

LIAC Crime Library

A guide to finding information about well-known crimes
that have gone to court – designed as a resource
for HSC Legal Studies students



LEGAL INFORMATION
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Legal Information Access Centre (LIAC)
State Library of New South Wales
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The Legal Information Access Centre (LIAC) provides a free and confidential service to members of the community who need legal information. The service is based in the State Library of New South Wales and operates state-wide through public libraries.

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LIAC Crime Library

Disclaimer

This resource has been produced by LIAC in response to information requests from legal studies students. Many of the cases covered are on violent crimes and contain very graphic details that may shock or disturb readers.

Warnings have been placed on the cases that are the most extreme.

LIAC does not intend that the inclusion of cases in this guide should be interpreted as a suggestion to read such material.

LIAC Crime Library

If you are looking for information about crimes that have been through the court system, you will find that there are different types of information resources available:

- links to full text of the court decision
- links to database of newspaper articles about a case
- links to database of journal or magazine articles about a case
- books about the case

The following list of specific cases is arranged alphabetically by the name of the victim, or the accused, or by popular case name. This list contains some cases that have no published decision. They have been included because they've attracted a high level of media commentary.

Key for where information listed in the Crime Library can be found:

(L) = Public Library

(SL) = State Library of New South Wales

Media reports – databases of newspaper and journal articles

- **ProQuest Australia & New Zealand Newsstand** is a database with full text of newspaper articles, a very valuable resource for students and teachers. Access this from the [remote access page](#) on the State Library's website.

- **AGIS Plus Text (via Informit)** is a database of legal journal articles. Some of the articles are available in full text. Access this from the [remote access page](#) on the State Library's website.

To make the best use of the Crime Library [apply for a State Library of NSW Readers Card](#). This will enable you to access databases for newspaper and journal articles, from home or school.

Useful sources for evaluating effectiveness of the law

1. LIAC Legal Studies research guide – http://www.legalanswers.sl.nsw.gov.au/students_teachers/
2. Criminal Law Review Division – http://www.lawlink.nsw.gov.au/lawlink/clrd/ll_clrd.nsf/pages/CLRD_index
3. New South Wales Bureau of Crime Statistics and Research - <http://www.lawlink.nsw.gov.au/bocsar1.nsf/pages/index>
4. Australian Institute of Criminology – www.aic.gov.au
5. NSW Parliament Website – www.parliament.nsw.gov.au

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Janine BALDING - *R v Jamieson; R v Elliott; R v Blessington*

On 8 September 1988 Janine Balding was abducted from the car park at Sutherland railway station by a group of street kids. She was forced into her car at knifepoint and driven to a dam in Minchinbury. After being repeatedly sexually assaulted Janine Balding was tied up and drowned in the dam.

Her attackers were a group of street kids: Bronson Blessington (ages 14), Matthew Elliott (aged 16) and Stephen Jamieson (aged 22). Two others were also in the car. Blessington, Elliott and Jamieson were convicted of murder, abduction, sexual assault, robbery and other charges. All three were sentenced to life imprisonment. An appeal against the life sentences was dismissed in 1992.

In 1997 Blessington applied for a redetermination of his sentence. Legislation amending the *Crimes (Sentencing Procedure) Act* 1999 was passed to extend the period before review to 30 years, but Blessington's application had not been finalised. An amendment was made to the Act to extend it to cover Blessington. There has been some controversy over this legislation, particularly as Blessington and Elliott were juveniles at the time of the crime.

Court Decisions

R v Jamieson, Elliott and Blessington (1992) 60 A Crim R, 17 February, 1992, NSW Court of Criminal Appeal, also available on LexisNexis Unreported Judgments. (SL)

- select Unreported Judgments NSW from Law Databases page
- in Case Name box type `blessington`
- student can email copy of case to their email address.

[R v Blessington](#) (2005) 190 FLR 47; (2005) 153 A Crim R 205; [2005] NSWSC 340, 15 April 2005

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in `janine balding` and `blessington` and set date to all dates.

2. Read the debate over the [Crimes \(Sentencing Procedure\) Amendment \(Existing Life Sentences\) Act 2005](#) on the NSW Parliament website:

Tip: the 2R speech (second reading speech) is worth reading as it explains why the bill was introduced.

Rowan BARKER - *R v GS* – stabbing attack by teenager

One evening in December 2005 Rowan Barker, a radio newsreader, was attending a Christmas party at a house in St Ives in the northern suburbs of Sydney. Barker was in the driveway of the house when he was approached by two teenage boys. After asking Barker some questions, one of the males stabbed him four times, then both boys ran to a car and drove off. Barker was left fighting for his life.

The offender was sixteen and a half at the time, and at the trial pleaded guilty to maliciously inflicting grievous bodily harm. He had been drinking heavily and using cannabis.

The case was heard in the NSW District Court, and initials were used to hide the underage offender's identity. The teenager was placed on a two-year good behaviour bond, a sentence that appalled the victim. The Attorney-General at the time promised a review but the prosecution decided against appealing the sentence.

Court decision

[Regina v GS \[2006\] NSWDC 15](#) (NSW District Court)

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

➤ type in rowan barker and attack or
rowan barker and stabbed and set date to all dates

June BOOTH - *R v Kinloch* - defence illness of mental

On 30 August 2003 June Booth caught a bus from the city and got off at her stop in North Ryde at about 2.30 pm. She took a shortcut along a creek in Greenwood Park. Her body was found by a local resident at about 5.20 pm. In October 2004, Gregory Kinloch was found not guilty of murder by reason of mental illness. This case illustrates the legal issue of diminished responsibility, the M'Naghten Rules.

Court Decision

[R v Kinloch](#) [2004] NSWSC 998, 29 October 2004

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in june booth and kinloch and murder and set date to all dates
- 2. *Criminal Laws* by Brown, Farrier & Egger (Federation Press, 2006) **(SL) (L)** provides useful summary of the M'Naghten Rules as well as defences such as mental illness in criminal cases.
- 3. '[Mental Disorder & Homicide in Australia](#)' by Jenny Mouzos; *Trends and Issues* No 133,(1999) published by the Australian Institute of Criminology:
- 4. '[Mental health and the criminal justice system](#)' by Karen Freeman, Oct 1998 *Crime and Justice Bulletin* No 38 (1998) published by the NSW Bureau of Crime Statistics and Research:

Christopher BROWN - *R v O'Grady* – teenage murder

On 14 May 1999, Matthew O'Grady and Christopher Brown were at a party where they consumed drugs. They were aged (approximately) 16 years and 15 years. Sometime around 11pm, they and others left, walking in the direction of the Wentworth Falls train station. O'Grady persuaded Brown to go into the bush on the pretence of stealing some marijuana. He had access to a gun that belonged to his father. O'Grady shot Brown several times and then left him.

At about 11am the following morning, O'Grady arrived at the Katoomba police station. He informed the police officer at the desk that he had something to tell him. He was taken to an interview room, where he announced that he had killed someone.

Court Decisions

[R v O'Grady](#) [2001] NSWSC 1256, 6 December 2000

[R v O'Grady](#) [2001] NSWSC 1255, 21 December 2001

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in matthew o'grady and christopher brown and murder and set date to all dates.

R v BUI – children exposed to cultivation of cannabis plants

In October 2008 Thi Rien Bui pleaded guilty in the District Court to the charge of cultivating cannabis plants indoors and exposing her children to that cultivation process, under the Drug Misuse and Trafficking Act 1985, s 23A. The offender had 4 children, aged from 4 to 13 years and there were no family members who could care for the children. She was given a two year suspended sentence.

The Crown appealed against the sentence on the grounds that it was inadequate.

Although Bui had pleaded guilty to the charges in the District Court it was argued in the appeal case that her sole role in the 'cultivation' was to provide the premises in which the cannabis was grown. She claimed that because it was grown in an upstairs bedroom which was kept locked she had not exposed her children to the cultivation process.

In light of extenuating circumstances and the necessity to care for her children the court rules that the Crown's appeal be dismissed.

Court decision

[R v Bui, BUI v R \[2008\] NSWCCA 297 \(12 December 2008\)](#)

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in bui and drug charge and set date to all dates

Although there is not much coverage of this particular case there are other similar cases covered by the press.

Bruce BURRELL - *R v Burrell* - murder of Dorothy Davis

Dorothy Davis, an elderly widow, disappeared from her Sydney home in May 1995. Bruce Burrell was a family friend who had borrowed a substantial amount of money from her the year before. He was unemployed and had no means of repaying the loan when Mrs Davis pressed him for the money.

Evidence showed that in the afternoon of 30 May Mrs Davis set out to visit someone who lived nearby. She never returned home.

The evidence against Burrell was largely circumstantial, but compelling. He lived nearby and later that same afternoon he left his Sydney home and drove off to his country property where he spent several hours. He returned to the property again the next day. The prosecution submitted that he buried the body there. Burrell also told lies about the money to his wife, to Mrs Davis' daughter, and to the police.

Burrell was found guilty and sentenced to 28 years imprisonment.

Burrell appealed against this decision and the Court of Criminal Appeal dismissed this decision and held that there had been no miscarriage of justice in earlier proceedings involving Bruce Burrell.

Court Decision

[R v Bruce Allan Burrell \[No 3\]](#) [2008] NSWSC 30; 8 February 2008

[Burrell v Regina](#) [2009] NSWCCA 193

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in `bruce burrell` and `dorothy davis` and set date to all dates
- if you get too many hits limit the search by dates of the trial.

Bruce BURRELL – *R v Burrell* – murder of Kerry Whelan

Sydney mother, 39 year-old Kerry Whelan went missing from a Parramatta car park in 1997. Although her body has never been found, Bruce Burrell has been found guilty of kidnap and murder. This has been after extensive police investigations, a coronial inquest (2002), and a trial in 2005 that ended with a 'hung jury', which was unable to reach a unanimous verdict. A retrial in 2006 resulted in Burrell being sentenced by Justice Barr to life, never be released.

The publicity surrounding Burrell's aborted trial, along with other publicised hung juries in past years, prompted the NSW government to introduce legislation allowing majority verdicts in criminal cases (although too late for the retrial of Burrell). The *Jury Amendment (Verdicts) Act 2006* amended the *Jury Act 1977* to allow a majority of 11 out of 12 jurors, or 10 out of 11 jurors, to return a verdict. There is much information about majority jury verdicts.

Burrell appealed against this decision and on 17 June 2009 the Court of Criminal Appeal handed down its final decision and dismissed his appeal. This followed Burrell's earlier appeal to the Court of Criminal Appeal which it dismissed on 16 March 2007. Burrell then went to the High Court who remitted the matter for rehearing [Burrell v The Queen](#) [2008] HCA 34

Court Decisions

R v Burrell [2006] NSWSC 581, 9 August 2006, - not available on Austlii
[Burrell v The Queen](#) [2009] NSWCCA 163, 17 June 2009

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.
 - type in bruce burrell and kerry whelan and choose date range of 1 June 2006 to 30 June 2009.
2. [Jury Amendment \(Verdicts\) Bill 2006](#), explanatory notes and 2nd reading speeches are available to read on the NSW Parliament website.
3. [Majority Verdicts](#). Report by the NSW Law Reform Commission No 111 (2005). This report was opposed to the introduction of majority verdicts.
4. [Majority Jury Verdicts in Criminal Trials](#) by Talina Drabsch, NSW Parliamentary Library, No 15, 2005.

