

Case summaries

Every case study taught in the Crime video course, in lesson order.

Case	Lesson	Facts	Issue / decision	Significance
Part 1: The nature of crime				
<i>Ryan v The Queen</i> (1967) (1967) 121 CLR 205 · High Court of Australia	2	Ryan held up a service station with a loaded, cocked rifle. While he was trying to tie the attendant up, the attendant moved suddenly, the rifle fired and the attendant was killed.	Ryan argued the shot was an involuntary reflex, so there was no voluntary act. The High Court refused special leave to appeal, so the murder conviction stood. Loading, cocking and pointing the rifle were all voluntary acts.	A sudden or panicked reaction is not the same as an involuntary act. Voluntariness is part of the actus reus, but it is hard to deny where the accused chose a dangerous course of conduct.
<i>R v Crabbe</i> (1985) (1985) 156 CLR 464 · High Court of Australia	2	After being thrown out of a motel bar in the Northern Territory, Crabbe drove a prime mover truck into the bar. Five people were killed.	Could he be guilty of murder if he did not intend to kill, but knew people might be hurt? Recklessness for murder requires foresight that death or grievous bodily harm was probable, not merely possible. The High Court upheld the order for a new trial.	Under s 18 of the Crimes Act 1900, reckless murder is narrower: the accused must foresee that death was probable (<i>Royall v The Queen</i> 1991).
<i>R v Lavender</i> (2005) (2005) 222 CLR 67 · High Court of Australia	2	Lavender was operating a front-end loader at a sand mine near Newcastle. He chased trespassing boys into scrub, and ran over and killed a 13-year-old boy.	Could he be guilty of manslaughter when he never intended to hurt anyone? Yes. The High Court restored his conviction. Manslaughter by criminal negligence requires a great falling short of the standard of care a reasonable person would show, with a high risk of death or grievous bodily harm. Malice did not have to be proved.	Gross negligence can supply the fault for manslaughter, even with no intention to harm.
<i>R v Thomas Sam; R v Manju Sam</i> [2009] NSWSC 1003 NSW Supreme Court · omission and gross negligence	2	The parents of nine-month-old Gloria Sam relied on homeopathy to treat her severe eczema, and did not get conventional medical care as she deteriorated. She died of infection and malnutrition in 2002.	Could their failure to act be manslaughter by gross criminal negligence? Yes. A jury convicted both parents of manslaughter.	An omission can be the actus reus where there is a legal duty, and gross negligence can supply the mens rea.
<i>R v Hallett</i> (1969) [1969] SASR 141 · Supreme Court of South Australia	3	Hallett attacked the victim on a beach and left him unconscious at the water's edge. The tide came in and the victim drowned.	Did the incoming tide break the chain of causation? No. The tide was an ordinary operation of nature. Hallett's act was still a substantial cause of death, and his murder conviction stood.	Ordinary natural events do not break the chain. Only an extraordinary, overwhelming event might.

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Royall v The Queen (1991) (1991) 172 CLR 378 · High Court of Australia	3	During a violent assault by Royall in a sixth-floor flat, his girlfriend fell from the bathroom window and died.	Was Royall the cause of her death, when she fell trying to escape? Yes. The High Court upheld his murder conviction. Her attempt to escape was a response to a well-founded fear of his violence.	Where a victim is harmed escaping the accused's violence, the accused can be the legal cause of the result.
Swan v The Queen (2020) [2020] HCA 11 · High Court of Australia	3	Swan and an accomplice broke into the home of a 78-year-old man and severely assaulted him. Months later he broke his hip. Because of his very poor condition after the assault, a decision was made not to operate, and he died.	Did the decision not to operate break the chain of causation? No. The High Court dismissed Swan's appeal and his murder conviction stood. The assault was still a substantial or significant cause of death.	Reasonable medical and family decisions that follow from the accused's violence do not break the chain.
