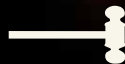




Judgment Day

**The judgments and sentences of
18 horrific Australian crimes**



EDITED BY BEN COLLINS

Prelude by The Hon. Marilyn Warren AC

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A 'Reign of Sexual Terror'

KATHERINE MARY KNIGHT (NSW, 2000)**REGINA v KNIGHT [2001] NSWSC 1011 (8 NOVEMBER, 2001)****JUDGE:** Justice Barry O'Keefe**WHERE HELD:** Supreme Court of Victoria

The Female Hannibal Lecter

The very mention of the name Katherine Knight is enough to send a chill up the spines of even the toughest men. A man-hating murderess who outraged Australia, indeed the world, by committing one of the vilest acts of defilement of another human being imaginable, Knight is regarded as one of the most evil women in Australian criminal history.

The product of a dysfunctional family in which sex and violence were features of daily life, Knight was thought crazy even by her own rough-living mother. Tall, redheaded and bespectacled, she embarked on a series of volatile relationships in which she was generally the aggressor, bearing four children to three men. Significantly, she was bigger than each of her partners; they were men she could intimidate and dominate. Possessive and paranoid to the extreme, she threatened, thrashed and slashed at them to get her own way.

Ultimately, Katherine Mary Knight's homicidal urges came to an appallingly violent, grotesque climax in late February 2000 when, in the Hunter Valley hamlet of Aberdeen in New South Wales, she subjected her diminutive defacto, John Price, to the most heinous of indignities.

Several years into their tempestuous union, the then 44-year-old grandmother became so incensed when the knockabout Price declared he wanted her out of his life that she started plotting to end his.

Late on the night of 29 February, 2000, or in the early hours of the next morning, Knight lulled Price into a false sense of security by seducing him at his house. As the 167cm tall miner rested in bed, Knight attacked him with a big-bladed butcher knife. Price tried to escape and made it to the front door, but Knight dragged him back into the hall and kept on stabbing him, inflicting 37 wounds in all.

But Knight's blood lust hadn't yet been sated. She then unleashed the skills she had refined over many years as a meat slicer at local slaughterhouses. She expertly skinned her lover's body and hung his hide from a hook in an archway leading to the dining room.

The butchery had only just begun, with Knight then fashioning rump steaks – her favourite cut – from Price's buttocks before serving them on plates with vegetables and gravy intended for his two teenage children. She also cleanly decapitated Price's head, which she stewed in a pot.

The incomprehensible atrocity repulsed civilised society, with Knight bestowed various nicknames that highlighted her depravity, including 'The Black Widow', 'The Wicked Witch of Aberdeen' and 'Hanna Lecter' (a female version of Hannibal Lecter, the fictional, cannibalistic serial killer of book and movie fame).

The remorseless Knight pleaded guilty to murder but claimed to have suffered amnesia during the attack – a claim that was dismissed. The entire community, in particular the male population, sighed with relief when she was sentenced to life imprisonment.

In handing down the sentence, Justice Barry O'Keefe said:

The circumstances of, and surrounding, the killing of Mr Price can thus be seen to be horrendous. Indeed, they go far beyond the experience of any of the professional people, including experienced psychiatrists, that were involved in the case. A number of police officers who were highly experienced in examining crime scenes found the need to take stress leave because of the situation with which they were confronted when examining the crime scene at Mr Price's house. Objectively the circumstances mark the killing and its accompanying incidents being of the most gruesome kind.

SENTENCING REMARKS BY HIS HONOUR, JUSTICE BARRY O'KEEFE⁹

INTRODUCTION

1. Katherine Mary Knight (the prisoner) was arraigned on 2 February, 2001 on a charge of having murdered John Charles Thomas Price (Mr Price) at Aberdeen, in the State of New South Wales, on or about 29 February 2000. She pleaded not guilty. The trial was initially fixed for 23 July 2001 but was adjourned due to the illness of her counsel. She maintained her plea of not guilty and the trial was re-fixed for 15 October 2001.

2. There was some minor delay in the actual commencement of the trial because of the need to augment the jury panel. This arose because of, inter alia, the nature of the case and the possible adverse effects on the members of the jury of the graphic and disturbing evidence to be called in the trial. Members of the augmented jury panel were warned of the problem and given an opportunity to be excused if they felt that the nature of the material to which they would be exposed would be likely to cause them physical or other harm in the course of the trial, or serious ongoing upset. Counsel for the prisoner and the Crown then sought a short adjournment to enable discussions to take place between them concerning the possibility that the prisoner may plead guilty to the charge of murder. I indicated that, in view of the nature of the injuries inflicted by the prisoner on the deceased, and the voluminous psychiatric evidence proposed to be called, there would need to be an up-to-date medical assessment of the prisoner which demonstrated that she was fit to plead before I would be prepared to accept a plea of guilty in the matter. Such an examination was carried out and a report prepared. It demonstrated unequivocally the ability of the prisoner to understand the effect of a plea of guilty by her to the charge of murder and the possible consequences which could flow such a plea.

3. On 18 October 2001, the prisoner was formally charged with the murder referred to above and entered a plea of guilty to such charge. The plea was accepted by the Court and a conviction of murder was recorded. The matter thereafter proceeded as a sentence hearing but, because of the nature of the crime and the need to determine a number of issues of fact, both the Crown and the defence called a good deal of evidence, both lay and psychiatric.

⁹ Permission to publish the sentencing remarks presented here has been received from the Supreme Court of Victoria. The text has been edited for grammatical and spelling errors.

THE ONUS AND STANDARD OF PROOF

4. The decision of the Court on sentence is an important matter for a prisoner, often no less important than the decision as to the prisoner's guilt or innocence. As a consequence, the standard of proof in a sentencing hearing is the same as it is at trial, namely proof beyond reasonable doubt. This standard applies to any disputed facts which are not covered by the verdict or plea of guilty. In *Regina v Storey* (1997) 89 A Crim R 519, a specially constituted Court of Criminal Appeal in Victoria confirmed this statement of the law. Winneke P, Brooking, Hayne JJA and Southwell AJA said: "The judge may not take facts into account in a way that is adverse to the interests of the accused unless those facts have been established beyond reasonable doubt. On the other hand, if there are circumstances which the judge proposes to take into account in favour of the accused, it is enough if those circumstances are proved on the balance of probabilities" (at 530).

5. In determining what factors are adverse to the interests of the prisoner and what are favourable, the Court must ask what the tendency of the fact is in the particular case under consideration. As was said in *Regina v Storey* (supra):

"'Aggravating' and 'mitigating' must be understood in a wide sense and without, eg., drawing the distinction which might be drawn between the significance for another purpose, on the one hand, of a circumstance which renders the crime more serious (eg. the use of a weapon) or, on the other hand, of a prior or subsequent conviction.

The test is not what tag should be applied to any particular fact but what use the judge proposes to make of the fact in relation to the offender. If it is a use adverse to the interests of the offender, then proof beyond reasonable doubt is required; if it is a use in favour of the offender, then proof on the balance of probabilities will suffice."

And:

"We have spoken of disputed 'facts' ... there may be a large number of facts which, it is contended, demonstrate a relevant conclusion. Just as on a trial the Crown does not have to prove every fact on which it relies beyond reasonable doubt in order to conclude that the offence is proved, so too on sentencing, attention must be directed to the relevant issue and it is the issue that must be established to the requisite standard – not each of the individual facts which is said to bear upon the issue" (supra at 531 – 532).