Caroline BYRNE - *R v Wood* - murder at the Gap

In June 1995, a model and girlfriend of Gordon Wood, Caroline Byrne was found at the bottom of the cliffs at the Gap, Watson's Bay. It took thirteen years for Gordon Wood to be put on trial for her murder. He had always alleged she had jumped off the cliff, but evidence pieced together finally convinced a jury of his guilt in November 2008. Gordon Wood worked for the stockbroker Rene Rivkin as his chauffeur and personal assistant. One of the motives presented for the murder of Caroline was that she knew too much about Rivkin's business and personal life.

Wood was sentenced to 17 years and four months in jail, with a non-parole period of 13 years. He has commenced an appeal against this conviction and sentence.

Court Decisions

[R v Wood](#) [2008] NSWSC 817, 6 August 2008

[R v Wood](#) [2008] NSWSC 1273, 4 December 2008

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in `gordon wood and caroline byrne`
- if you get too many hits limit the search by dates of the trial.

Byron's Law - road rage and death of unborn baby

In a road rage incident in 2001, Michael Harrigan's car hit the car in which Renee Shields was travelling. Renee was seven months pregnant, and as a result of the accident her baby died and she had to have a hysterectomy. Judge Robin Tupman did not sentence Harrigan for manslaughter because of the law as it stood at the time. Harrigan was jailed for 18 months for perjury, and a maximum six years and three months for dangerous driving.

There was a parliamentary review into changing the law, and after another case (see *R v King* case) the *Crimes Act* was amended. The changes are referred to as 'Byron's Law', named after Renee Shields' unborn baby.

The new legislation, the *Crimes Amendment (Grievous Bodily Harm) Act 2005* amended the definition of grievous bodily harm in the *Crimes Act 1900* to include the destruction by a person of the foetus of a pregnant woman.

Court Decision

There is no reported decision of Harrigan's trial in the District Court.

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in renee shields and byron's law and set date to all dates
- 2. Text and discussion in NSW parliament on the [Crimes Amendment \(Grievous Bodily Harm\) Bill](#)
Tip: the 2R speech (second reading speech) is worth reading as it explains why the bill was introduced.
- 3. [Review of the law of manslaughter in New South Wales](#), by Justice Finlay, available at - includes review of death of the unborn child.

Raymond CARROLL – *R v Carroll* – double jeopardy

WARNING: material on this case contains details that are explicit and disturbing in nature.

Raymond Carroll was tried for the 1973 murder of Deirdre Kennedy and found guilty in 1985. He appealed and the Court of Criminal Appeal acquitted him. Fourteen years later the Crown charged Carroll with perjury on the grounds that he had lied under oath in the murder trial. He was again found guilty but on appeal it was found that he had in effect been tried twice for the same crime, a situation known as "double jeopardy". The case went to the High Court of Australia.

A screening of *Australian Story* on ABC TV (7 April 2003) discussed the Carroll case and double jeopardy.

The NSW parliament has passed legislation to address the problems brought about by the double jeopardy principle. The *Crimes (Appeal and Review) Amendment (Double Jeopardy) Act 2006* enables a person acquitted of a serious crime to be retried in certain circumstances.

Court Decision

[R v Carroll](#) [2002] HCA 55, 5 December 2002

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in double jeopardy and carroll and New South Wales
- 2. Read text and discussion of the [Crimes \(Appeal and Review\) Amendment \(Double Jeopardy\) Bill](#) on NSW Parliament site:
Tip: the 2R speech (second reading speech) is worth reading as it explains why the bill was introduced.
- 3. "[Double Jeopardy](#)" NSW Parliamentary Research Paper by Rowena Johns No 16/2003
- 4. "[Double Bind](#)" text of *Australian Story* (screened on ABCTV on 7 April 2003)

David CARTY - *R v Richard Adam; R v Gilbert Adam - murder of police officer*

In 1997, Constable David Carty approached a man in Fairfield warning him against using bad language. Later the same night, when he was off duty, Carty was confronted in the Cambridge Tavern car park by the same man accompanied by gang of his friends.

Carty was fatally stabbed and violently punched and kicked as he lay dying on the ground. Another police officer who had accompanied Carty, Constable Michelle Auld, raised the alarm and tried to beat off the attackers. Carty died in the ambulance on the way to hospital.

Two brothers, Gilbert and Richard Adam, were both placed on trial on 10 October 1998. Richard Adam was found guilty of maliciously inflicting grievous bodily harm to David Carty, while Gilbert Adam was found guilty of murder.

Court Decisions

[*R v Adam \(Richard\) and \(Gilbert\)*](#) (NSW Supreme Court, Wood CJ, 19 February 1999, [1999] NSWSC 144

[*R v Richard Adam*](#) NSW Supreme Court of Criminal Appeal, 23 July 1999, [1999] NSWCCA 189

[*R v Gilbert Adam*](#) NSW Supreme Court of Criminal Appeal, 23 July 1999, [1999] NSWCCA 197

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in david carty and richard adam and set date to all dates

Roseanne CATT - *R v Catt*- attempted murder of husband

Roseanne Catt was found guilty by a jury in 1991 and sentenced by Justice Jane Matthews for the attempted murder of her husband – including using a gun, a rock and knife, a cricket bat and poisoned milk. She was charged with nine counts at the 1991 trial and convicted on eight and acquitted on one count of encouraging a person to murder her husband. She was sentenced to 12 years.

Catt has always maintained her innocence, claiming she had been framed by her husband and the police officer in charge of the investigation, Detective Sergeant Peter Thomas.

In 1993, Catt unsuccessfully appealed against her conviction and sentence. In 2001, she was released from jail a week after an inquiry was ordered into claims she had been framed. In 2003, a judicial inquiry was held by District Court Judge Thomas Davidson who referred her claims to the Court of Criminal Appeal.

On 18 August 2005 the Court of Criminal Appeal ordered that Catt face a retrial for two counts of soliciting to have her husband murdered. Handing down the final judgment, Justice Peter McClellan said the appeal court believed that if the jury had been given the fresh evidence, Catt might have been acquitted.

Court Decisions

R v Catt Unreported, NSWCCA , Sheller JA, Grove & Sully JJ, 10 June 1993. This decision is not available on Austlii. It is available from Unreported Judgments. **(SL)**

- select Unreported Judgments NSW from Law Databases page
- in Case Name box type `r v catt`
- student can email copy of case to their email address.

[R v Catt](#) [2005] NSWCCA 279, 17 August 2005 (Note: 149 pp in length)

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in `roseanne catt` and `murder and husband` and set date to all dates

2. 'Should this woman be in jail?' by Wendy Bacon, *Sydney Morning Herald*, 24 October 2000 **(SL) (L)**

3. *Ten Years/ Roseanne Catt* by Roseanne Catt, Sydney, Macmillan, 2005. **(SL)**

Azaria CHAMBERLAIN - *Chamberlain v R* – baby killed

Azaria Chamberlain disappeared on the night of 17th August 1980 from her parents' tent in a camping ground near Uluru. She was nine weeks old. Her mother, Lindy Chamberlain claimed that a dingo "got her baby". Azaria's body was never found. However, Lindy Chamberlain spent three years in jail for Azaria's murder as a jury decided that the evidence showed that she was guilty of her daughter's murder. The Azaria Chamberlain case remains Australia's most controversial case as it dragged on for fifteen years through two inquests, a trial, two appeals and a special inquiry.

Timeline of Azaria Chamberlain case:

| | |
|--------------------|---|
| August 17, 1980 | Nine-week-old Azaria Chamberlain disappears from a tent at the Ayers Rock campsite |
| August 24, 1980 | Tourist finds Azaria's torn jumpsuit, booties, singlet and nappy near the rock |
| December 15, 1980 | First coronial inquest opens in Alice Springs |
| February 20, 1981 | Coroner Denis Barritt finds that a dingo killed Azaria but someone unknown had later interfered with her clothes |
| December 14, 1981 | Second inquest begins |
| February 2, 1982 | Azaria's mother Lindy Chamberlain is committed to trial for murder. Lindy's husband Michael Chamberlain is charged as an accessory after the fact |
| September 13, 1982 | Chamberlains' Supreme Court trial begins in Darwin |
| October 29, 1982 | Chamberlains found guilty. Mrs Chamberlain receives mandatory life sentence for murder. Mr Chamberlain released with an 18-month suspended sentence |
| November 17, 1982 | Mrs Chamberlain gives birth to daughter Kahlia in custody but the baby is taken from Mrs Chamberlain at birth |
| February 7, 1983 | Chamberlains appeal |
| April 19, 1983 | Appeal rejected |
| February 2, 1986 | Azaria's missing matinee jacket found at Uluru, supporting the Chamberlain's defence case |
| February 7, 1986 | Mrs Chamberlain is released from prison on remission |
| June 2, 1987 | A royal commission recommends clearing the Chamberlains of all guilt |
| 1987 | NT administrator pardons both Chamberlains |
| September 15, 1988 | NT Court of Criminal Appeal quashes all convictions; declares Chamberlains innocent |
| 1992 | NT government pays Chamberlains \$1.3 million compensation, \$396,000 legal costs plus \$19,000 for their car which was dismantled for evidence |
| December 13, 1995 | Coroner John Lowndes cannot determine the cause of Azaria's death and the third inquest records an open finding |
| January 2004 | Frank Cole contacts the producers of telemovie <i>Through My Eyes</i> and claims he shot a dingo at Uluru in 1980 and found Azaria in its jaws |
| July 6, 2004 | NT Police say they will investigate Mr Cole's claims and prepare a report for the coroner |
| October 6, 2004 | The NT Coroner's office decides not to reopen the inquest into the death of Azaria, saying it is not satisfied there were new facts or evidence from the Cole investigation to reopen the inquest |
| October 6, 2004 | Lindy Chamberlain-Creighton calls for the case to finally be closed, and for an apology from the NT government |

Court Decisions

[*Chamberlain v R* \(Azaria Chamberlain case & Dingo case\)](#) (1983) 153 CLR 514; (1983) 46 ALR 608; 2 May 1983, HCA, Brennan J – bail application
[*Chamberlain v R* \(Azaria Chamberlain case & Dingo case\)](#) (1983) 46 ALR 493; 29 April 1983, FCA, Bowen CJ, Forster & Jenkinson JJ
[*Chamberlain v R \(No 2\)* \(Azaria Chamberlain case & Dingo case\)](#) (1984) 153 CLR 521; (1984) 51 ALR 225; 22 February 1984, HCA, Gibbs CJ, Mason, Murphy, Brennan & Deane JJ

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

➤ type in `azaria chamberlain` and set date to all date

2. 'The Azaria Syndrome' by John Bryson, *Sydney Morning Herald*, Good Weekend, 12 August 2000, pg 51 **(SL)**

3. [Azaria Chamberlain Story](#) website contains useful background information about this case

4. *Dingo innocent: the Azaria Chamberlain mystery* by Buck Richardson, LeapFrog Press, 2002, 994.291/12 **(SL)**

5. *The Crown versus Chamberlain, 1980-1987* by Ken Crispin, Albatross Books, 1987 N345.9429025/3 **(SL)**

6. 'Victimless crimes and crimeless victims: the media, Fairlie Arrow and Lindy Chamberlain' by Helen Yeates, (1993) 4 (3) *Criminology Australia* 22-25

Anita COBBY - *R v Murphy*

WARNING: material on this case contains details that are explicit and disturbing in nature.