Burns v The Queen (2012) (2012) 246 CLR 334 · High Court of Australia	3	Burns supplied methadone to a man at her home. He chose to take it, along with other drugs, and died.	Was the supply of the drug the legal cause of his death? No. The High Court quashed her manslaughter conviction. His own free and informed decision to take the drug was the cause in law.	A victim's free, voluntary and informed choice can break the chain. Compare Royall, where escape was driven by fear.
Proudman v Dayman (1941) (1941) 67 CLR 536 · High Court of Australia	4	Proudman was charged with permitting an unlicensed person to drive a motor car. She said she believed the driver held a licence.	Is there any defence to a strict liability offence when the accused did not know the true facts? An honest and reasonable belief in facts which, if true, would make the act innocent, is a defence to a strict liability offence.	Strict liability is not liability without any excuse. But the mistake must be about facts, honest, and reasonable.
He Kaw Teh v The Queen (1985) (1985) 157 CLR 523 · High Court of Australia	4	He Kaw Teh arrived in Australia with heroin concealed in his luggage, and said he did not know it was there. He was charged with importing and possessing heroin under the Customs Act 1901 (Cth).	Did the prosecution have to prove he knew the heroin was there? Yes. Serious offences are presumed to require mens rea unless Parliament clearly displaces that presumption.	Courts consider the words of the statute, the subject matter of the offence, and whether strict liability would help enforce the law.
From Loveridge to s 25A NSW · law reform after one-punch deaths	5	Courts found death was not a foreseeable result of a single punch, so offenders such as Kieran Loveridge were convicted of manslaughter rather than murder.	The sentences prompted public outrage. The Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014 created assault causing death (s 25A), with an 8-year mandatory minimum for intoxicated offenders (s 25B).	It closed a perceived gap, but its speed and mandatory sentencing reduced judicial discretion.
R v Lodhi (2006) NSW Supreme Court · Commonwealth terrorism offences	5	Faheem Lodhi, a Sydney architect, bought maps of the electricity grid, sought information about chemicals that could be used to make explosives, and held a manual on making poisons and explosives.	Could he be convicted when no attack had taken place, or even been fully planned? Yes. A jury convicted him of three offences of preparing for a terrorist act, and he was sentenced to 20 years' imprisonment.	Preparation offences let police act before an attack. Critics argue they punish people for intentions, a sharp example of the tension between community safety and individual rights.

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Maranguka Justice Reinvestment Bourke, NSW · Aboriginal-led, place-based · KPMG impact assessment 2018	10	Justice reinvestment: redirect money from prisons into community-led programs that address the causes of offending.	In one year: 23% fewer police-recorded domestic violence incidents, a 31% rise in Year 12 retention, and 42% fewer days spent in custody. KPMG estimated a gross economic impact of \$3.1 million in 2017.	The assessment covered a single year and was not a full outcomes evaluation, so long-term effects still need evidence.
Part 2: The criminal investigation process				
R v Rondo [2001] NSWCCA 540 NSW Court of Criminal Appeal · the leading case on reasonable suspicion	11	Police stopped Rondo, who was driving his mother's car, and searched it after he leaned over to the glovebox. They found drugs.	When does a police officer have a "reasonable suspicion"? A reasonable suspicion is less than a reasonable belief but more than a possibility. It is not arbitrary: there must be some factual basis for it.	The court found the initial stop was unlawful. The test still guides every LEPPRA power that depends on reasonable suspicion.
The LECC strip search inquiry Law Enforcement Conduct Commission · 2018 to 2020	11	From 2018, the Law Enforcement Conduct Commission investigated police strip searches, with a focus on music festivals.	In 2020 it found complainants had been unlawfully strip searched, including a 16-year-old girl at a festival in 2018. Officers were inadequately trained in the law. Its final report in December 2020 made 25 recommendations. Police changed policies and training.	Wide powers plus discretion can lead to unlawful searches, which is why independent oversight matters.