6. In dealing with the sentence to be imposed upon the prisoner in this case, I have applied the law as set out above.

THE MURDER

7. Mr Price was killed late on the night of 29 February 2000 or during the very early hours of the morning of 1 March 2000. His death was as a result of multiple injuries to various organs of his body, secondary to multiple stab wounds.

8. The post-mortem examination revealed that Mr Price had been stabbed at least 37 times in various parts of both the front and back of his body. There may have been more wounds inflicted, but the extent of those found and the subsequent acts of the prisoner in relation to Mr Price's body rendered it impossible to know how many more there may have been and, in particular, the number of wounds which may have been inflicted in the area of his neck.

9. Many of the wounds were deep, and extended into vital organs. These included the aorta, both lungs, the liver, the stomach, the descending colon, the pancreas, and the left kidney, the lower pole of which had virtually been sliced off.

10. The wounds inflicted on Mr Price and the injuries which they caused resulted in the loss of a great deal of blood. This was found splattered and smeared throughout various parts of the house and in a pool, which was quite deep, and measured 1 metre x 2 metres. This pool was in the hallway of Mr Price's home. At the time the police arrived on the morning of 1 March 2000, the blood in it was not fully congealed and had dried only at the edges.

11. The blows which inflicted the injuries to Mr Price were in a pattern that spread from the upper part of his body to his buttocks and below, and had been struck with some considerable force by a knife which had a long blade. A butcher's knife which answered such a description was found adjacent to the Mr Price's body. In addition, a butcher's steel for sharpening knives was found on a lounge chair next to his body. A sharpening stone was also found. It was open on a bench in the kitchen, quite close to the sink and stove. It had clearly been used.

12. An examination of the bloodstains, their differing characteristics and pattern of occurrence in various parts of the house, establish that Mr Price was first attacked by the prisoner in the principal bedroom of the premises at a time when he was in a recumbent posture. The wounds then inflicted were to the front of his body and it is clear that thereafter he got off the bed after, or as, some further injuries were being inflicted on him in the course of his attempts to escape from his assailant, the prisoner. He escaped from the bedroom and moved down the hall in order to get outside the premises but was pursued by the prisoner, who stabbed him in the back a number of times. Whilst in the hallway, he tried to switch on the light.

At that time, he was heavily bloodstained, both front and back, and appears to have then had further stab wounds inflicted to the front part of his body. In the course of his endeavour to escape, Mr Price reached the front door and opened it and, as is apparent from the bloodstains on the outside knob of the front door, he succeeded in getting outside the house. However, he did not remain outside and was either dragged or, as is much less likely, came back into the house and fell in the hallway quite close to the open doorway that leads into the lounge room in which his body was later found by police.

13. That he lay in the hallway for some time is manifest by the considerable volume of blood found in the pool in the hallway.

14. After he had been dead for some time, his body was dragged by the prisoner from the hallway into the lounge room. That he had been dead for some time before this occurred is demonstrated most graphically by the photographs which show the smearing of blood caused by the moving of his body, especially by the thighs, buttocks and thoracic area of his back, which were in contact with the floor. Those photographs and the evidence relating to them and the events surrounding the death establish, without doubt, that at the time Mr Price's body was moved, the blood in the pool was not fully fluid and thus did not flow in to fill the gaps caused by the movement of the body.

15. I am satisfied that at the time the prisoner dragged Mr Price's body from the hallway into the lounge room it was – subject to the wounds which had been inflicted and to which I have already referred – still entire.

16. Thereafter, the prisoner, who had for many years worked as a meat slicer in abattoirs, skinned Mr Price's body. This was carried out with considerable expertise and an obviously steady hand so that his skin, including that of the head, face, nose, ears, neck, torso, genital organs and legs, was removed so as to form one pelt. So expertly was it done that, after the post-mortem examination, the skin was able to be re-sewn onto Mr Price's body in a way which indicated a clear and appropriate, albeit grizzly, methodology. One small segment was left in place – the skin on the left upper chest.

17. At some time after Mr Price had been skinned the prisoner hung his pelt on a meat hook on the architrave of the door of the lounge room, where it remained until it was later removed by investigating police.

18. As is apparent from the fact that his head and neck were removed as part of one entire skin, Mr Price's head was in place at the time he was skinned. However,

at some time between the time when the body was moved into the lounge room and skinned and a time before 7.30am on 1 March 2000, the prisoner decapitated Mr Price's body and at some stage arranged it with the left arm draped over an empty soft-drink bottle, and the legs crossed. This was said in evidence to be an act of defilement demonstrating contempt for Mr Price's remains.

19. The evidence of the Medical Examiner establishes that the decapitation was effected at the C3/C4 junction and was done with a very sharp knife. The removal was clean and left an incised-type wound. To remove Mr Price's head in such a way required skill which was consistent with the skills acquired by the prisoner in the course of her work as a meat slicer. It also required a steady hand at the relevant time.

20. Not only was Mr Price's head removed but parts of his buttocks were also sliced off. The excised parts of Mr Price were then taken by the prisoner to the kitchen and, at some stage, after she had peeled and prepared various vegetables, she cooked Mr Price's head in a large pot, together with a number of the vegetables she had prepared so as to produce a sickening stew. The contents of the pot were still warm, estimated to be at between 40 and 50 degrees centigrade when examined by police during the mid-morning of 1 March 2000. This supports the conclusion that the cooking of Mr Price's head took place at a time into the early morning of 1 March 2000.

21. The pieces which had been cut from Mr Price's buttocks were baked in the oven of the premises by the prisoner, together with other of the vegetables she had peeled. The gruesome steaks were then arranged on plates, together with the vegetables which she had baked and left as meals for the son and daughter of the deceased, accompanied by vindictive notes to each in the handwriting of the prisoner. A third piece was thrown on the back lawn, whether for consumption by dogs or for some other purpose is not revealed in the evidence.

22. In her record of interview taken late in the morning of 4 March 2000, the prisoner claimed that she had no recollection whatsoever of the events involving Mr Price's death:

Q.... Kathy, I am investigating the death of John Price, known as Pricey to a lot of people in Aberdeen, on or about Wednesday, the 1st of March this year. I have reason to believe that you may be the person responsible. Is there anything you can tell me about that matter?

A. I don't know anything on it.

Q. Can you recall ... the last thing that you remember.

A. The last thing I remember was going out for tea with me daughter and the kids, (and) coming home. (Q.44-45)

Q. ... Do you recall going into Pricey's at all? **A.** I really don't know nothing. (Q.52)

23. A little later in her record of interview, she was asked: "Can you just take me to the last thing you actually recall which is the Tuesday the 29th February?" She answered: "The last time I recall was, I don't know about your dates, but I went inside and watched a bit of TV."

24. The interview then continued:

Q. Right, was Pricey there?

A. Mmm.

Q. ... Can you tell me where he was?

A. Not particularly.

Q. And do you remember anything else after that?

A. No. (Q.185-188)

25. The prisoner also claimed not to remember anything of the aftermath of the killing. However, somewhat later she gave a detailed description of events involving sexual intercourse between her and Mr Price on the night of, and shortly before, the killing and, on 2 March 2000, she gave a history of taking two of the nerve tablets that had been prescribed for her and some of Mr Price's blood pressure tablets. This must have been before Mr Collison went to Mr Price's house shortly after 7am and also before the police came at about 8am. Nonetheless, she claimed in her record of interview on 4 March 2000 that she has no recollection whatsoever of the events which resulted in his death, or of the skinning she carried out, or of the decapitation she performed, or of the cooking of parts of the deceased which she undertook. I shall return to this claim to amnesia later in the course of these reasons.