Anita Lorraine Cobby was seized while walking along a suburban street in Blacktown just before 10 pm on 2 February 1986. She was dragged into a car containing five men, and sexually assaulted in the car. She was later dragged from the car, through a barbed wire fence, and into a paddock. After being subjected to a series of sexual assaults, she was killed.

John Travers, Michael Murdoch, and brothers Michael, Leslie and Gary Murphy were arrested, charged and convicted of a range of offences including murder; 'taking with intent to hold for advantage'; assault and robbery; inflicting actual bodily harm with intent to have sexual intercourse and of stealing a car. The trial judge declined to specify non-parole periods and directed that the file of each man be marked 'never to be released'. There are two decisions involving the murder of Anita Cobby; both of which are appeals against the original decision.

Court Decisions

Murdoch, Murphy, Murphy & Murphy v R (1987) 37 A Crim R 118, (NSW Court of Criminal Appeal, 14 December 1987. This decision is not available on Austlii. Is available from LexisNexis Unreported Judgments. **(SL)**

- select Unreported Judgments NSW from Law Databases page
- in Case Name box type `murphy and murdoch`
- student can email copy of case to their email address.

[Murphy v R](#) (High Court of Australia, Mason CJ, Brennan, Deane, Dawson & Toohey JJ, 30 May 1989) (1989) 167 CLR 94; (1989) 86 ALR 35; (1989) 40 A Crim R 361.) **(SL)**

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in `anita cobby and murder` and set date to all dates
2. Search library catalogue for books written about Anita Cobby. **(SL)**
 - type in `anita cobby` in Keyword Search
3. See 'Inside the Cobby case: How Anita Cobby's death changed lives' by Amruta Slee, 1 March 2003, *Sydney Morning Herald* Good Weekend pp 18-27. **(SL)**

Corey DAVIS - *R v LMW* – doli incapax

A 10 year-old boy, LMW, was charged with the manslaughter of six year-old Corey Davis. Corey Davis drowned on 2 March 1998, after the accused dropped him into the Georges River, knowing that he was unable to swim. However, the boy walked free after being found not guilty of the manslaughter of Corey Davis by a jury. The jury supported the defence case that the drowning of Corey had been a childish prank gone wrong, enacted by an almost retarded boy who did not appreciate the consequences of his actions. This case raised the issue of *doli incapax*, which presumes any child aged 10-14 is incapable of criminal intent unless proven otherwise.

The decision of the Supreme Court mirrored that of Senior Children's Court magistrate Stephen Scarlett, who had dismissed the manslaughter charge against the boy at a committal hearing during April 1999. This jury decision was handed down in early December 1999 and is not publicly available. However, there are three decisions of Studdert J who presided over this trial, discussing aspects of the evidence that arose during the trial.

It is worth noting that the reading of these decisions will not provide much information about the *doli incapax* issue. One outcome of this case is that there was discussion about reforming the law, which as at 2007 has not happened.

Court Decisions

[R v LMW](#) [1999] NSWSC 1128, 23 November 1999

[R v LMW](#) [1999] NSWSC 1109, 17 November 1999

[R v LMW](#) [1999] NSWSC 1111, 17 November 1999

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in corey davis and doli incapax and set date to all dates
2. Two good articles on [Proquest ANZ Newsstand](#) are:
 - 'Suffer the children' by Louis Schetzer, *Sydney Morning Herald*, 14 January 2000, pg 13.
 - 'Children of 12 may be tried as adults' by Linda Doherty, *Sydney Morning Herald*, 11 January 2000, pg 3.
2. *Hot Topics 49: Juvenile Justice* (2004) at p 7.
3. *A Review of the Law on the Age of Criminal Responsibility of Children*: discussion paper/ Criminal Law Review Division, Attorney General's Department New South Wales, 1999 (LIAC/NQ345.94404/3A) (SL)
4. [The Age of Consent](#), Briefing Paper No. 21/1997 to NSW Parliament by Rachel Simpson and Honor Figgis.
5. *A review of the law on the age of criminal responsibility of children* by Louis Schetzer, National Children's and Youth Law Centre, 2000 (NQ346.940135/18) (SL)

R v DAWES - manslaughter of autistic son

Daniella Dawes was charged with the manslaughter of her ten year-old son who had severe autism. Judge Roy Ellis heard the case in the Parramatta District Court. The crown appealed unsuccessfully against the five-year good behaviour bond she was given. In October 2006, the Deputy State Coroner handed down his findings into the death of Jason Dawes. The Coroner recommended that there be greater early intervention funding to help other families struggling to care for disabled children. Copy of Coroner's inquest is not publicly available.

Court Decision

[R v Dawes](#) [2004] NSWCCA 363, 29 September 2004

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in `daniella dawes` or `daniela dawes` and set date range to 01/10/2003 to 20/10/2006

A useful article available on [Proquest ANZ Newsstand](#) is 'Families of disabled children need help too, says coroner' *Sydney Morning Herald*, 14-15 October 2006, pg 4 – brief article containing details of Coronial Inquiry.

Drive by Shooting - law reform

During 2003 in NSW there was a spate of 'drive-by shootings' at and into people's homes in Sydney. The government responded by passing the *Firearms and Crimes Legislation Amendment (Public Safety) Act* in September 2003. This Act, which amended the Crimes Act and the Firearms Act, created a new offence of 'drive-by shooting', with a maximum 14-year jail term.

This is a good example of the law changing in response to a crime that the criminal justice system was not able to deal with adequately.

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW
 - type in drive by shooting and sydney and parliament and set date to range to 01/01/2003 to 01/01/2004
 - type in drive by shooting and sydney and task force gain and set date range to 01/01/2003 to 01/01/2004
2. [Firearms and Crimes Legislation Amendment \(Public Safety\) Bill](#) 2003. Explanatory Notes and Minister's Second Reading Speeches that accompany this Bill. These are available on the NSW Parliament website:
Tip: the 2R speech (second reading speech) is worth reading as it explains why the bill was introduced.

DE GRUCHY - Judge's instructions to jury

WARNING: material on this case contains details that are explicit and disturbing in nature.

Matthew De Gruchy was convicted on 14 October 1998 of the murders of his mother, Jennifer, brother, Adrian, and sister, Sarah. All died at the family home on 12 March 1996, from serious head injuries. Because of his youth De Gruchy was not given life: instead he was sentenced to a minimum of 21 years and an additional seven years. He appealed against the sentences in the NSW Court of Criminal Appeal, and then in the High Court where the appeal was dismissed. His appeal was based on comments by the prosecution about De Gruchy's state of mind, and on the judge's directive to the jury.

Court Decisions

[R v De Gruchy](#) (2000) 110 A Crim R 271, [2000] NSWCCA 51

[De Gruchy v R](#) [2002] HCA 33

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in de gruchy and murder and family and set date to all dates
2. 'The Case of the Improbable Murderer: *De Gruchy v R*' by Jeremy Gans (2002) 24 (1) *Sydney Law Review* 123 (**SL**) or as an inter-library loan (**L**).

Ebony – *R v BW & SW (No 3)* – murder and manslaughter – starvation of daughter

The offenders, SW and BW were the parents of a seven year old girl known as Ebony. She had been diagnosed with autism, and died as a result of starvation and neglect over a twenty month period. Several doctors who gave evidence at the trial of her parents testified that Ebony suffered from the most severe case of malnutrition they had ever seen. After a five week trial, the girl's mother SW was found guilty of her murder and sentenced to life imprisonment and the girl's father BW was found guilty of manslaughter and sentenced to 16 years with a non-parole period of 12 years.

Much was written in the media in response to this tragic event – how a little girl could literally starve to death and not be noticed by the school, the Department of Community Services, the Department of Housing, the Department of Education and Training and the medical profession. However, it was clear from the evidence in the trial that Ebony disappeared from view completely in July 2006 – she did not even appear in family photographs. Her last visit to a medical doctor was on 27 March 2006. Justice Hulme in his judgment was scathing of the parent's in their complete lack of care, love and attention towards their daughter and that their neglect was directly responsible for her slow and agonising death. The NSW Ombudsman presented a report to NSW Parliament in early October investigating the involvement of each government department with Ebony's family and the events surrounding her death.

Court decision

[R V BW & SW \(NO 3\)](#) [2009] NSWSC 1043, 2 October 2009, RA Hulme J

Commentary and Media Reports

1. Full text of newspaper articles available on [Proquest ANZ Newsstand](#), is available remotely to [registered](#) clients of the State Library of NSW.
 - type in `hawks nest and starvation` and set date to 1 November 2007 to 31 December 2007 - one article that provides a useful overview soon after Ebony was found “police called in as girl starves to death” by James Madden, 7 November 2007, [The Australian](#).
 - type in `ebony and starvation` and set dates to 1 August 2009 to 22 October 2009 – one article that provides a useful overview of the court decision “couple get life in jail for murder of daughter” by James Madden, 3 October 2009, [The Australian](#).
2. The Australian Institute of Criminology have written two reports on Child Abuse and Neglect:
 - “Child Abuse and Neglect: Part 1 – Redefining the issues” by Marianne James, February 2000, [Trends and Issues](#) No 146.

- “Child Abuse and Neglect: Part 2 – Practical Intervention and Prevention Activities by Marianne James, October 2000, [Trends and Issues](#) No 173.
3. “[Special Report: The death of Ebony: The need for an effective interagency response to children at risk](#)”, 6 October 2009. Special report by the NSW Ombudsman to Parliament.

This report provides a background of Ebony and her family situation and an overview of agency involvement. It outlines this office investigation and findings in relation to five key agencies and the steps taken by these agencies to address identified deficiencies. The report also considers the NSW Government child protection reform plan and the proposed significant changes that are directly relevant to the problems discussed in this report.

EN - Assault on five week old baby

A man was attacked in Maroubra in August 2003, while carrying his baby in a harness across his chest. The baby's skull was fractured during the attack. The four attackers were initially charged for the assault on the father, but not on the baby. The Local Court held that as the attackers were unaware of the presence of the baby they could only be charged for the assault on the father.

The four accused were Lloyd Penrice, David Betts, Trent Benischke and Eric McKenna.

After a public outcry the Director of Public Prosecutions (DPP) indicted the accused men. They were found guilty in the District Court of the assault on both father and baby. The names of the father, JN, and baby, EN, have been suppressed by the courts although their names may appear in early newspaper reports of the crime.

Court Decisions

R v McKenna; R v Benischke (2004) 2 DCLR (NSW) 100 The District Court decision of 2004 is not available online. You can access it in hard copy at the State library, or arrange an inter-library loan through your local library. **(SL)**

[R v Trent Benischke](#) [2005] NSWCCA 169, 28 April 2005

[McKenna v Regina](#) [2007] NSWCCA 113, 18 May 2007

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW

➤ type in nunes and assault and lloyd penrice OR eric noel mckenna and set to all dates.