R v Kristian White (2024–2025) NSW Supreme Court · police use of force	11	In May 2023, Senior Constable Kristian White was called to an aged-care home in Cooma, where Clare Nowland, a 95-year-old woman with dementia who used a walking frame, was holding a steak knife. Within minutes he fired his Taser; she fell, struck her head and died a week later.	Was this a lawful use of reasonable force, or manslaughter? A jury convicted White of manslaughter in November 2024. In March 2025 he received a two-year Community Correction Order. A Crown appeal against the sentence was dismissed in July 2025.	Police powers to use force are limited to what is reasonable, and police can be prosecuted when they go beyond it.
Operation Ironside (2021) Australian Federal Police and FBI · the ANOM encrypted app	13	The FBI ran an encrypted messaging app, ANOM, that was secretly distributed to organised crime networks. The AFP decrypted messages in real time.	Announced 8 June 2021: 224 people arrested in Australia on 526 charges, with 104 firearms and almost \$45 million in cash seized. The AFP said access was lawful under the 2018 Assistance and Access Act, its first use of those powers.	A huge success against organised crime, but it shows how far surveillance powers can reach into private communications.
The wrongful conviction of Farah Jama Victoria · conviction quashed December 2009 · Vincent inquiry 2010	13	Jama was convicted of rape in Victoria based solely on DNA evidence. No other evidence placed him at the scene.	The sample had been contaminated with his DNA from an unrelated test the day before. The Court of Appeal acquitted him in December 2009, after he had spent about 15 months in prison.	A former judge, Frank Vincent, criticised the "mystical infallibility" given to DNA. Forensic evidence must be tested, not trusted blindly.

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Ridgeway v The Queen (1995) (1995) 184 CLR 19 · High Court of Australia	14	Australian Federal Police officers and an informant arranged for heroin to be imported into Australia, in breach of the law, to catch Ridgeway.	Should evidence produced by unlawful police conduct be used against him? No. The High Court held the evidence should have been excluded on public policy grounds, and his conviction was quashed.	Courts will not let police break the law to secure convictions. Parliament later created a legal framework for controlled operations.
DPP v Carr [2002] NSWSC 194 NSW Supreme Court · discretion and arrest	18	In Wellington, Lance Carr swore at a police officer and walked away. The officer arrested him for offensive language, although he knew Carr's name and address and could have issued a court attendance notice. The officer said arrest was "far quicker".	A struggle led to further charges of resisting, assaulting and intimidating police. The magistrate excluded that evidence as improperly obtained. Justice Smart upheld the magistrate: for minor offences, where identity is known and a summons would work, arrest should be a last resort.	Strong evidence for discretion, and for how an unnecessary arrest can escalate into more charges.
Part 3: The criminal trial process				
Dietrich v The Queen (1992) (1992) 177 CLR 292 · High Court of Australia	22	Dietrich was charged with importing heroin, a serious offence. He could not afford a lawyer, was refused legal aid, and was convicted after representing himself.	Is there a right to a publicly funded lawyer? No such right exists. But where an accused faces a serious charge and is unrepresented through no fault of their own, the trial should usually be adjourned or stayed, because it would be unfair. His conviction was quashed.	The right to a fair trial effectively forces legal aid to fund serious cases.
Woolmington v DPP [1935] AC 462 House of Lords, England · the "golden thread"	24	Woolmington was charged with murdering his wife, who had been shot. He said the gun went off accidentally.	The trial judge told the jury that Woolmington had to prove it was an accident. The House of Lords quashed his conviction. It is the prosecution's duty to prove guilt; the accused does not have to prove innocence.	The presumption of innocence is the "golden thread" running through the criminal law, and it applies in Australia.