26. The circumstances of, and surrounding, the killing of Mr Price can thus be seen to be horrendous. Indeed, they go far beyond the experience of any of the professional people, including experienced psychiatrists, that were involved in the case. A number of police officers who were highly experienced in examining crime scenes found the need to take stress leave because of the situation with which they were confronted when examining the crime scene at Mr Price's house. Objectively, the circumstances mark the killing and its accompanying incidents as being of the most gruesome kind, the murder being in the most serious category of that crime.

BACKGROUND

27. Mr Price had married in April 1973, but separated from his wife in January 1988.

28. There were two children of that marriage. According to his wife, Mr Price had never been violent, even when affected by alcohol. She said they had separated because they “were not really completely compatible” and that, notwithstanding the long separation, he had sought reconciliation on many occasions and remained a good provider. At the time of his death, Mr Price and the prisoner were in a defacto relationship, as they had been intermittently for a period of some four to six years. It had been less than tranquil. Indeed, on a number of occasions in the past there had been arguments between them, in the course of one of which the prisoner stabbed or slashed Mr Price on the left chest with a knife. I shall return to the prisoner’s relationship with Mr Price later in these reasons.

29. As was her entitlement, the prisoner chose not to give evidence. As a result, there is no sworn testimony to support the contentions by her as to her childhood and earlier life, or as to her various relationships. However, in her interviews with the various psychiatrists she gave a history of having been one of eight children, six of whom were boys and one of whom was a twin sister. Her history included that one, possibly two, of her brothers had sexually abused her when she was young and that there was a suggestion that on one occasion her father may have engaged in activity suggestive of some sexual connection with her. However, she was unable to provide any details of the events involving her brothers, which gave rise to doubts in one of the psychiatrists about the authenticity of such allegations.

30. Her marital and defacto relationships had all proved to be unsatisfactory. In 1974 she married David Kellett. Two children were born of this marriage, which broke up in 1984 or thereabouts. She claims to have been physically abused by her husband and that he was unfaithful to her, as a result of which she claims to have had a nervous breakdown. In a statement made by him, David Kellett, who was at the material times a truck-driver, denied any incidence of violence on his part. He said, “I never raised a finger against her, not even in self-defence. I would just walk away.” He described the prisoner as “being unpredictably violent”. He further recounted an event on their wedding night in which she choked him by grabbing his throat because of what she perceived to be the comparative inadequacy of his sexual performance. He said that at a later time not only had she attacked him with an iron, but on one occasion he woke one morning with her sitting on his chest in bed holding a meat knife to his throat and saying, “You see how easy it is,” and

asking, “Is it true that truck-drivers have different women in every town?” He denied any such infidelity. She also burnt his clothing. There was no cross-examination of Mr Kellett on his statement, although an opportunity for cross-examination was afforded to counsel for the prisoner. Furthermore, there is no evidence, either in the Crown case or in the case mounted on behalf of the prisoner, to gainsay Mr Kellett’s statement. His evidence was not challenged in address. I accept Mr Kellett’s evidence as the more correct version of what occurred in the marriage. In particular, the evidence establishes violent, vindictive, vengeful acts on the part of the prisoner directed at her spouse.

31. The prisoner also complained about mistreatment at the hands of her defacto husband, David Saunders, whom she met, and with whom she formed a relationship with, in 1987. One child, a daughter, was born of this relationship in June 1988. She claimed that Mr Saunders also treated her very badly and was violent to her. In particular, she claimed that on one occasion he had kicked her in the stomach at a time she thought she was pregnant, and as a consequence of which she got a knife and went immediately into the backyard and, as an act of revenge, cut the throat of Mr Saunders’ eight-week-old puppy whilst Mr Saunders was watching. On a later date, the prisoner damaged Mr Saunders’ car. It was at about this time that she took an overdose of sleeping tablets and was admitted to a psychiatric hospital.

32. During the course of this relationship, the prisoner took out a number of Apprehended Violence Orders against Mr Saunders and, according to one of the prisoner’s daughters, there was violence by Mr Saunders towards her mother.

33. Mr Saunders made a statement, which was tendered in evidence. He was not cross-examined on this statement, although the opportunity for such cross-examination was also afforded to counsel for the prisoner. His evidence was not challenged in address. In his statement, he claims not to have been keeping company, or sleeping with, any other women at the time he was in the relationship with the prisoner, although she constantly accused him of such behaviour. Furthermore, he denies the incident of kicking as alleged by the prisoner and claims that although the relationship was “basically good”, the prisoner did take out domestic violence orders against him. However, he says, “it was me that was being assaulted”. In particular, he instances an occasion when she stabbed him in the right side of the stomach with a pair of scissors, and another when she cut all his clothing into small pieces, leaving him with only the clothes he was then wearing.

34. Whether Mr Saunders was the aggressor in the relationship is not able to be resolved satisfactorily on the evidence before the court. However, what is clear and uncontradicted is that there were a number of violent and vengeful acts by the prisoner towards Mr Saunders and his property, and these included an instance in which a stabbing instrument was used to inflict injury, and another in which she killed a puppy by cutting its throat as an act of malice and revenge directed at Mr Saunders.

35. Her next relationship was with John Chillingworth. It commenced in 1990 and a son was born in March 1991. Again, the prisoner had nothing good to say about this partner and the relationship broke up after some three years. Although the prisoner claims to have been assaulted by Mr Chillingworth on many occasions, as is recorded by Dr Milton, the available records do not support her claims. Furthermore, in a statement made by John Chillingworth he denies violence to her, except on one occasion when she snatched his glasses from his face and broke them in front of him. It should, however, be noted that for a time Mr Chillingworth was addicted to alcohol. Mr Chillingworth's statement was not the subject of cross-examination nor challenged in address. Mr Chillingworth's statement reveals a number of spiteful and vindictive acts, including the smashing of his false teeth because it was claimed that he had smacked one of the daughters of the prisoner – a claim he denies. The relationship between Mr Chillingworth and the prisoner came to an end in December 1993, some two years after he had given up alcohol and become a regular member of Alcoholics Anonymous.

36. Again, it is not possible to be dogmatic about the exact relationship between Mr Chillingworth and the prisoner. However, it is clear that she engaged in spiteful, vindictive and vengeful behaviour when she felt, whether with or without justification, that she had been slighted by her partner.

37. According to the prisoner, her relationship with Mr Price began some six years before his death. That would place the commencement of the relationship in about 1994. According to the prisoner, she lived with Mr Price for about two years then broke up, but then went back to live with him after some period apart. Mr Price's son, Jonathan, fixed the time of the commencement of the relationship as about 1995 or 1996. Whatever the actual date of commencement of the relationship, the evidence shows that it was less than stable and had been neither continuous nor tranquil. There were incidents of violence on the prisoner's part and on Mr Price's part as well. During the course of the relationship, she engaged in a number of acts of

spite and violence towards him. One of these involved the prisoner making a video, with an accompanying commentary, of a first-aid cabinet and some other items which Mr Price had taken from his place of employment. At a later date, as a result of Mr Price doing something which displeased her, the prisoner sent the video to Mr Price's employer. The result was that Mr Price lost his job. This was said by her to have been done as an act of revenge. It is significant to note that the prisoner was untruthful about the subject matter of this video when she gave her history to Dr Lambeth and when she spoke about the video to other people as well. Her untruthful description of the contents of the video painted her as a victim of assault, rather than Mr Price as being a victim of her malice.

38. On another occasion, she sliced Mr Price's left chest with a knife. The scar from this was still visible on his body following his death and skinning. It is perhaps not coincidence that the only part of Mr Price that was not skinned by the prisoner was that part of him which bore the scar which she inflicted.