A good article available on Proquest is 'Men to face trial over bashed father and baby' by Natasha Wallace, *Sydney Morning Herald*, 19 November 2004, page 4.

Peter FALCONIO – *R v Murdoch* – outback murder

British tourists Peter Falconio and girlfriend, Joanne Lees were travelling on the remote Stuart Highway in July 2001, north of Alice Springs, when they were flagged down by a man driving a pick-up. Falconio walked to the back of the vehicle with the man and Lees heard a shot. She was then bound, gagged and bundled into the pick-up. Lees managed to escape into the bush, hiding from her assailant and his dog for several hours. Mr Falconio's body has not been found.

Bradley Murdoch, a 44-year-old from Broome, was arrested in August 2002. He was initially named by police leading the Falconio investigation as 'a person of interest'. A legal appeal was then mounted, and won, to compare his DNA with blood found on the clothes Joanne Lees was wearing the night the crime occurred.

This is an interesting case as it involves the use of DNA testing to identify the suspect.

In December 2005 in the Northern Territory Supreme Court Murdoch was found guilty of Falconio's murder and given a minimum of 28 years imprisonment. He appealed against the decision, but the appeal was dismissed.

Court Decisions

The Northern Territory Supreme Court decision is not available. Several decisions finding items of evidence admissible have been selected as representative, and include the facts of the case.

The 2007 decision of the appeal in the Northern Territory Court of Criminal Appeal is available – see below.

[R v Murdoch](#) [2005] NTSC 75, 15 December 2005

[R v Murdoch](#) [2005] NTSC 76, 15 December 2005

[R v Murdoch](#) [2005] NTSC 80, 15 December 2005

[Bradley John Murdoch v R](#) [2007] NTCCA 1, 10 January 2007

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in `falconio` and `murdoch` and `murder` you will get hundreds of hits so limit the dates to the following
 - for articles on the verdict and sentence set dates 10/12/2005 to 15/12/2005
 - for articles during trial set dates to 01/11/2005 to 01/12/2005

FERNANDO - *R v Fernando* - sentencing of Aboriginal offenders

Fernando and the victim, Janice Ann Kennedy had been friends and sometime de facto partners. In 1991 in Walgett Fernando attacked Kennedy with a butcher's knife, stabbing her number of times around the neck and leg. She was treated at the hospital and was allowed to leave. Fernando was charged with malicious wounding and pleaded guilty.

The case is often referred to in discussions of sentencing indigenous offenders. The "Fernando principles" take reduced socio-economic circumstances and loss of customary law into account when sentencing indigenous offenders.

Court Decision

R v Fernando (1992) 76 A Crim R 58, NSW Supreme Court, Wood J, 13 March 1992. This decision is not available on Austlii. Full text of decision is available on Unreported Judgments **(SL)**.

- select Unreported Judgments NSW from Law databases page.
- in Case Name box type `stanley edward fernando`
- student can email copy of each case to their email address.

Commentary and Media Reports

1. *Criminal Laws: Materials & Commentary on Criminal Law* by Brown & Farrier, Federation Press, 2006, paragraph 12.6.4 provides a useful summary of the "Fernando Principles". **(L)**
2. References to magazine articles use [AGIS Plus](#) via Informit Online which is available remotely to [registered](#) clients of the State Library of NSW.
 - type in `Fernando`
 - Select full text articles only.
3. *White Out: how politics is killing black Australia* by Rosemary Neill, Allen & Unwin, 2002. This book includes discussion of this case. **(SL)**
4. [Sentencing Aboriginal offenders](#), Law Reform Commission (NSW) Report 96 (2000) available at (See Sentencing Principles).
5. 'Fernando and the Sentencing of Indigenous Offenders' by Martin Flynn (2004) 16 (8) *Judicial Officers' Bulletin* 67 **(SL)**.

Kathleen FOLBIGG – *R v Folbigg* - murder of infants

Kathleen Folbigg was found guilty of the murder of her four babies. Folbigg, aged 36, was found guilty of killing Caleb, Patrick, Sarah and Laura, who were aged between 19 days and 19 months. The first killing occurred in 1989 and the last in 1999. Two of the deaths were attributed to sudden infant death syndrome, one to an epileptic fit and another cause of death was undetermined.

Justice Barr sentenced Folbigg to 40 years, with a non-parole period of 30 years. Folbigg successfully appealed against the length of sentence, having it reduced to 30 years with a non-parole period of 25 years. Folbigg's appeal to the High Court was refused on 2 September 2005 [2005] HCATrans 657.

Court Decisions

[R v Folbigg](#) [2003] NSWSC 895

[R v Folbigg](#) [2005] NSWCCA 23

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in kathleen folbigg and murder and trial and set date to all dates
2. See [Of Woman Born](#) on Australian Story for transcript of a two part program on the case, played 15 and 22 March 2004

Peter FORSYTH - *R v Hearne* – attack on police officer

At about 11.30 or 12 o'clock at night in a street of Ultimo, Hearne and his half brother offered what was believed to be an ecstasy tablet to three off-duty police officers. The police asked Hearne for identification and a struggle ensued. Using a knife he had in his bum bag, Hearne stabbed Constable Semple in the abdomen and chest, and Constable Forsyth through the heart.

Murray Hearne was sentenced to 27 years imprisonment for killing Constable Peter Forsyth and six years for maliciously wounding Constable Jason Semple with a knife. In 2001 the NSW Court of Criminal Appeal reduced the sentence to a maximum of 18 years.

Court Decisions

[R v Hearne](#) [1999] NSWSC 605, 4 June 1999

[R v Hearne](#) [2001] NSWCCA 37, 28 February 2001

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW

- type in peter forsyth and hearne and murder and set date to all dates

Steven FRASER - *R v Fraser* – murder of children

Steven Anthony Fraser was found guilty of murdering Ashley 7, Ryan 5 and Jarrod 4 in his Caringbah unit over the weekend of 18-19 August 2001. He drugged them and drowned them in the bathtub to punish his wife for her new relationship. He was sentenced to 32 years in prison.

Court Decisions

[R v Fraser](#) [2003] NSWSC 965, 27 October 2003, Howie J

[R v Fraser](#) [2004] NSWSC 53, 13 February 2004, Howie J

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in `steven fraser and children and murder and set date to all dates`
2. '[Family Homicide in Australia](#)' by Jenny Mouzos & Catherine Rushforth *Trends & Issues in Crime and Criminal Justice* No 255. See [_](#)

Michael FURLONG - *R v Sorrell*- defence of mental illness

Michael Furlong was shopping for an electronic part at a shop in Smithfield. As he left the store, Sorrell approached him and fatally stabbed Michael Furlong with a hunting knife. Sorrell was found to be not guilty of murder on the grounds that he was mentally ill when he committed the crime. Sorrell suffered from paranoid schizophrenia.

This is an interesting case as it follows an old case *R v M'Naghten* (1843) 8 ER 718 and *R v Porter* (1936) 55 CLR 182. A number of issues are raised by this case such as how the criminal justice system deals with people with mental illness. Sorrell is in Long Bay hospital, and his detention is reviewed every six months by the Mental Health Review Tribunal.

Court Decision

[R v Sorrell](#) [2003] NSWSC 30, 7 February 2003

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in furlong and sorrell and murder and set date to all dates
2. References to magazine articles use [AGIS Plus](#) via Informit Online
 - type in mental illness and homicide
3. *Criminal Laws* by Brown, Farrier & Egger 4th ed. Federation Press, 2006 **(SL) (L)** provides useful summary of the M'Naghten Rules as well as defences such as mental illness in criminal cases.
4. [Mental Disorder & Homicide in Australia](#)' by Jenny Mouzos; *Trends and Issues* No 133; available from **(E) (L) (SL)**.
5. [Mental health and the Criminal Justice System](#)' by Karen Freeman, Oct 1998 *Crime and Justice Bulletin* No 38; available from

Gang Rape Cases - law reform

There are a number of cases concerning different gang rapes that occurred in the western and south-western suburbs of Sydney. These cases (Gang Rape Case 1, 2 and 3) attracted much media attention, which in turn led to changes in legislation, so there is a great deal of commentary that provides valuable insight into how the courts and parliament have responded to these crimes and the response of the public.

These two reports are useful resources of the all the gang rape cases:

1. [Gangs in New South Wales](#), NSW Parliamentary Paper 16/2002. (SL) (E)
2. [Understanding Youth Gangs](#) by Rob White; Australian Institute of Criminology Trends & Issues No 237 (E) (SL).

R v AEM, R v KEM, R v MM - Gang Rape Case No1

WARNING: material on this case contains details that are explicit and disturbing in nature.

The first case was heard in August 2001, by Justice Latham in the District Court. There was a huge public outcry over the leniency of the sentence – six years. The three teenagers, who cannot be named because two were 16 at the time of the attack, each pleaded guilty to two counts of aggravated sexual assault against the two girls, who were then 16. Justice Latham sentenced the eldest - referred to as AEM Snr, - to a non-parole period of four years, his brother, KEM, a minimum three and half years, and their cousin, MM, four years, although the maximum penalty available was twenty years.

The Crown appealed the leniency of the sentences and the Court of Appeal increased each of the non-parole sentences to 9 years, 10 years and 10 years respectively. Maximum terms were increased to between 13 and 14 years. The Court of Appeal also ordered that they should serve the remainder of their terms in an adult prison once they turned 19 and 20 respectively.

Following a public outcry at the sentences originally imposed on the offenders in this case the NSW Government amended the *Crimes Act 1900* (NSW) with the *Crimes Amendment (Aggravated Sexual Assault in Company) Act 2001*. This amendment inserted a new section (61JA), so that judges could impose longer sentences.

Court Decisions

R v AEM, R v KEM, and ***R v MM*** [2001] NSW District Court, Judge Latham, 22 August 2001 (SL)

[R v AEM, R v KEM and R v MM](#) [2002] NSWCCA 58, 13 March 2002

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - to locate articles about the Latham decision, type in `latham and gang rape and sydney` and set date to all dates.
2. [Crimes \(Aggravated Sexual Assault\) Amendment Bill](#) 2001:
Tip: the 2R speech (second reading speech) is worth reading as it explains why the bill was introduced.

R v Bilal SKAF, R v Mohammed SKAF - Gang Rape Case No 2

WARNING: material on this case contains details that are explicit and disturbing in nature.

Bilal Skaf and his brother, Mohammed, were part of a gang that raped several young women in Sydney during 2000. They took the girls to remote locations and sexually assaulted them.

The Skaf case was heard in the District Court by Judge Finnane in July 2002. Bilal as ringleader was sentenced to 55 years. Skaf appealed and his sentence was reduced by several years.

In one of the Skaf appeal cases the judge ordered a retrial because two jury members visited the scene of the crime to look at the lighting in the park at night. The victim refused to testify at yet another trial. As a result the government amended the *Criminal Procedure Act 1986* with the *Criminal Procedure Amendment (Evidence) Act 2005*. This legislation allows transcript evidence to be used in certain types of trials. The latest trial in 2006 again found Bilal and Mohammed Skaf guilty. For this case, there are at least two different issues that you can explore. Firstly, the sentence given for this crime and secondly, the behaviour of jurors.