The Folbigg case Convicted 2003 · pardoned June 2023 · convictions quashed December 2023	25	In 2003, Folbigg was convicted of murdering three of her children and the manslaughter of a fourth. Her diary entries were used against her.	In 2018, scientists found two of her daughters carried a rare CALM2 genetic variant that could have caused their deaths. An inquiry led by Tom Bathurst KC found reasonable doubt. She was pardoned in June 2023, and the Court of Criminal Appeal quashed her convictions in December 2023.	Courts depend on the science available at the time. The diary entries were found not to be reliable admissions of guilt.
Wood v The Queen [2012] NSWCCA 21 NSW Court of Criminal Appeal · flawed expert evidence	25	Gordon Wood was convicted of murdering his girlfriend, Caroline Byrne, whose body was found below The Gap at Watsons Bay in 1995.	An expert witness told the jury that Wood could have thrown her from the cliff. In February 2012 the Court of Criminal Appeal quashed the conviction and entered an acquittal: the expert evidence was seriously flawed, leaving reasonable doubt.	Expert evidence can carry great weight with juries, so courts must test it carefully.
R v Williamson [1972] 2 NSWLR 281 NSW · duress	26	The accused helped dispose of a body while under a threat of death.	The threat was held to constitute duress. Duress requires a threat of death or serious harm that would overwhelm an ordinary person, and it is not a defence to murder.	The law excuses people who act under genuine, overwhelming threats, but not those who choose to kill an innocent person.

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<i>R v Dudley and Stephens (1884)</i> England · necessity	26	After a shipwreck, starving sailors adrift in a lifeboat killed the cabin boy, who was close to death, and ate his body to survive.	Could necessity excuse murder? No. They were convicted of murder, although their death sentences were later commuted.	Necessity can excuse some offences, but it is not a defence to murder.
<i>Singh v R [2012] NSWSC 637</i> NSW Supreme Court · the catalyst for reform	27	Chamanjot Singh killed his wife, Manpreet Kaur. He claimed she provoked him by telling him she had never loved him, and threatening to have him deported.	A jury accepted provocation, and he was convicted of manslaughter rather than murder. Community outrage that words in a domestic setting could reduce murder to manslaughter. A parliamentary select committee reviewed the law.	The Crimes Amendment (Provocation) Act 2014 replaced provocation with the much narrower "extreme provocation".
<i>R v Camplin [1978] AC 705</i> House of Lords, England · the "ordinary person"	27	A 15-year-old boy killed his uncle with a frying pan, after the uncle had sexually assaulted him and then mocked him.	Should the "ordinary person" test take account of the accused's age? Yes. The jury could consider how an ordinary person of the accused's age, in his position, would have reacted. His provocation defence succeeded.	The ordinary person test considers some characteristics of the accused, which still matters under extreme provocation.
<i>R v Won [2012] NSWSC 855</i> NSW Supreme Court · provocation before the reform	27	Joachim Won found his wife with his friend, and killed the friend by stabbing him with a kitchen knife.	Provocation reduced murder to manslaughter. He was sentenced to 7 years and 6 months, with a non-parole period of 5 years. Discovering a partner with someone else is not a serious indictable offence, so extreme provocation would not be available.	Cases like Won and Singh show why the 2014 reform narrowed the defence.
<i>R v Blake Davis [2021] NSWSC 235</i> NSW Supreme Court · how flexible "reasonable force" is	27	Blake Davis killed rapper Jett McKee with a samurai sword on a Sydney street after a botched drug robbery. Davis said McKee had threatened to kill him.	After a trial for murder, he was sentenced for manslaughter: five years, with a non-parole period of two years and nine months. He received a 25% discount for having offered to plead guilty to manslaughter before the murder trial.	Your textbook uses it to show how what is "proportional and reasonable force" is a notoriously flexible concept.
Part 4: Sentencing and punishment				
<i>Muldrock v The Queen (2011)</i> (2011) 244 CLR 120 · High Court of Australia	30	Muldrock, a man with an intellectual disability, was sentenced for a serious sexual offence that carried a standard non-parole period.	Must judges start from the standard non-parole period and work up or down? No. The standard non-parole period is one factor among many, not a starting point. Judges must still apply instinctive synthesis.	The High Court protected judicial discretion against a rigid, two-stage approach.