39. In the course of the relationship, the prisoner made it known to a number of people that she intended to kill or seriously maim Mr Price. Threats of such a kind were made to several people as well as to Mr Price in the presence of other people. For his part, Mr Price expressed concern for his safety and even his life to a number of people, and stated that he intended to terminate the relationship and have the prisoner removed from his house.

40. On more than one occasion during the course of the relationship, the prisoner had sought to have Mr Price give her his house, or a share in the house, which she regarded as hers, at least in part. She was not happy when Mr Price indicated that he did not intend to confer any proprietary rights on her and that he intended that his goods and his house should go to his children. In this regard, it should be noted that the prisoner said to Mr Price in the presence of one of his friends, Trevor Lewis, "You'll never get me out of this house. I'll do you in first."

41. On the Sunday before the killing, there was an altercation between the prisoner and Mr Price. It is clear that he assaulted her, but the circumstances in which this occurred are less than clear. He left the house and sought refuge in the nearby house of a friend, claiming that the prisoner had gone for a butchers' knife and that he was fearful for his life. The police were called and he repeated this assertion to them. However, the prisoner denied to the police that she had used or intended to use a knife on Mr Price. She was, however, aware that Mr Price had told the police that he wanted to end the relationship and had asked them to get the prisoner out of the

house. The police informed Mr Price that he would have to use court process for that purpose. He protested and again expressed concern for his safety.

42. The evidence concerning the interval between Sunday 27 February 2000 and the date of Mr Price's death does not reveal any further argument or disturbance between the prisoner and Mr Price. It does, however, reveal that the prisoner showed her bruises to many people. These included the police officers who attended Mr Price's residence on 27 February 2000, her twin sister, both her daughters, her sister-in-law and a friend, as well as Dr Cook, at whose surgery she attended late on the afternoon of Tuesday 29 February, 2000. Her attendance to Dr Cook was not for the purpose of any treatment, but merely to have the doctor record his findings. On examination, he found three bruise marks on the prisoner's right breast consistent with finger marks, as if someone had grabbed the breast firmly. He also found a small bruise on her left chin at about the jaw-line. As the doctor commented, "The consultation was fairly brief. She seemed to be mainly concerned that the injuries were recorded."

43. From a review of the prisoner's history, I am satisfied beyond reasonable doubt that the prisoner was, throughout her various relationships, a person who was prone to violence and vindictiveness, to malice and possessiveness, and to cruelty, and that she was also a person who was anxious to present herself as an innocent victim, whereas in fact she was not infrequently a serious aggressor.

44. I am further satisfied beyond reasonable doubt that the prisoner had not had any stable relationship with a member of the opposite sex, that all her relationships, marital and defacto, had involved violence, certainly on her part, that such violence included the use, by her, of knives and cutting instruments, and that her vindictive and violent behaviour was frequently in the nature of a "payback".

WAS THE MURDER PRE-MEDITATED?

45. It was submitted on behalf of the Crown that the prisoner had determined to kill Mr Price before 29 February 2000. In support of this submission, the Crown instanced:

- (a) Comments made by the prisoner to other persons indicating such an intention.
- (b) Comments of a similar kind made by the prisoner to Mr Price in the presence of others.
- (c) Comments made by Mr Price to others which indicated his fears for his life.

(d) The conduct of the prisoner in the days leading up to the murder.

(e) The behaviour of the prisoner on 29 February 2000.

As to (a):

46. Some 16 months before the murder, the prisoner said to her daughter, Natasha, “I told him if he took me back this time it was to the death.” This was said against a background of the prisoner having resumed her relationship with Mr Price following a period of separation. She also said, to the same daughter, “If I kill Pricey, I’ll kill myself after it.”

47. About five months before the murder, she said to her brother, Kenneth Knight, “I am going to kill Pricey and I am going to get away with it. I’ll get away with it ‘cause I’ll make out I’m mad.” This conversation was also heard by the prisoner’s niece, Tracy Knight.

48. About five weeks before the murder, the prisoner – who Mr Kenneth Knight says often told him she was going to kill Mr Price – said, “I am going to kill Pricey and the two kids too.”

49. The prisoner also made such a threat to one of her friends, Geraldine Edwards.

As to (b):

50. The prisoner said to Mr Price in the presence of a friend, Trevor Lewis, “You’ll never get me out of this house. I’ll do you in first.” And in the presence of Amanda Pemberton, she threatened Mr Price, saying: “If you leave me, I will cut your balls out.”

As to (c):

51. Mr Price confided to his friend, Trevor Lewis that he believed that the prisoner would end up killing him. To his neighbour and friend, Anthony Keegan (to whose house he repaired on Sunday, 27 February 2000 after the altercation with the prisoner), he said, “She’s gone for the butchers’ knife, so I got out of there.” He also informed Mr Keegan of his concern, as later expressed to the police, about getting a knife in his back.

52. He informed his employer that on Monday 28 February 2000 he woke up in the dark of the early hours of the morning to find the prisoner at the end of the bed with her hands behind her back, it being his belief that the prisoner had a knife. He said that he believed he was “a goner” and leapt out of bed and escaped. However, he declined to leave the house because of his concern that his children may become targets in lieu of him.

53. Mr Price attended a Chamber Magistrate at Scone Court House on 29 February 2000. He went to seek an Apprehended Violence Order against the prisoner and informed the Chamber Magistrate that he wished to end his relationship with her and to prevent her from entering his house. On that occasion, Mr Price informed the Chamber Magistrate of the previous stabbing event which he had experienced at the hands of the prisoner and also informed the Magistrate that the prisoner had threatened to cut his penis off.

As to (d):

54. As indicated in paragraph 42 above, the prisoner made considerable play of demonstrating the bruises which she received at the hands of Mr Price on Sunday 27 February 2000. The fact that she did not seek treatment and was so keen for everyone to see them, in my opinion, was part of creating a suitable setting into which the killing of Mr Price could be placed.

As to (e):

55. The behaviour of the prisoner on 29 February 2000 was quite unusual. The retrieval by her of her video camera from the house of her twin sister was significant. It had been at that house for a number of months. It was retrieved to record quite unusual demonstrations of apparent affection to one of her daughters and to record, inter alia, a curious statement: "I love all my children *and I hope to see them again.*"

56. Coming on top of the unexpected retrieval of the video camera, and in the light of subsequent events, this statement supports the conclusion that she had in her mind circumstances which could mean that she may not see her children again.

57. The prisoner's decision to take her daughter, Natasha, and others to dinner that night was also quite unusual. So, too, was the statement of her reason, namely, "I want it to be special." No basis for a special night was laid and, when added to what was said on the video (see paragraph 55), is an additional matter going to an ultimate conclusion concerning the prisoner's intentions in relation to Mr Price. That such intentions were perhaps discussed with – and if not discussed with, at least manifest to – her family is clear from the statement of her daughter, Natasha. She sensed that her mother was unstable within herself and the events of the day and whatever was said or done caused her to say that night, "I hope you are not going to kill Pricey and yourself."

58. The behaviour of the prisoner in leaving her two younger children at the home of her daughter, Natasha, without clean clothes and without their school requisites

is also significant, even more so since she gave different and inconsistent reasons for having done this. The true explanation, in light of subsequent events, is that she did not want to go to her own house with her children, and that she did not want the children at Mr Price's house on that night.

59. One other factor which should be taken into account in relation to this aspect of the case is the medical evidence. As will be seen in more detail hereafter, all of the medical witnesses expressed the opinion that the prisoner had determined to kill Mr Price at least by Sunday 27 February 2000. I accept their opinions as to her determination to kill Mr Price as correct, more particularly in light of the matters referred to above.