In December 2008 the NSW Court of Criminal Appeal reduced the sentences given to Bilal Skaf (from 55 years to 35 years) and Mohammed Skaf (from 18 years to 12 years).

Court Decisions

Note: The decision of Judge Finnane in the Skaf District Court case is not available.

[Regina v Bilal Skaf; Regina v Mohammed Skaf](#) [2006] NSWSC 394, 28 July 2006

[R v Bilal Skaf](#) [2005] NSWCCA 297, 16 September 2005

[R v Mohommed Skaf](#) [2005] NSWCCA 298, 16 September 2005

[R v Bilal Skaf, Mohammed Skaf](#) [2004] NSWCCA 37, 6 May 2004

[R v Skaf, Ghanem & Hajeid](#) [2004] NSWCCA 74, 29 April 2004

Decision that reduced their sentences: [R v Skaf & Skaf](#) [2008] NSWCCA 303, 17 December 2008

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - to locate articles about the Finnane decision, type in `finnane and gang rape and skaf` and set date to 2001+
 - to locate articles about the legislation , type in `gang rape and bilal skaf and legislation` and set to all dates
2. ABC Television *Four Corners* '[Sentencing of Bilal Skaf](#)', 16 September 2002. The District Court sentencing judgment is published on the ABC website
3. [Criminal Procedure Amendment \(Evidence\) Bill 2005](#), explanatory notes and 2nd reading speeches (2R) on the NSW Parliament website.

Tip: the 2R speech (second reading speech) is worth reading as it explains why the bill was introduced.

R v MSK, MAK, MRK, MMK - Gang Rape Case No 3

WARNING: material on this case contains details that are explicit and disturbing in nature.

MSK, MAK, MRK, MMK were all found guilty of a violent pack rape on two schoolgirls. This is the sentencing decision of Justice Brian Sully. The four brothers were sentenced to between 10 and 22 years each. The five lured two girls, known as LS 17 and HG 16 to the brothers' Ashfield family home on 28 July 2002. As sexual assault crimes go, this was the worst in its category according to Justice Sully. MMK and MRK lost their bid to appeal against their sentences in the Court of Appeal in August 2005. Both brothers were sentenced to 22 and 10 years in prison. The sentences of MAK & MSK were varied in November 2006.

Court Decisions

[R v MSK, MAK, MRK & MMK](#) [2004] NSWSC 319, Sully J
[R v MSK & MAK](#) [2004] NSWCCA 308, 6 September 2004
[R v MMK](#) [2005] NSWCCA 273, 4 August 2005
[R v MRK](#) [2005] NSWCCA 271, 4 August 2005
[R v MAK, R v MSK, R v MMK](#) [2005] NSWCCA 369, 4 November 2005
[R v MSK, MAK & MMK](#) [2006] NSWSC 237, 5 April 2006, Hidden J
[R v MAK, MSK](#) [2006] NSWCCA 381, 30 November 2006

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - Type in gang rape and mmk and msk and trial and set date to all dates.
2. *Girls Like You* by Paul Sheehan, Pan Macmillan, 2006. **(SL)**

GILHAM Family - *R v Gilham*- murder of parents and brother

After a police investigation, a coronial inquest and two criminal trials, Jeffrey Gilham, 37 was found guilty of murdering his parents in a frenzied attack at the family's home in Woronora on 28 August 1993. Jeffrey Gilham had always maintained that it was his older brother, Christopher, who had murdered their parents and that Jeffrey in a rage at discovering this had wrenched the knife from his brother and stabbed Christopher seventeen times. However, his uncle had been unhappy with this scenario and believed that it was Jeffrey, not Christopher who had stabbed his parents. It took fifteen years, two coronial inquiries, a Channel Nine *Sixty Minutes* investigation, and three trials in court for a jury to find Jeffrey Gilham guilty of murder of all three of his family.

In March 2009 he was sentenced to life in prison.

Court Decision

[R v Gilham](#) [2009] NSWSC 138; 11 March 2009

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW

- type in jeffrey gilham and murder
- refine your search or change the dates if you get too many or too few hits

Gonzales Family - *R v Sef Gonzales* – murder of family

WARNING: material on this case contains details that are explicit and disturbing in nature.

On 10 July 2001, at North Ryde, Sef Gonzales' parents, Mary-Loiva and Teddy, and his sister Clodine were murdered. Clodine had celebrated her 18th birthday the previous day. It took police 11 months to arrest Sef, who created elaborate lies to divert suspicion away from him. On 20 May 2004, a jury found Sef Gonzales guilty of three counts of murder.

Court Decision

[R v Gonzales](#) [2004] NSWSC 822, 17 September 2004

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in `sef gonzales and murder and family` and set date to all dates.
2. '[Family Homicide in Australia](#)' by Jenny Mouzos and Catherine Rushforth, *Trends & Issues in crime and criminal justice* No 255
3. 'My child, my killer' by Geesche Jacobsen, *Sydney Morning Herald*, 14 October 2004, this article explores this crime and other parricide murders. Available on Proquest ANZ Newsstand (see above).

Paul HAMILTON – *RSPCA v Hamilton* - cruelty to animals

Paul Hamilton was in charge of thousands of animals that were kept for the use of their blood in pharmaceutical products. RSPCA officers visited the property a number of times in 2005 and were concerned at the condition of the animals. They were in poor and emaciated condition with overstocking and drought conditions contributing to the animals' plight.

The neglect continued over a period of time and in 2007 Hamilton was charged under the [Prevention of Cruelty to Animals Act 1979 \(NSW\)](#) with over 100 counts of aggravated cruelty, failure to provide proper and sufficient food, and failure to provide veterinary treatment.

The case was heard in Wagga Wagga Local Court and in June 2008 Hamilton was sentenced to 17 months in jail. He was also banned from owning any livestock for 10 years.

Court Decision

[RSPCA v Hamilton](#) [2008] NSWLC 13

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW

- type in hamilton and cruelty and animals
Change the dates if you get too many or too few hits

Irena HATFIELD - *R v Hatfield*

On 19 April 1985, Christopher Hatfield was shot dead in the living room of his house at Maroubra that he occupied with Irena Hatfield and her two daughters from a previous marriage. A police investigation followed, however no charges were laid at that time. On 13 June 1997 Irena Hatfield was arrested and charged with the murder, but was later acquitted when testimony against her was discredited.

Court Decisions

[R v Hatfield](#) [1999] NSWSC 998, 30 September 1999

[R v Hatfield](#) [1999] NSWCCA 340, 28 October 1999

[R v Hatfield](#) [2001] NSWSC 334, 7 September 2001

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in irena hatfield and murder and husband and set date to all dates
2. Search library catalogue for books written about Irena Hatfield. **(SL)**
3. *Irena: the Irena Hatfield story*, Irena Hatfield, Harper Collins, 2001 **(SL)**

Johanne HATTY - *R v Fleming*

Johanne Hatty, a young Sydney woman, was raped and murdered near Neutral Bay wharf on her way home from work one evening in 1984. Her murder went unsolved for many years, and although police had suspected Fleming at the time, they were unable to find enough evidence to convict him.

Police recently obtained DNA from Fleming and were able to match it with that found on the victim's body. Fleming had already been imprisoned for sexual assault in Queensland.

Twenty years after the crime, Fleming was charged, and subsequently found guilty of Hatty's murder. He was sentenced to twenty one years, with a non-parole period of sixteen years.

This was the first successful cold case investigation by the Unsolved Homicide Unit using DNA evidence to clear up unsolved crimes.

Court Decision

[R v David Graham Fleming](#) [2007] NSWSC 673, 29 June 2007.

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in Johanne Hatty and Fleming and set date range to All Dates

Christopher HOERLER - *R v Hoerler* - manslaughter of baby

On 25 February 2000, Jordan Anderson was found dead when ambulance officers arrived at a house in Wagga Wagga. Christopher Hoerler pleaded not guilty to the murder of the seven-month old son of his girlfriend. Hoerler was found guilty of manslaughter and sentenced to 11 years imprisonment.

Court Decisions

[R v Hoerler](#) [2003] NSWSC 1187, 11 December 2003

[R v Hoerler](#) [2004] NSWCCA 184 (crown appeal against sentence)

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW

- type in `hoerler and jordan anderson and murder and date` to all dates

Ian and Anna HUGHES - *R v Johnson* - robbery and murder

Peter James Johnson was known to the victims and did odd jobs for them around their home in South Maroota, northwest of Sydney. Johnson needed money to complete a purchase of a hotel so on 23 September 2005 he went to the Hughes' home. He tied them up and obtained the PIN number to their bank accounts. He then strangled the couple and withdrew money from their accounts.

No witnesses could place Johnson at the Hughes' house on the day but DNA taken from scarves used to strangle the victims implicated Johnson. He was found guilty and given a life sentence for each of the murders.

Court Decision

[R v Johnson](#) [2007] NSWSC 274; 29 March 2007,

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW

- type in johnson and hughes and murder and set date range to All dates

Lauren HUXLEY - *R v Farmer* – near fatal attack

On the afternoon of 9 November 2005 18 year old Lauren Huxley was attacked in her home in Northmead, Sydney, when she came home from TAFE. The house was on fire when she was found unconscious lying on the garage floor bound and gagged with horrific head injuries and covered in petrol. Lauren underwent extensive surgery and rehabilitation for the injuries sustained.

Robert Black Farmer who lived nearby but was not known to the Huxleys was charged with the crime.

In June 2008 in the NSW Supreme Court Farmer was found guilty of 3 counts – detaining his victim, causing grievous bodily harm with intent to murder her, and setting fire to the house thereby endangering the life of his victim. He was sentenced to a non-parole period of 20 years.

Court Decision

[R v Farmer](#) [2008] NSWSC 581; 13 June 2008

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW

- type in lauren huxley and farmer or lauren huxley and verdict
- Change the dates if you get too many or too few hits.

Megan KALAJZICH - *R v Kalajzich* – murder of wife

Megan Kalajzich was murdered as she slept beside her husband. Andrew Peter Kalajzich, then owner of the Manly Pacific Hotel was charged and convicted of the murder of his wife Megan Kalajzich, with conspiracy to murder her, and with discharge of a loaded gun with intent to murder her. The convictions followed a trial at Central Criminal Court from 7 March to 25 May 1988, before Justice Maxwell and a jury.

Court Decision

R v Kalajzich NSW Supreme Court, Grove J, 19 September 1992.

This decision is not available on Austlii, but is available on LexisNexis Unreported Judgments. **(SL)**

- select Unreported Judgments NSW from Law databases page
- in Case Name box type `kalajzich`
- student can email a copy of each case to their email address

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#) available remotely to [registered](#) clients of the State Library of NSW
 - type in `megan kalajzich and murder and husband` and set date to all dates
2. Search library catalogue for two books written about Andrew Kalajzich. **(SL)**
 - type in `andrew kalajzich` in Keyword Search.
3. *Report of the inquiry held under section 475 of the Crimes Act 1900 into the conviction of Andrew Peter Kalajzich at the Central Criminal Court, Sydney on 27 May 1988, 30 May 1995 by the Honourable John Slattery.* **(SL)**

Shahab KARGARIAN - *R v Collisson; R v Bradley* - murder of two teenagers

On 8 October 2000, Shahab Kargarian aged 17, and his girlfriend Shabnam Faiz were out together at a park at Greenwich. They were approached by two men, and one demanded that Shahab hand over his wallet. When he said he didn't have his wallet, the assailant produced a gun, and shot and killed Shahab. David Leonard Collisson and Simon Mark Bradley were found soon after at a nearby reserve and were eventually charged with the murder. They both pleaded not guilty, and separate trials were held.