<i>Magaming v The Queen (2013) 252 CLR 381</i> High Court of Australia · mandatory minimum sentences	30	Magaming, an Indonesian crew member on a boat carrying asylum seekers, was convicted of aggravated people smuggling, which carried a mandatory minimum of 5 years.	Was the mandatory minimum invalid because the prosecutor's choice of charge effectively decided the sentence? By majority, the law was valid. The prosecutor's choice between offences did not take over the court's judicial power.	Parliament can limit judicial discretion with mandatory minimums, which critics say can produce unjust results for low-level offenders.

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McCartney v The Queen [2009] NSWCCA 244 NSW Court of Criminal Appeal · general deterrence	31	A 22-year-old man sexually assaulted a woman at his home after she had repeatedly refused sex. Both were intoxicated. He was sentenced to two years and six months' imprisonment.	The judge said general deterrence was important: the court must send a message to the community that sexual assault is not acceptable. A victim impact statement showed her life and studies were disrupted. He appealed, arguing too much weight was given to deterrence. The court explained deterrence was a very strong consideration, but not applied above all other purposes.	Purposes are weighed together, but general deterrence carries great weight for serious offences.
Bugmy v The Queen [2013] HCA 37 High Court of Australia · deprivation and moral culpability	32	William Bugmy grew up in Wilcannia in a household where alcohol abuse and violence were rife. While in custody he assaulted a prison officer, Mr Gould, who lost the sight of his left eye.	Does the mitigating effect of a deprived background fade with time and repeat offending? No. The effects of profound childhood deprivation do not diminish with time. But Aboriginality is not, by itself, a mitigating factor. The case was sent back to the Court of Criminal Appeal.	It confirmed Fernando (1992): deprivation is relevant for any offender, and sentencing principles apply equally to everyone.
R v Carroll (2002) (2002) 213 CLR 635 · High Court of Australia	34	Carroll was convicted of murdering a baby in 1985, but the conviction was quashed on appeal and he was acquitted.	Years later, with new evidence, he was prosecuted for perjury for denying the killing at his murder trial, and convicted. The High Court quashed the perjury conviction: it was really an attempt to retry the murder, contrary to double jeopardy.	NSW passed double jeopardy reforms in 2006, allowing a retrial after acquittal in limited cases.
Hughes v The Queen [2015] NSWCCA 330 NSW Court of Criminal Appeal · the limits of protective custody	37	Former television actor Robert Hughes was sentenced to 10 years and 9 months for child sexual offences.	He was placed in protective custody because of the risk from other inmates. Despite protective custody, inmates at Goulburn were still able to attack him.	Protective custody reduces, but cannot remove, the risks some prisoners face.
NZYQ v Minister for Immigration (2023) High Court of Australia · overruling Al-Kateb v Godwin (2004)	38	<i>In Al-Kateb v Godwin</i> (2004), the High Court allowed indefinite immigration detention of a non-citizen who could not be removed.	In NZYQ, a unanimous High Court overruled Al-Kateb: detention is valid only if reasonably necessary for a non-punitive purpose such as removal. Around 150 people were released. Parliament quickly imposed strict visa conditions and created community safety orders in the Criminal Code.	A clear example of the courts limiting detention, and Parliament responding with new post-sentence measures.
Part 5: Young offenders				
RP v The Queen (2016) (2016) 259 CLR 641 · High Court of Australia	40	A boy aged 11 was charged with sexual offences against his younger brother.	What must the prosecution prove to rebut doli incapax? That the child knew the act was seriously wrong, not merely naughty. Evidence of his upbringing and development did not prove this, and his convictions were quashed.	Doli incapax is a real protection, and the prosecution must prove the child's understanding beyond reasonable doubt.