60. There are a number of other indicators to which regard may be had. However, based on the material set out above, I am left in no doubt that the prisoner had determined, at least by Sunday 27 February 2000, that she was going to kill Mr Price and planned the method of his execution between then and the time she returned to his home on the night of 29 February 2000.

THE SUICIDE ATTEMPT

61. Counsel for the prisoner has submitted that the events following the killing, skinning and beheading of Mr Price, and the partial cooking of his body, involved a genuine attempt on the part of the prisoner to take her own life. I am satisfied beyond reasonable doubt that there was no genuine attempt on her part to do so.

62. An examination of a sample of her blood taken at the hospital revealed that she had no alcohol in her blood and that the levels of fluvoxamine and promethazine were respectively 0.22mg/l and 0.21 mg/l. These are well within the limits of a therapeutic dose of the drugs in question. These drugs had been previously prescribed for the prisoner and, as a consequence, she was well aware of the therapeutic dose.

63. At the hospital on 2 March 2000, she said she had taken only two nerve tablets. The Fluvoxemine had come from a blister packet of 15 which was found at Mr Price's house. Each tablet was of 100 milligrams. The antihistamine promethazine tablets (trade name Phenergan) were taken from a blister pack of 20, each tablet containing 25 milligrams. In light of the half-life of the prescribed drugs in question, the limited dose taken, her knowledge of the prescribed dose and, importantly, the views expressed by Dr Milton, namely that it was not a genuine suicide attempt, I have come to the conclusion set out above.

AMNESIA

64. The prisoner claimed in her record of interview to have no recollection whatsoever of the events of, and surrounding, the death of Mr Price. The extent of her amnesia as claimed in her record of interview was virtually total, extending back into part of the day of 29 February 2000 and into 1 March 2000. However, as set out in paragraph 25 above, she was able to remember and detail quite vividly events which appear to have immediately preceded Mr Price's death. Furthermore, on the morning after her admission to hospital, she was able to give details of the medication she had taken and its quantity. Although this was before she was questioned by the police, she still claimed in the course of that questioning that she had no recollection of such events. Piecing these various strands of evidence together results in a picture in which her recollection ceases immediately before Mr Price's death and recommences after the skinning, dismemberment and partial cooking of Mr Price had taking place. This is not a credible pattern for a true amnesia, according to the psychiatric evidence, which I accept. Moreover, during the time of which she claims to have no recollection, she performed a number of tasks that required a steady hand, the application of skill, an understanding of driving a motor vehicle and of operating an automatic teller machine. She also showered, changed her clothes and walked from her house back to Mr Price's house.

65. I do not believe the prisoner's statements as to her claimed amnesia. For reasons set out above, and which are further dealt with in the course of examining the medical evidence, I am satisfied beyond reasonable doubt that she has much more recollection than she has claimed, and that her claimed extent of amnesia is convenient for her, both emotionally and litigiously.

66. Although this issue was debated at some length both during the course of the hearing and in addresses, in one sense, whether she had and has amnesia for the events is of little or no account in relation to the question of the penalty to be imposed upon the prisoner. Whether she remembers the events or not, they are as horrendous. Whether she remembers the events or not, they were premeditated. Even if she has no recollection of the actual killing, dismemberment and partial cooking of Mr Price, that may be regarded as no more than a blocking out by her of events that are so horrendous as to cause revulsion and rejection by her as the person responsible for such acts.

DIAGNOSIS AND PROGNOSIS

Dr Delaforce

67. Dr Delaforce, a psychiatrist, who was called in the Crown case, interviewed the prisoner for nearly nine hours in June 2000. In the course of his interviews, he obtained a great deal of information. This included his being made aware of the prisoner's interest in violent and macabre videos. For example, he was made aware of the gruesome videos borrowed by the prisoner, one of which was titled *Resurrection*. This particular video was seized by police in the course of executing a search warrant at the prisoner's house on 1 March 2000. It was a video to which the prisoner referred by name in her early interviews with Dr Delaforce. As he later ascertained, this video depicted gruesome murders, decapitation, a skinned body and the hanging of a body on a meat hook.

68. Additional information that was available to Dr Delaforce at the time of the preparation of his second report in October 2001 included not only the content of the video titled *Resurrection*, but also information that following Mr Price's death, two amounts of \$500 were withdrawn by the prisoner from Mr Price's account through an automatic teller machine (ATM) at Muswellbrook at 2.30am and 2.35am on 1 March 2000. The ATM card used for this purpose had later been replaced by the prisoner in Mr Price's wallet. That Mr Price was dead at the time of the withdrawals is certain. Whether he had been skinned and beheaded and cooked in part is not.

69. Another matter of which Dr Delaforce became aware in the course of his interviews was the prisoner arranging for her nephew, in return for a payment of \$500, to steal Mr Price's uninsured Mondeo motor vehicle and destroy it, so as to inflict financial harm on Mr Price. He also became aware that the same person had been asked by the prisoner to throw acid in Mr Price's face. In addition, Dr Delaforce learned of a number of statements by the prisoner that she intended to kill Mr Price and that, on one occasion, she claimed that she would be able to do so with impunity by claiming she was mad. He was also made aware of the fact that the prisoner had videoed items stolen by Mr Price from his employer and that she had sent the video to his employer with a view to harming him – an act which resulted in him losing his job.

70. Dr Delaforce was of the opinion that all these matters were indicative of her proneness to want to "payback" persons who crossed her, even though she may have been in a relationship with them. He also considered that gruesome videos of the kind borrowed by the prisoner, and which were of a kind that she enjoyed, were

relevant to the violent fantasy life which the prisoner experienced. The particularly disturbing and gruesome video, to which I have already referred, titled *Resurrection*, was, he said, not only extremely violent, but directly related to the charge against the prisoner. That video gave to the actions by the prisoner in relation to Mr Price's body a sense of "copycat".

71. In the ultimate, Dr Delaforce was of the view that there were many indications that, in killing Mr Price, the prisoner was carrying out planned behaviour and that this was consistent with her ongoing violent fantasies and vindictive characteristics. He was of the view that she suffered from a borderline personality disorder, but that "probably her killing of Mr Price and the mutilation of his body were premeditated acts of revenge and perverted pleasure derived from her grossly violent fantasies". I have no doubt that he is correct. He expressed the view that the borderline personality disorder which he diagnosed had no significant (ie. immediate) connection with what she did on the night of 29 February 2000. He said: "What she did on the night was part of her personality, her nature, herself, but it is not a feature of borderline personality disorder. It is not even significantly connected," and that there was much to indicate that she enjoyed doing what she was doing as she skinned and dismembered Mr Price and cooked parts of his body.

72. He had no doubt that at the time the prisoner committed the murder and engaged in the subsequent acts of defilement of Mr Price's body, "she knew the nature and quality of the acts that she was doing and she was aware at that time that those acts were wrong". In his opinion, the elements of payback and gratification were at the heart of what occurred. He said: "It is very important to realise that the pleasure in getting rid of him and getting away with it by making out that she is mad, that in a sense is a payback, but it is the way she gets rid of him that shows the absolute depravity of what she was doing. But that does not in itself mean madness, that type of interest; not to a psychiatrist, but to a lay person it would."

73. He assessed the dangerousness of the prisoner to the community and concluded that:

A. ... There are considerable, very considerable concerns.

Q. And that future violence going to the extreme, as exhibited in this case?

A. It includes the risk of extreme violence, yes.

Q. In particular, Dr Delaforce, do you see at risk any particular members of the community?

A. Anybody that has already caused problems to her or will in the future, and that would therefore include some members of the Price family, his children. I don't rate that highly but it is a matter of significance to look at. I think it would be more to do with what would happen in the future ... It is a matter of opportunity that is related to when people act violently – the opportunities they get ...