Court Decisions

[R v Collisson](#) [2002] NSWSC 229, 26 March 2002

[R v Bradley](#) [2002] NSWSC 1018, 1 November 2002

[R v Collisson](#) [2003] NSWCCA 212, 29 July 2003

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in (collisson or collison) and kargarian and murder and set date to all dates.

Note variation in spelling.

Phillip King - status of unborn child – law reform

Kylie Flick was pregnant with Phillip King's child. King wished to have the pregnancy terminated but Flick refused. On 20 August 2002, King attacked Flick, punching her in the stomach. Ms Flick's stillborn foetus was delivered three days later.

King was originally sentenced to ten years with a non-parole period of six and a half years. He appealed against the harshness of the sentence. The Director of Public Prosecutions also appealed against the sentence, but because it was too lenient. King's sentence was increased to 12 years with a non-parole period of eight years.

Following this decision in December 2004, the NSW Attorney-General announced that the government planned to change the law to reflect the principles stated by the court. The definition of grievous bodily harm in the NSW *Crimes Act* was amended in 2005 to include the loss of a foetus.

(See also Byron's Law)

Court Decisions

[R v King](#) [2003] NSWCCA 399, 19 December 2003

[R v King](#) [2004] NSWCCA 444, 7 December 2004

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW
 - type in `kylie flick` or `unborn child` and `murder` and set date to all dates
2. Text and discussion in NSW parliament on the [Crimes Amendment \(Grievous Bodily Harm\) Bill](#)
Tip: the 2R speech (second reading speech) is worth reading as it explains why the bill was introduced.
3. [Review of the law of manslaughter in New South Wales](#), by Justice Finlay, available at - includes review of death of the unborn child.

Leigh LEIGH - *R v Matthew Grant Webster*

WARNING: material on this case contains details that are explicit and disturbing in nature.

Leigh Leigh, a 14-year old girl, attended a party at the local surf club for the sixteenth birthday of a boy who went to her school. While at the party, she was brutally raped and murdered. Her body was found in the sand dunes the next morning. Although there was strong evidence to suggest the involvement of several people in the assaults, Matthew Webster was the only person jailed for Leigh's death. The case remains controversial because no charges were laid for many of the serious assaults on Leigh Leigh on the night she was killed. The following case is an appeal against the original sentence given to Webster.

Court Decision

R v Webster NSW Supreme Court, Gleeson CJ, Lee & Allen JJ, 15 July 1991. This decision is not available on Austlii, but is available on Unreported Judgments (SL)

- select Unreported Judgments NSW from Law database page
- in Case Name box type `matthew grant webster`
- student can email copy of case to their email address

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW
 - type in `leigh leigh` and `murder` and set date to all dates
2. Search library catalogue for books (2) written about Leigh Leigh. (SL)
 - type in `leigh leigh` in Keyword Search
3. ABC Radio National - *Background Briefing*: 29 September 1996 - '[Sticks and Stones: The Killing of Leigh Leigh](#)'
4. 'In Her Death She Remains as the Limit of the System' by Morrow & San Roque, (1996) 18 *Sydney Law Review* 474 (SL).
5. *Investigation into the circumstances surrounding the murder of Leigh Leigh on 3 November 1989 and other offences* by the New South Wales Crime Commission (SL)
6. *Who killed Leigh Leigh? A story of shame and mateship in an Australian town* by Kerry Carrington (1998) (SL)

Dominic Li - *R v Dax Satorre and R v AB* – acid attack and murder

Dominic Li was attacked by two men in his home on December 2002. Hydrochloric acid was poured on his face and mouth which left him blind, with a burnt oesophagus that eventually blocked his breathing. He died painfully three weeks later.

Dominic Li was an accountant whose brother-in-law, Phillip Ma, owed money to Yonky Irvin Tan. Tan, a distributor of drugs, masterminded the attack on Li in order to flush out Ma who had disappeared.

AB was paid to contract the men who carried out the attack, Richard Nimmo and Maua Sua. AB also organized Dax Satorre to drive the car to Li's home.

Satorre confessed to his part in the crime and received a sixteen year sentence. Satorre appealed the length of his sentence but the appeal was unsuccessful. AB also confessed to being an accessory to the murder and got an eighteen year sentence.

Tan was found guilty of masterminding the attack on Li and given a life sentence. In the same court case the jury found Sua and Nimmo not guilty of murder, although they remain in prison for unrelated offences.

Court decisions

[*Dax Satorre v R* \[2006\] NSWCCA 298 \(26 July 2006\)](#)

[*R v AB* \[2006\] NSWSC 69 \(17 February 2006\)](#)

[*R v Tan* \[2007\] NSWSC 684 \(29 June 2007\)](#)

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in `dominic li` and `murder` and set date range to All Dates

Faheem Khalid LODHI - *Terrorism*

On 19 June 2006 Lodhi was found guilty by a jury in respect of three charges. First, that he collected documents, namely two maps of the Australian electricity supply system, which were connected with preparation for a terrorist act, namely bombing part of the system. Second, that Lodhi intentionally did an act in preparation for a terrorist act, namely he sought information concerning the availability of materials capable of being used for the manufacture of explosives in incendiary devices. Third, that he possessed a document containing information concerning the ingredients for and the method of manufacture of poisons, explosives, detonators and incendiary devices connected with the preparation for a terrorist act.

There are numerous decisions concerning this case, however, it is the sentencing decision that outlines the offences that Lodhi was charged with that provides the most useful information. This case demonstrates that the new laws introduced by the Federal Government have criminalised both the committing or attempting a terrorist act, as well as preparing for one. Lodhi was sentenced to 20 years jail for collecting documents in preparation for a terrorist act, even though he had no specific plan to carry this out.

Court Decision

[R v Lodhi](#) [2006] NSWSC 691, 23 August 2006

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in `lodhi` and set date to 20/08/2006 to 30/09/2006.

Glenn McENALLAY - *R v Penisini; R v Lagi; R v Taufahema* – murder of police officer

In March 2002 Senior Constable Glenn McEnallay was driving an unmarked police car when he pursued a stolen car. After a high speed chase the stolen car struck a gutter. Sione Penisini got out of the car and fired at McEnallay who died seven days later from the gunshot wounds. Inside the car were three other men, Meli Lagi, and John and Motekiai Taufahema, as well as four loaded firearms.

Penisini and John Taufahema received lengthy prison sentences for murder and other offences. Motekiai Taufahema was convicted of murder in a separate trial, but successfully appealed against the decision in May 2006 and a retrial was ordered by the Court of Criminal Appeal. Meli Lagi was sentenced for firearm offences and appealed against his sentence without success. In February 2007 John Taufahema had his appeal upheld and the Court of Criminal Appeal quashed his conviction and ordered a new trial.

Court Decisions

[*R v Penisini; R v Lagi; R v Taufahema*](#) [2003] NSWSC 892, 2 October 2003

[*R v Lagi*](#) [2004] NSWCCA 443,8 December 2004

[*Motekiai Taufahema v R*](#) [2006] NSWCCA 152, 8 May 2006

[*John Taufahema v R*](#) [2007] NSWCCA 33, 16 February 2007

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in glenn mcenallay and (penisini or lagi or taufahema) and trial and set date to all dates

Craig Merritt - murder of children

On 2 September 2001, a Sydney father murdered his three children – it was Father's Day. The three children who each had different mothers, were found dead on a bed in their father's home. The children had been suffocated. They were Mikaylah Green aged 11 weeks, Taylah Pringle aged 11 months and six year old Jackson Merritt.

He was originally sentenced to three life imprisonments, becoming the first person in Australia to be jailed for life for killing his own children. Merritt's appeal against the severity of the sentence was successful in the NSW Court of Criminal Appeal, and it was reduced to 34 years.

Court Decisions

[R v Merritt](#) [2002] NSWSC 1159, 4 December 2002, James J

[R v Merritt](#) [2004] NSWCCA 19, 3 March 2004

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in `craig merritt` and `murder and children` and set date to all dates

Ivan MILAT - *R v Milat* - backpacker murders

WARNING: material on this case contains details that are explicit and disturbing in nature.

In four incidents between December 1989 and April 1992, a total of seven backpackers disappeared while travelling south from Sydney. They were all travelling in circumstances where they were unlikely to have been missed for some time after they were killed. All had set out along the Hume Highway, near Liverpool, in order to hitchhike south.

Their bodies were discovered in the Belanglo State Forest over a period between September 1992 and November 1993. Forensic evidence showed that each victim had been attacked savagely, with a great deal more force than was necessary to cause death, and apparently for some form of psychological gratification. The murders received international notoriety as the 'backpacker murders'.

In 1996 Ivan Milat was convicted of seven offences of murder and one offence of 'detaining for advantage'. For each of the offences of murder Milat was sentenced to penal servitude for life. For the offence of detaining for advantage he was sentenced to penal servitude for six years. Milat has appealed unsuccessfully against his convictions.

Court Decisions

[Regina v Milat](#) Matter No CCA 60438/96 [1998] NSWSC 795, 26 February 1998
[Regina v Ivan Robert Marko Milat](#) [2005] NSWSC 920, 27 October 2005

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW
 - type in ivan milat and backpacker murders and trial you will get a lot results so refine the search by setting the date range to dates of the trial
2. Search library catalogue for two books written about Ivan Milat. **(SL)**
 - type in ivan milat in Keyword Search
3. 'DNA, Human Rights and the Criminal Justice System' by Barbara Hocking (1997) 3 *Australian Journal of Human Rights* 208 includes this case in its discussion. **(SL)**
4. 'The Evidence Act 1995 – Milat as a Microcosm in Practice' by Margaret Beazley, (1997) 9 (3) *Judicial Officer's Bulletin* 17. **(SL)**

Michael MILNE - *R v Lavender* – involuntary manslaughter

Wayne Kelvin Lavender was sentenced to four years jail for the manslaughter of Michael Milne in 2001. Milne was playing with three mates in the unfenced grounds of a sand mine at Redhead on October 2, 2001. Lavender, who was employed by the mine owner and driving a 25 tonne front end loader, chased the boys. He continued to chase them into an area covered by thick vegetation. It was there he ran over the teenager, killing him instantly.

In May 2004, the Court of Criminal Appeal acquitted him but prosecutors sought leave to appeal against that decision in the High Court.

The High Court unanimously ruled that Lavender's appeal be overturned stating that the error "resulted from paying insufficient regard to legal definitions of involuntary manslaughter, probably because of the way the case was argued". The ruling meant that the matter was returned to the Court of Appeal.

Following the February 2006 case in the Court of Criminal Appeal Lavender, suffering from ill health, was released.