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R v LMW [1999] NSWSC 1343 NSW Supreme Court · doli incapax in action	40	LMW, aged 10, dropped six-year-old Corey Davis into the Georges River, knowing he could not swim. Corey drowned.	The Children's Court magistrate dismissed the case at committal, but the DPP took it to the Supreme Court. LMW was the youngest person in Australia charged with manslaughter. A jury acquitted him. Justice Studdert confirmed doli incapax applied, and that the prosecution had to rebut it.	Doli incapax can lead to an acquittal even where a death occurs, which fuels debate on both sides of raise the age.
R v GDP (1991) 53 A Crim R 112 NSW Court of Criminal Appeal · rehabilitation first	43	GDP, aged 14, and two friends caused about \$550,000 of damage: breaking in, drilling a safe, smashing furniture and lighting fires. He had no prior record.	The trial judge imposed a 12-month custodial sentence. The Court of Criminal Appeal held the sentence was manifestly excessive. For young offenders, general deterrence and retribution matter less; rehabilitation is the primary aim.	Custody would have damaged his rehabilitation. The case still guides sentencing of children.
R v Pham & Ly (1991) 55 A Crim R 128 NSW Court of Criminal Appeal · the limits of leniency	43	Two young offenders broke into a home while the occupants were there, bound and gagged them with tape, and robbed the house. One was on bail, the other on probation.	The trial judge imposed 12 months. The Court of Criminal Appeal held this was "wholly inappropriate" and inadequate, and sent the case back for resentencing.	Even for young offenders, the sentence must be in reasonable proportion to the seriousness of the crime and the need to protect the community.
The Don Dale Royal Commission (2016–2017) Royal Commission into the Protection and Detention of Children in the NT	45	In 2016, ABC Four Corners broadcast footage of children being tear-gassed, hooded and restrained at Don Dale and Alice Springs youth detention centres.	The final report (17 November 2017) found "shocking and systemic failures": detention centres failed to comply with basic human rights standards. Close Don Dale, raise the age of criminal responsibility from 10 to 12, detain children under 14 only for serious crimes, and shift to diversion and rehabilitation.	A powerful case against punitive approaches. Yet the NT raised the age to 12 in 2023, then lowered it back to 10 in 2024.
Part 6: International crime				
The Bali Nine (2005) Transnational drug trafficking · Indonesia and Australia	46	In April 2005, nine Australians were arrested in Bali, Indonesia, attempting to smuggle more than 8 kilograms of heroin to Australia.	The Australian Federal Police had passed information about the plan to Indonesian police before the arrests. They were tried in Indonesia. The two organisers, Andrew Chan and Myuran Sukumaran, were executed in 2015.	International cooperation catches transnational criminals, but can clash with Australia's opposition to the death penalty.
Prosecutor v Thomas Lubanga Dyilo (2012) International Criminal Court · the first ICC conviction	47	Lubanga led an armed group in the Democratic Republic of the Congo that recruited children under 15 and used them in fighting.	The war crime of conscripting, enlisting and using child soldiers. In 2012 he became the first person convicted by the ICC, and was sentenced to 14 years' imprisonment.	It showed the ICC could convict, but it took a decade from the court's creation, highlighting how slow international justice can be.

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The Brereton Report and its aftermath Inspector-General of the ADF inquiry · 2020 onwards	48	In 2020, the Brereton Report found credible information that Australian special forces soldiers had unlawfully killed 39 people in Afghanistan.	The Office of the Special Investigator was set up in 2021 to investigate possible criminal offences. Oliver Schulz, charged in 2023, was the first former ADF member charged with the war crime of murder; he has pleaded not guilty, with trial expected in 2027. Ben Roberts-Smith was charged with five counts in April 2026. Both are presumed innocent.	Australia investigating its own soldiers shows complementarity in action, but these cases are slow and difficult.