74. As to the future, he was of opinion that her personality traits would probably not change significantly. This evidence, which was cogent and convincing, strongly supports a conclusion that the prisoner is, and will remain, indefinitely a significant threat to society.

Dr Milton

75. Dr Milton, who was also called in the Crown case, took a somewhat broader approach to the prisoner's mental state and its relationship to the killing and mutilation of Mr Price from that taken by his medical brethren. Doctors Delaforce and Lambeth concentrated their diagnostic approaches on the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (DSM-IV). Dr Milton pointed out that DSM-IV itself had shortcomings and that it was but one in a series of different approaches that had been adopted historically towards the characterisation of aberrant behaviour in human beings. He expressed the opinion that, "The personality problems demonstrated in the history of Ms Knight's life are not, in my view, psychiatric disease – they are her nature. These personality problems did not stop her from knowing what she was doing or whether it was right or wrong. Nor did they stop her from exercising control over her actions when she chose ... The main effect of Ms Knight's personality problems was to cause difficulty for others. I question whether that should be regarded as an 'abnormality of mind' and think, on balance, it is not; but it is probably a decision for the court." He stressed the following: "The problem is not that she did not know it was wrong to do such thing, but that she did not care about doing them. Callousness is not an absence of knowledge or what is right or wrong. Ms Knight did not lack ability to control herself ... I am of the view that Ms Knight had the ability to control herself at the time she killed Mr Price. She could have decided not to kill him. I do not believe her ability to control herself was impaired."

76. I accept these views as expressed by Dr Milton. Furthermore, since the prisoner pleaded guilty to the charge of murder, no question of insanity, automatism or diminished responsibility remains open. The plea closes off those areas of consideration as defences.

77. Dr Milton also dealt with the dangerousness of the prisoner. He agreed with Dr Delaforce that she was a person who would be dangerous if released into the community. He added, “Ms Knight’s personality characteristics are well established and are unlikely to change by the intervention of doctors or psychologists, a view expressed at least 25 years ago. Ms Knight will retain a capacity for violence and for being affronted by any challenge to a relationship, and she will continue to feel entitled to express herself in any way she deems appropriate (violent or otherwise) to gratify her feelings. There is particular concern about John Price’s children and other members of his family.”

78. In his oral evidence, Dr Milton confirmed this opinion and added that it was supported by a number of factors including:

- (a) The nature of the offence.
- (b) The acts already committed both against Mr Price and others.
- (c) That the prisoner’s behaviour in the past demonstrates that retribution would be likely without the normal limits or restraints that ordinary people impose upon themselves.
- (d) The prisoner’s feeling of being entitled to do things which are aberrant in relation to other people.
- (e) The prisoner’s absence of guilt and shame.
- (f) An underlying hostility to the male sex on the part of the prisoner.
- (g) The tendency of the prisoner to blame others for what she does, rather than being prepared to accept that her actions are wrong.
- (h) The satisfaction derived by the prisoner from committing quite cruel acts.

79. Dr Milton firmly rejected the genuineness of the amnesia claimed by the prisoner. His view in this regard was shared, but with less emphasis, by Dr Delaforce and even, to an extent, by Dr Lambeth. I am satisfied that Dr Milton is undoubtedly correct.

Dr Lambeth

80. The evidence of Dr Lambeth, who was called in the defence case, does not differ substantially in its effect from that given by Dr Delaforce, nor do the salient conclusions as to the dangerousness of the prisoner, the premeditated nature of her crime and the fact that she enjoyed doing what she did, differ from those

of Dr Milton. Dr Lambeth was of the opinion that the prisoner had a borderline personality disorder. Whilst he was of the view that her borderline personality disorder was not the proximate cause of the means of killing and mutilation of Mr Price, he was of the opinion that the prisoner probably made the decision to kill Mr Price on or about Sunday 27 February 2000 as a consequence of the altercation which took place that day, the calling of the police and the attempt by Mr Price to terminate the relationship and put her out of his house. This, he thought, led to her then deciding to kill and thereafter planning the killing of Mr Price. However, he thought that the precise time and ultimate mode of killing and degradation of his body were in a different category. He was firmly of the opinion that the prisoner was a dangerous person. His concern in this regard was heightened by the fact that in his interview with the prisoner, she has been less than frank. She had not told him about a number of relevant and adverse matters, including the following:

1. Retrieving her video camera from her twin sister's place on the afternoon of the killing.
 2. That she claimed to have left her two younger children at the house of her daughter, Natasha, because it was too late to take them anywhere else. This reason is to be contrasted with a quite different reason that she advanced to him.
 3. Her choice of violent videos, and that she enjoyed watching them. This is to be contrasted with the impression given to him that her style of video was *Lady and the Tramp* and *The X-Files*.
 4. That she had stabbed her husband, Mr Kellert.
 5. That she had stabbed her de facto, Mr Saunders, in the stomach with scissors.
 6. That she had previously attacked Mr Price with a knife and wounded him in the left chest.
 7. That she had threatened to cut the throat of a second dog.
- 81.** When the Crown prosecutor put to him the events of, and surrounding, Mr Price's death, Dr Lambeth agreed that it indicated "a certain satisfaction being derived from that type of behaviour". He was then asked:
- Q.** That is not borderline personality disorder, is it?
- A.** It may be part of the payback feature of personality disorder, yes.
- Q.** See, a person who demonstrates that type of behaviour is a very, very dangerous person indeed, isn't she?

A. With that degree of anger, yes.

Q. And may I take it doctor that from the way in which you have expressed yourself here today, the chance of that dangerousness being ameliorated in any particular way does not stand a very good chance?

A. No, that is true.

Q. So whichever way we look at it, the court is confronted with a prisoner who is, and will continue to be, of great danger to the community if she were permitted to return to it?

A. Yes.

This was his final view. It is a view that accords with those of doctors Delaforce and Milton. It is undoubtedly correct.

82. Dr Lambeth was asked about the prospects of successful treatment of persons diagnosed as having borderline personality disorder. Although Dr Delaforce has been quite negative in this regard, Dr Lambeth approached the matter with a somewhat more optimistic view, at least at first blush. He pointed out that there had been attempts at treatment through a combination of pharmacology and psychotherapy. This involved the use of a number of anti-depressants, combined with various types of psychotherapy. They included “insight-oriented psychotherapy”, “analytical psychotherapy” and “dialectical behaviour therapy” – a form of therapy he was unable to explain.

83. These various treatments had been beneficial to some extent in some cases. He relied, in particular, on a study by Carpenter & Colleagues. None of the persons involved in that study was in prison; all had been involved in fairly intensive outpatient psychotherapy, as well as drug therapy. This best case study to which he adverted involved 51 cases. None was shown to have been cured. Eleven cases (22%) showed dramatic improvement. Twenty-one cases (41%) showed no improvement at all. The residue showed modest gains at best. No correlation was able to be given between the extents of the disorder, in particular patients on the one hand and the outcomes on the other. What did emerge from this study was that no one recovered, and that in 78% of the cases there was no dramatic improvement. There is no suggestion in the evidence that there is any treatment which could be afforded to the prisoner which would rid her of the borderline personality disorder diagnosed by the various medical witnesses.

84. From the foregoing, it can be seen that two of the psychiatrists called in the case (ie. other than Dr Milton) were of the view that the prisoner had a borderline

personality disorder, that the prospects of ridding her of such disorder were, in essence, nil, that she was and would remain a person dangerous to others if set at large in the community, and that she continued to be capable of inflicting quite serious physical harm, even death, on members of the community, particularly on anyone who crossed her. These included the family of Mr Price.