Court Decisions

[R v Lavender](#) [2002] NSWCCA 511; 16 December 2002

[R v Lavender](#) [2004] NSWCCA 120; (2004) 41 MVR 492, 21 May 2004

[The Queen v Lavender](#) [2005] HCA 37, 4 August 2005

[Lavender v R](#) [2006] NSWCCA 24, 8 February 2006

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.
 - type in lavender and milne and manslaughter and set date to all dates.
2. "Malice & Manslaughter" (2005) ALMD Advance (No 16), 18 August 2005, page 1
3. Check CaseBase for additional Case Notes of the High Court Decision (**SL**)
 - type in r v lavender in case name field.

Said MORGAN - *R v Said Morgan* - non-conviction for murder

Said Morgan was a detective in the New South Wales police force, and he had become aware of allegations that his brother-in-law, Mansour Suha, had been sexually molesting three young girls, including two of Morgan's relatives. Morgan was accused of the shooting murder of his brother-in-law, Mansour Suha, on 26 May 1995 at a home at Oakhurst, where Mr Suha had been a temporary resident. He was not convicted for the killing, because he believed the lives of the children who had been molested were in danger.

Court Decision

[R v Said Morgan](#) NSW Supreme Court, Hidden J, 28 July 1997

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW
 - type in `said morgan` and `murder` and set date to all dates.
2. Barnes, Gail; '[Private Violence, Gendered Justice](#)' (1999) 24 (2) *Alternative Law Journal* 67.

Courtney MORLEY-CLARKE - *R v SLD* - toddler murder

WARNING: material on this case contains details that are explicit and disturbing in nature.

Three-year old Courtney Morley-Clarke was taken from her Central Coast home one night in January 2001. When her disappearance was discovered the next morning, police were called and a search was made of neighbouring homes and nearby bush land. The naked body of the child was found soon after in an area of very tall grass, with a stab wound through the heart.

SLD, aged 13 years and 10 months at the time, was found guilty of her murder and sentenced to 20 years with a non-parole period of 10 years. His name has been withheld because of his age.

Court Decisions

[R v SLD](#) [2002] NSWSC 758, 30 August 2002

[R v SLD](#) [2003] NSWCCA 310, 31 October 2003 – an appeal against the sentence given

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in courtney morley clarke and set date to all dates

John NEWMAN - *R v Ngo* – murder of politician

Member of NSW Parliament, John Newman, was shot dead outside his home at 15 Woods Avenue, Cabramatta on 5 September 1994. The shots were fired by a person who came to the scene by car and was driven away at speed immediately after the shooting. The jury's verdict established that the killing was instigated and organised by Phuong Canh Ngo, who was found to be guilty of the murder. It took seven years to find Ngo guilty of Newman's murder. There were four trials - two were aborted, and another resulted in a hung jury.

It is interesting to note that the person who actually fired the shots that killed Newman has not been found.

NSW Chief Justice Jim Spigelman ordered a review on this case pursuant to the [Crimes \(Appeal and Review\) Act 2001](#) (NSW). On 14th April 2009, Judge David Patten delivered his report on the [Inquiry into the Conviction of Phuong Canh Ngo for the murder of John Newman](#). Judge Patten found: "... that nothing ... casts doubt upon, or raises, a sense of unease or disquiet in respect of the conviction of Mr Ngo."

Court Decision

[R v Ngo](#) [2001] NSWSC 1021, 14 November 2001

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to registered clients of the State Library of NSW
 - type in john newman and ngo and murder and set date to all dates
2. 'Who killed John Newman?' by Gill H Boehringer (2004) 29 (3) *Alternative Law Journal* 145. This article is available on [AGIS Plus](#) via Informit Online which is available remotely to [registered](#) clients of the State Library of NSW.
3. "The Newman Case" [ABC Four Corners](#) by Debbie Whitmont, 7 April 2008

Leo NGUYEN - *R v Cooper* - baby left in back of car

Mrs Lan Thi Le parked her BMW in Hill Street, Cabramatta in December 2000. Her son Leo, aged two years, was in the back of the car when she left the car briefly. It was a hot day, and the car engine was running with the air conditioner turned on. When she returned the car was gone from where it had been parked. When the car was eventually found the inside temperature was about 50 degrees. Leo was not breathing and could not be revived.

Leslie William Cooper was tried on charges of stealing a motor vehicle and manslaughter. He was found guilty on both charges, and was sentenced to imprisonment for seven years with a non-parole period of five years. He appealed against the conviction and was acquitted, the judge finding that there was reasonable doubt that Cooper committed the crime.

In an interesting footnote to the case Cooper was later killed when he was fleeing from a car he had stolen.

Court Decision

R v Cooper [2002] NSWCCA 428, 18 October 2002

<http://www.austlii.edu.au/au/cases/nsw/NSWCCA/2002/428.html>

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in `leo nguyen` and `cooper` and set date to all dates

Phyllis O'BRIEN - *R v White* - use of DNA evidence

Phyllis O'Brien aged 81 was found bound and beaten to death in her home in Katoomba in August 2003. A discarded cigarette butt was secretly picked up by police while interviewing a 'person of interest' rather than a 'suspect' in November 2003. The DNA from the cigarette butt matched that obtained from the fingernail clippings of Phyllis O'Brien. Herman White pleaded guilty to her murder after Justice Studdert ruled that this evidence could be used. Had White been a suspect at the time of collecting the DNA evidence, the police would have been required to ask his permission.

The case is interesting because it highlights the rules of evidence.

Court Decision

[R v White](#) [2005] NSWSC 60, 15 February 2005

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in phyllis o'brien and murder and white and set date to all dates

Heather OSLAND - battered woman syndrome

Heather Osland was found guilty in the Victorian Supreme Court in 1996 of killing her husband in July 1990. She used the defence of 'battered woman syndrome' to justify the murder. Her defence was unsuccessful and the case launched a women's rights campaign, sparking reform of homicide defences in Victoria. Under the reforms victims of family violence who kill their partners are able to claim self-defence even if they were not facing immediate danger at the time.

Court Decisions

R v Osland [1998] 2 VR 636; (1997) 95 A Crim R 479, 1 August 1997, is not available on Austlii but is available on LexisNexis Unreported Judgments. **(SL)**

- select Unreported Judgments –All Australian Jurisdictions from Law databases page
- in Case Name box type `osland`
- student can email a copy of each case to their email address

[Osland v R](#) (1998) 197 CLR 316; (1998) 159 ALR 170; [1998] HCA 75

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.
 - type in `Heather Osland` and set date to all dates
2. References to magazine articles use [AGIS Plus](#) via Informit Online which is available remotely to [registered](#) clients of the State Library of NSW.
 - type in `Heather Osland`
 - Select full text articles only.
3. '[Terms of Imprisonment](#)' Australian Story, 31 October 2005, full transcript at
4. Barnes, Gail; '[Private Violence, Gendered Justice](#)' (1999) 24 (2) *Alternative Law Journal* 67.
5. "Women Who Kill in Self Defence Campaign: Release Heather Osland Campaign" (1998). NQ364.1523082/1 **(SL)**

P-Plate Driver – dangerous driving occasioning death

In late October 2006, a seventeen year old P-Plate driver was driving home with four of his mates from a night out in Byron Bay to their homes in Lismore. It was wet and dark and he was speeding. The car swerved, causing an accident killing all four passengers.

The surviving driver was charged with four counts of dangerous driving occasioning death. He was found guilty and sentenced to two years imprisonment by the Lismore District Court on January 30th 2009.

Following the accident in 2006, the NSW Government implemented new restrictions on provisional licences, making it illegal for P1 drivers to carry more than one underage passenger between 11pm and 5am. Judge Colin Charteris, who presided over this case noted that this change may not be enough.

Statistically, people under 26 comprise only 15% of driver licences but are involved in 36% of road fatalities.

Court Decision

The text of this decision is not available.

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) as a client of the State Library.
 - Type in name of one of the victims Paul Morris, Corey New, Mitchell Eveleigh or Bryce Wells
 - set date to 1 October 2006 to 2 February 2009.
2. "[Final Report, Report on Young Driver Safety & Education Programs](#)", Staysafe Committee, November 2008. This report assesses the overrepresentation of young, novice drivers in road crashes and fatalities in New South Wales.
3. "[Young driver safety](#)", by the RTA,
4. [Crash Statistics](#) produced by the RTA,
5. "Young people, dangerous driving and car culture" by Hannah Graham and Rob White, in (2007) 26 (3) *Youth Studies Australia* 28-35. Available from [AGISPlus](#) via Informat. A database that includes the fulltext of magazine articles. You need to [register](#) as a client of the State Library.

Michael PESTANO - *R v Nam* – gross provocation to murder

In July 2006, Timothy Nam pleaded guilty to the manslaughter of Michael Pestano and maliciously inflicting grievous bodily harm to Frank Cocker and Ronald Howell. These offences respectively carry maximum sentences of twenty five years and seven years imprisonment.

The offence occurred in July 2004 at the property that the Nams were living on. They had an agreement with the Taylor family to live on their property but after the families fell out the Taylors wanted the Nams to move out.

The Taylors used Michael Pestano, who was known to police as a standover man and extortionist, to forcibly remove the Nams.. Pestano and his associates terrorized the Nam family to such an extent that they were in fear for their lives. The family were verbally assaulted, their windows were smashed, their power cut, their water supply lost and access to their vehicle removed.

Because of the gross provocation that the Nam family was subjected to Justice Adams significantly reduced Timothy Nam's culpability. Nam was sentenced to the minimum custodial sentence possible. (Two years for manslaughter and eighteen months for assault.) He was released on 1 September 2006, as the Parole Board had to make an order for his release and did not do so until a month after the sentence.

Court Decision

[R v Nam](#) [2006] NSWSC 802; 2 August 2006.

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in `pestano and nam` and set date to 23/07/2004 to current date

Ziad RAZZAK & Melissa NEMRA – *R v Darwiche & Others* – drive-by shooting

In October 2003, Ziad or Ziggy Razzak and Melissa Nemra were killed after shots were fired into a house in Greenacre. In a pre-dawn attack, one hundred shots were fired by two masked gunmen into the Lawford Street fibro home of Ali Hamka and his de facto wife Melissa Nemra. Razzak was staying with them at the time. Nemra, 22 a mother of two young children was asleep in a front bedroom. Razzak was shot while watching television in the lounge room.

This crime was linked to a number of other “drive by shootings” that occurred at about the same time in South Western Sydney. They were also a part of a long running war between the Darwiche and Razzak families, which began when members of both families were involved in cannabis supply in south-west Sydney in 2001.

Each of the offender’s was sentenced to imprisonment for life for the murders of both victims. Darwiche was also sentenced to two separate shooting attacks. Osman received a sentence to a non-parole period of 22 years for his part in the crime.

In March 2009 there were a series of shootings involving the Darwiche family.

