error in commencing manslaughter sentence at conclusion of NPP for drug offence – sentence not manifestly excessive

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33.	**Walker** (31 at time of offence) [2025] NSWSC 1602 Dhanji J	Unlawful and dangerous act – misc Fire	PG (10%) Manslaughter Sched: Mal inflict GBH	10y 9m NPP 6y 6m		Extensive record – breached parole by commission of offence – decline in offending and no offences since 2014	(1998) 13y boy staying at friends place died when offender threw molotov cocktail into backyard of house causing fire – died of burns and complications several months later – believed occupier of home responsible for pouring paint over offender's wife's car - ten days after fire punched, stabbed and bit both ears of male acquaintance – implicit threat Difficult childhood relevant to moral culpability – early substance abuse – evidence of recent rehabilitation and significant contribution to society – some evidence of remorse – onerous conditions of custody

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