85. In a practical sense, the nuances of difference between the doctors do not matter. I am satisfied beyond reasonable doubt that the end point of their evidence is that she is, and will continue to be, a very dangerous person and so continue indefinitely. Furthermore, her history of serious violence, particularly involving knives and extending over a long period, strongly supports the conclusion that were she to be released into the community at any time, she would be likely to inflict serious injury, perhaps death, and even mutilation, on those who cross her.

ANALYSIS

86. Section 19A of the Crimes Act 1900 provides that:

- (1) A person who commits the crime of murder is liable to imprisonment for life.
- (2) A person sentenced to imprisonment to life for the crime of murder is to serve that sentence for the term of that person's natural life.

However, the power of the court under s.21(1) of the Crimes (Sentencing Procedure) Act 1999 to impose a lesser sentence is preserved. In this regard, it should be noted that s.61 of that Act provides that a court is to impose a sentence of imprisonment for life on a person who is convicted of murder if the court is satisfied that the level of culpability in the commission of the offence is so extreme that the community interest in retribution, punishment, community protection and deterrence can only be met through the imposition of that sentence.

87. I have already determined that the murder committed by the prisoner was horrendous and of such a gruesome kind as to place it in the most serious category of that crime. In short, the murder falls into the worst case category. The level of culpability of the prisoner is, as I have determined, extreme. The murder was premeditated. The prisoner not only decided to murder Mr Price, but planned the timing and what she was going to do in a manner which left open to her, as she thought, a way of escaping punishment, namely that she would considered as mad. Furthermore, the prisoner, as I have already determined, has no real prospects of rehabilitation and would be highly dangerous to the community were she

to be allowed out of prison. Imprisonment is the only way in which the element of personal deterrence can operate in relation to the prisoner. Whilst it is a common place that the element of general deterrence should be given little weight in the case of a prisoner suffering from a mental abnormality (*Regina v Scognamiglio* (1991) 56 A Crim R 81), nonetheless it should not be overlooked that borderline personality disorder is found in about 2% of the general population and in about 10% of persons seen in outpatient mental health clinics. Thus, although the question of general deterrence is somewhat muted because of the borderline personality disorder of the prisoner, it nonetheless, in my opinion, is a consideration.

88. The community interest in heavy punishment and retribution for the terrible crimes committed by the prisoner is high. A sentence is called for which accords with the general moral sense of the members of the community who are aware of the facts, and who have taken the opportunity to consider the penalty imposed in that light, as well as in light of any subjective factors in favour of the prisoner (*Regina v Purdey* (1993) A Crim R 441 at 445).

89. In imposing a sentence in a case such as the present, it should also be borne in mind that the violence exhibited by the prisoner to Mr Price was not an uncharacteristic aberration. Rather, her history of violence shows that violence, albeit not to the extent manifest in the present case, was part and parcel of her behaviour and a characteristic of her personality. In such a case, considerations of retribution, deterrence and protection of society all indicate that a most severe penalty is warranted (*Veen v The Queen* (No 2) [1988] HCA 14; (1987-88) 164 CLR 465 at 477).

90. In considering the penalty appropriate to the crime committed by the prisoner, it should be borne in mind that the principle of proportionality precludes the imposition of a sentence which extends beyond what is appropriate to such a crime merely to protect society. The protection of society is, however, a material factor in fixing an appropriate penalty (*Veen v The Queen* (No 2) supra at 473).

91. Having considered the facts of the matter in detail, and in light of the analysis of such facts, including the horrendous nature of the crime committed by the prisoner, the fact that it objectively falls into the most serious category of murders, the fact that the murder was premeditated, the prisoner's long history of serious violence, malice, vindictiveness, possessiveness, cruelty and dangerousness to the community if released, and her on-going incurable borderline personality disorder, the case is marked out as one for which the maximum penalty of life imprisonment would, subject to any subjective matters in mitigation, be appropriate.

MITIGATION

92. Counsel for the prisoner has raised four matters in mitigation of the penalty which should be imposed on the prisoner. These are:

- (i) The fact that the prisoner pleaded guilty to the charge of murder.
- (ii) The borderline personality disorder diagnosed in the prisoner.
- (iii) The absence of any prior relevant criminal record on the part of the prisoner.
- (iv) That the quality of mercy would not be strained were a finite sentence to be imposed on the prisoner.

These must be considered before a final determination is made as to the sentence to be imposed.

The plea of Guilty

93. Counsel for the prisoner correctly submitted that, in passing sentence, the Court is required to take into account the fact that a plea of guilty has been entered, as well as when it was entered. Section 22 of the Crimes (Sentencing Procedure) Act 1999 so mandates. However, although the Court must take such a plea into account and is empowered, as a consequence, to impose a lesser penalty than it would otherwise have imposed, it is not required to impose a lesser penalty.

94. In *Regina v Thomson and Houlton* [2000] NSWCCA 309; (2000) 115 A.Crim.R 104, a specially constituted Court of Criminal Appeal delivered a guideline judgment which dealt with the beneficial effects that may flow from the entry of a plea of guilty, particularly if entered at an early stage. Whilst it is true that a discount of up to 25% may be applied where an early plea of guilty has been entered, the discretion not to allow a discount in a particular case remains and “in some cases no discount is appropriate at all” (*Regina v Thomson and Houlton*, supra at 138). Such cases include those in which the protection of the public requires a long sentence to be imposed or where the crimes in question “so offend the public interest that the maximum sentence, without any discount for any purpose, is appropriate. This includes situations in which a life sentence can be, and is, imposed notwithstanding the plea.” (*Regina v Thomson and Houlton* supra at 138.)

95. The plea of guilty in the present case was entered on the second day of the hearing. However, because of the circumstances referred to in paragraphs 2 and 3 above, the Court accepted that the plea should be received on the basis that it had been proffered on the first day of the trial.

96. This was not the earliest time at which such a plea might have been entered and, in accordance with the authority of *Regina v Thompson and Houlton* (supra), was in fact a late plea. However, it was submitted that the particular circumstances of the case should not result in the discount, if any, otherwise available under this heading of mitigation being lost. In this context, counsel for the prisoner submitted that the fact that the prisoner was suffering from a genuine amnesia impacted on the outcome. It made it difficult to obtain proper instructions in relation to a plea of guilty. He submitted that it meant the prisoner was not aware, until immediately before the day scheduled for the commencement of the trial, what it was that she had done and hence was not in a position either to form a view in relation to a plea of guilty or to give instructions in that regard.

97. In determining the sentence to be imposed, I have had regard to the fact that a plea of guilty was entered, albeit not at an early stage. However, I do not think that any discount should be given on this account to the sentence which should otherwise be imposed. My reasons for so determining are:

1. Whether the prisoner genuinely suffered from amnesia or not, she was made aware shortly after her actual arrest on 1 March 2000 that she had killed Mr Price.
2. In the interview which was conducted by police on 4 March 2000, the fact that Mr Price was dead, that the prisoner was believed to have killed him, and that she was under arrest for, and would be charged with, his murder, was made abundantly clear.
3. The prisoner had been interviewed by her legal representatives in connection with the killing even before the police saw her on 4 March 2000.
4. The medical records indicate that the fact that the prisoner had killed Mr Price was brought to her attention while she was in hospital.
5. The prisoner was well aware by the time she was interviewed by Dr Delaforce on 21 and 22 June 2000 that she had murdered, and was charged with having murdered, Mr Price.
6. The nature of the circumstances of, and surrounding, the murder and the fact that the crime is, even on the most beneficial view, at the very top of the range of seriousness.