Court Decisions

[R v Darwiche & Others](#) [2006] NSWSC 1167; 10 November 2006 – sentencing decision, Other related decisions on matters of evidence and prejudicial pre-trial publicity:

[R v Darwiche & Others](#) [2006] NSWSC 924; 19 April 2006,

[R v Darwiche & Others](#) [2006] NSWSC 926; 19 April 2006,

[R v Darwiche & Others](#) [2006] NSWSC 927; 19 April 2006,

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in `Naseem and razzak` and set date to 14/10/2003 – 20/11/2003
- type in `Naseem and razzak` and set date to 1/8/2006 – 21/11/2006

Rene RIVKIN - white collar crime

There are two decisions that can be discussed. The first is the sentencing decision in which Rivkin is sentenced to 9 months imprisonment to be served by way of periodic detention and imposing a fine of \$30,000.

Court Decisions

[R v Rivkin](#) [2003] NSWSC 447, 29 May 2003; (2003) 198 ALR 400

The second *R v Rivkin* was an appeal against the conviction and sentence on charges of insider trading contrary to the provisions of the *Corporations Act 2001* (Cth), section 1002G(2).

[R v Rivkin](#) [2004] NSWCCA 7, 5 February 2004; (2004) 59 NSWLR 284

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients in the State Library of NSW
 - type in rivkin and insider trading. If you get too many hits limit date to the trial dates
2. 'The Insider' (2004) 78 (7) *Law Institute Journal* 50 **(SL)**
3. Four case notes about various aspects of the second decision can be found in (2004) 11 (2) & (3) *Criminal Law News* **(SL)**.

Snowtown Murders - *R v Bunting and Wagner* - multiple murders in South Australia

WARNING: material on this case contains details that are explicit and disturbing in nature.

Eight bodies were found in six plastic barrels located in the vault of a former bank building at Snowtown. Subsequently, two more bodies were located. They were buried in the backyard of a house at 203 Waterloo Corner Road, Salisbury North. The murders are believed to have taken place between about December 1995 and May 1999. Three men, Bunting, Wagner and Haydon were charged on 21 May 1999. A fourth, Vlassakis was charged on 2 June 1999. The three were jointly charged with ten counts of murder. Vlassakis was charged with five of those counts of murder.

On 9 September 2003, both Bunting and Wagner were found guilty by a jury and sentenced by the Supreme Court to life imprisonment – Wagner guilty for the murder of 10 and Bunting for the murder of 11.

Court Decision

[*R v Bunting and Wagner*](#) [2004] SASC 235. 11 August 2004

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in snowtown murders and bunting and wagner and set date to all dates

Matthew SUTTON - *R v Raymond Sutton; R v Margaret Sutton* – manslaughter of disabled son

Raymond and Margaret Sutton had a severely intellectually and physically disabled son, Matthew. He was also blind and an upcoming operation was likely to render him deaf as well. The couple devoted their lives to Matthew, giving up a normal life to care for him, during which time they suffered depression, anxiety, nervous breakdowns, and alcohol abuse.

In April 2001 the Suttons killed their twenty eight year old son, and after some years of guilt and anxiety they confessed to the mercy killing. They were initially charged with murder but pleaded guilty of manslaughter.

Supreme Court judge Justice Barr said the couple had suffered enough. He sentenced them each to a good behaviour bond for five years.

Court Decision

[*R v Raymond Douglas Sutton; R v Margaret Ellen Sutton*](#) [2007] NSWSC 295, 4 April 2007.

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in Raymond Sutton and matthew and set date range to All Dates

Simon TAYLOR – *R v Dehaybi; R v JD* – robbery and murder

Simon Taylor, aged 33 was stabbed to death in Glebe on 21 March 2003, after placing an advertisement in the trading Post offering a diamond ring for sale after the break-up of his engagement. He and his parents organised to meet Dehaybi at an address in Glebe. In what Justice Levine described as “an urban nightmare” the Taylor family found themselves ambushed, with Dehaybi threatening them with a knife before his teenage accomplice appeared brandishing a replica pistol. In the ensuing chase Robert Taylor was stabbed in the chest and his lung was punctured. Simon Taylor was then stabbed four times by Dehaybi and did not survive emergency surgery.

Dehaybi, aged 22, was found guilty of murder, malicious wounding with intent to cause grievous bodily harm and armed robbery, while JD aged 17 was found guilty of manslaughter and armed robbery. Dehaybi was sentenced to 24 years imprisonment; JD was sentenced to 5 years 3 months.

Court Decision

[R v Dehaybi; R v JD](#) [2005] NSWSC 128, 25 February 2005, Levine J

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW.

- type in diamond ring and murder and simon taylor and date to all dates.

Gloria Mary THOMAS - *R v Thomas & Manju Sam* – manslaughter by criminal negligence

Nine month old Gloria Thomas died in May 2002, from severe sepsis or bacterial infections which had caused bleeding in her lungs and airways. She suffered from severe eczema which her father, Thomas Sam a homeopathic practitioner had been treating using homeopathic remedies. Both parents, Thomas and Manju Sam, had been warned by nursing staff, a doctor and paediatrician that they should be treating the eczema using prescribed medication – but these warnings were ignored. They also failed to take her to two appointments that had been made with a specialist dermatologist.

A coronial inquiry into the circumstances surrounding her death was held in November 2007. The State Coroner terminated the inquest on 18 November 2007 after finding that there was reasonable prospect the evidence presented to the inquiry could convince a jury to convict “a known person or persons of a serious crime.”

In June 2009 a jury found Sam and his wife Manju guilty of the manslaughter of their daughter by failing to get her proper medical care before her death in May 2002. On 28 September 2009, Justice Johnson sentenced Thomas Sam to a non-parole period of six years from 2 July 2009 to expire on 1 July 2015, with a balance of term of two years to commence on 2 July 2015 and to expire on 1 July 2017. Manju Sam was sentenced to a non-parole period of four years from 28 September 2009 and to expire on 27 September 2013 with a balance of one year and four months to commence on 28 September 2013 and to expire on 27 January 2015.

Court Decisions

[R v Thomas Sam; R v Manju Sam \(No 17\)](#) [2009] NSWSC 803 - procedural matters
[R v Thomas Sam; R v Manju Sam \(No 18\)](#) [2009] NSWSC 1003 – sentencing decision

Commentary and Media Reports

2. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

➤ type in `thomas sam` and `gloria` and set date to all dates.

Joseph THOMAS - Terrorism and Control Orders

On 18 August 2006 the Victorian Court of Appeal quashed the conviction of Joseph Thomas or “Jihad” Jack Thomas, who was the first person jailed under the Howard Government’s new terrorism laws. The court held that the use of the police interviews with Thomas were inadmissible. Two weeks later, the Federal Government used its new powers to combat terrorism by applying for a control order against Thomas. An interim control order was made by the Federal Magistrates Court.

Control orders have no precedent in Australia. The power to make control orders comes from the [Criminal Code Act 1995](#) (Cth) – sections 100.1, 104.2-104-5 (see Schedule of *Criminal Code Act*). Control orders provide the government with a second chance to deprive someone of their liberty even after they have been acquitted in a fair trial or had any convictions quashed on appeal.

In August 2007, the High Court upheld the constitutional validity of control orders made under terrorism legislation in *Thomas v Mowbray*.

Court Decisions

[Jabbour v Thomas](#) [2006] FMCA 1286, 27 August 2006 – control order
[Thomas v Mowbray](#) [2007] HCA 33, 2 August 2007

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW
 - type in jack thomas and set date to 18/08/2006 – 21/08/2006
 - Type in jack thomas and control order and set date to 27/08/2006 to current date.
 -
2. *What Price Security? Taking Stock of Australia’s Anti-Terror Laws* by Andrew Lynch & George Williams, UNSW Press, October 2006 **(SL)**
3. [Terrorism Laws](#) – Law Internet Resources Guide - produced by the Australian Parliament Library. This guide contains links to Internet resources and documents in the area of anti-terrorism law. Emphasis is on Australian federal (Commonwealth) legislation. Links to Australian State and Territory legislation are also given, as well as significant overseas resources.
4. [Terrorism and War Archive](#) produced by the Gilbert & Tobin Centre of Public Law provides excellent links to newspaper and magazine articles on this case and on terrorism in general.

John WALSH - *R v Walsh* - murder of wife and grandchildren

John Walsh pleaded guilty to the murder of his wife JW and his two grandchildren KH aged seven and JH aged five, and he also pleaded guilty to causing grievous bodily harm to his daughter with intent to murdering her.

John Walsh and his wife lived in Cowra and often cared for their grandchildren while their daughter SW who was a police officer in Parkes worked. This arrangement had worked well until 29 June 2008 when Walsh killed his wife and grandchildren, and had then intended to kill his daughter and then drive to Newcastle to kill his ex-son-in-law. His daughter came home from work to find her mother and children dead, and was attacked by her father with an axe. She escaped with head wounds. Walsh, who appeared to have had no real motivation for the murders, was sentenced to two life sentences.

Court Decision

[*R v Walsh*](#) [2009] NSWSC 764, 7 August 2009.

Commentary and Media Reports

2. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in john walsh and cowra and set date to 28 June 2008 to 31 August 2009.

Tom WILLIAMS - *R v Norman; R v Olivieri* – solicitor defrauded and murdered

Tom Williams, a solicitor, was shot dead in his home in Petersham, Sydney in April, 2004. Williams had recently discovered that his accountant, Mark Norman, had defrauded him of a large amount of money. Williams had confronted Norman about it. To prevent exposure of the fraud Norman hired Tony Olivieri, a farmhand from Queensland, to kill Williams. Olivieri flew down from Queensland, entered Williams' home office and shot him.

Norman and Olivieri were tried together and found guilty of the murder. Norman was sentenced to a non-parole period of 29 years, and Olivieri to a non-parole period of 28 years.

Court Decision

[R v Norman; R Olivieri](#) [2007] NSWSC 142, 5 March 2007.

Commentary and Media Reports

Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW

- type in `Norman and olivieri and williams` and set date range to All Dates

Graeme WYLIE - *R v Justins* - euthanasia case

Two women, Shirley Justins and Caren Jennings, recently stood trial over the death of Graeme Wylie, a man suffering from Alzheimer's disease. Jennings, a close friend of Wylie, travelled to Mexico to obtain the drug Nembutal, a drug that is illegal in Australia. This was used to bring about Graeme Wylie's death.

The court found that because of his advanced dementia Wylie no longer had the capacity to make a decision to end his own life. Wylie's long-term partner, Shirley Justins, was found guilty of manslaughter, while Caren Jennings was found guilty of being an accessory to manslaughter, and of importing Nembutal. Justins was sentenced to 22 months of weekend detention.

Before the sentence was handed down Caren Jennings, aged 75, took her own life using the same drug, Nembutal. She was suffering from terminal cancer and said that she feared dying in jail.

Court Decision

[R v Shirley Justins](#) [2008] NSWSC 1194 (12 November 2008)

Commentary and Media Reports

1. Full text of newspaper articles on [Proquest ANZ Newsstand](#), available remotely to [registered](#) clients of the State Library of NSW
 - type in justins and wylie or justins and jennings if you get too many hits adjust the date range.
 -
2. Full text legal journal articles available on [AGIS Plus Text](#), available remotely to [registered](#) clients of the State Library of NSW
 - type in euthanasia
 - select Full Content Records Only to get full text articles
3. *A Bitter Life*, [part 1](#) and [part 2](#) on Australian Story, 16 and 23 March 2009.