7. Whether a discount should be given or not is a discretionary matter and the present case is one in which the protection of the public requires a long sentence so that no discount for the plea is appropriate.

8. The absence of any element of contrition or remorse involved in the plea.

9. The fact that there was a strong Crown case confronting the prisoner.

10. Even on a purely utilitarian approach, the investigation had been completed and the preparation of the trial had been undertaken.

The extent of the saving in human and economic terms was therefore limited. Furthermore, the nature of the crime committed by the prisoner so offends the public interest that the maximum sentence, without any discount, would be appropriate.

Borderline personality disorder

98. The prisoner's borderline personality disorder, which was diagnosed by doctors Delaforce and Lambeth, is not inconsistent with either premeditation or a natural cunning which may cause a prisoner to put the best gloss or spin on the situation confronting her. I have already found that I am satisfied beyond reasonable doubt that the murder committed by the prisoner was premeditated. The prisoner's antecedent reported statements, her previous violent behaviour in relation to partners who crossed her, her violent fantasies and the firm opinions of the psychiatrists all support such a conclusion. As I have already said, I am satisfied beyond reasonable doubt that the prisoner made up her mind to kill Mr Price no later than the late afternoon or early evening of 27 February 2000, and that thereafter she created a situation which gave her the opportunity to implement her decision and weave a web of surrounding circumstances which could be used to support a claim of insanity. Far from being a situation of mitigation, her behaviour highlights the malign nature of the prisoner, whether that be expressed in terms of a borderline personality disorder or whether, as Dr Milton puts it, "they are her nature".

99. Dr Lambeth, the psychiatrist called in the prisoner's own case, said:

A. I think ... that the personality disorder very possibly determines, if you like, the decision – 'I will do this'. The way that decision is carried out, if you like, a plastic part of the decision is determined by other factors, not including the personality but also including experience, social mores and generally the way the person lives.

Q. But if we take this case, according to the history that you got and what emerges from what was said by the prisoner to others, she had a joyous day apparently filled with loving grandchildren and children, followed by enjoyable sex, with no hint of any aggression, then a claim not to remember anything, but the most frightful events then occurring?

A. Yes.

Q. Now does that suggest that there is a planning that is part of a personality disorder but that the circumstances of when that plan will be implemented, etcetera, are advantageous, or does it indicate something else?

A. It may indicate what you suggest ... and then I believe there would need to be some trigger to start the actions off.

Q. We don't have a trigger?

A. We don't have a trigger.

Q. We don't have a trigger at all. The only trigger that we have in this case that is apparent on the evidence ... is that there was an event on the preceding Sunday involving violence and the threat to get her out of the house. That is 48 hours before. Now, is that sufficient or appropriate as a timeframe for that to be a trigger?

A. In my opinion, it is sufficient for that to be the trigger for the killing. It certainly does not explain, nor do I think one can explain, the full circumstances of the killing.

100. Thus, on the most favourable case made on behalf of the prisoner, it is clear that she planned to kill Mr Price, and that while the diagnosed borderline personality disorder was involved in her decision to kill, it does not explain the time and the full circumstances of the killing, which come from factors not associated with the borderline personality disorder.

101. This consideration raised in mitigation of penalty does not, in my opinion, operate to reduce the penalty which should otherwise be imposed.

Absence of prior relevant criminal record

102. It is true that the prisoner has no significant criminal record. However, her history of serious violence in relation to the persons and property of her partners must be weighed in the balance against this. In my opinion, the absence

of previous criminal convictions is of no real consequence when set against her history of violence. Furthermore, it is of even less consequence when regard is given to the nature of the crime to which the prisoner has pleaded guilty.

103. This consideration, in my opinion, does not operate to mitigate the sentence which should otherwise be imposed.

Overriding mercy

104. The final submission in mitigation of sentence is that the quality of mercy would not be strained by the imposition of a sentence for a period of years, albeit a long period, instead of a sentence to imprisonment for life.

105. The task of the Court in imposing a sentence is not an easy one. It must give due weight to all relevant factors. These include the protection of society, retribution and, where appropriate, deterrence and reformation. Mercy is also one of the factors. In a given case, some of these may overlap. In another, some will be inappropriate.

106. Whilst there is a place for the exercise of mercy and consequent leniency in some cases, it should be remembered that, as Gowans J said in *Regina v Kane* [1974] VicRp 90; (1974) VR 759: “Mercy must be exercised upon considerations which are supported by the evidence, and which make an appeal not only to sympathy but also to well balanced judgment. If a court permits sympathy to preclude it from attaching weight to the other recognised elements of punishment, it has failed to discharge its duty” (at 766).

107. In the present case, the submission that mercy, by way of a lesser sentence, should be extended to the prisoner does not, in my opinion, have any place. I have already found that the prisoner showed no mercy whatsoever to Mr Price and that, indeed, she enjoyed what she did to him. Furthermore, mercy is normally extended to those who confess their wrongdoing and genuinely express their contrition and remorse for what they have done. In addition, the extending of mercy generally involves a firm conviction on the part of the Court that if mercy is extended, the prisoner to whom it is extended will be unlikely to repeat the criminal conduct that brought him or her before the Court.

108. The prisoner in the present case does not qualify for mercy on any of these grounds. She engaged in cruel, vicious behaviour to Mr Price. She showed him no mercy. She has not expressed any contrition or remorse (*Regina v Short* [2000] NSWCCA 462; Court of Criminal Appeal, unreported 3 November 2000). If

released, she poses a serious threat to the security of society. In my opinion, it would be a failure on the part of the Court to perform its duty if it were to extend mercy by reducing an otherwise proper sentence in the instant case.

109. From the foregoing examination of the factors prayed in aid of the submission for mitigation, it can be seen that none operates to reduce the penalty which should otherwise be imposed on the prisoner, namely the maximum penalty of life imprisonment.

VICTIM IMPACT STATEMENTS

110. Statements from the children of Mr Price were rendered without objection. These detail their concern, loss and lack of understanding of the events which led to and followed the death of their father. They feel that their lives have been altered in a fundamental way. They detail the psychological and other effects on their lives of the events in question. Their statements mirror, to an extent, the reactions of ordinary members of the community, but because of the intimate connection between the makers of the statements and Mr Price, the effects on them are, as is to be expected, much more profound. I have considered those statements but, conformably with authority (*Regina v Previtera* (1997) A Crim R 76; *Bollen v Regina* (1998) 99 A Crim R 510), have not made use of them in any way so as to increase the penalty which should otherwise be imposed, or even as confirmation that the conclusion to which I have come is the appropriate one.

SUMMARY

111. The prisoner has pleaded guilty to a murder which falls into the most serious category of murders. I am satisfied beyond any doubt that such murder was premeditated. I am further satisfied in the same way that not only did she plan the murder but she also enjoyed the horrific acts which followed in its wake, as part of a ritual of death and defilement. The things which she did after the death of Mr Price indicate cognition, volition, calm and skill. I am satisfied beyond reasonable doubt that her evil actions were the playing out of her resentments arising out of her rejection by Mr Price, her impending expulsion from Mr Price's home and his refusal to share with her his assets, particularly his home, which he wanted to retain for his children. I have no doubt that her claim to amnesia forms part of her plan to affect madness in order to escape the consequences of her acts and to provide a convenient basis, on which to rely to avoid detailed questioning by the police and escape punishment.

112. As I have said, the prisoner showed no mercy whatsoever to Mr Price. The last minutes of his life must have been a time of abject terror for him, as they were a time of utter enjoyment for her. At no time during the hearing, or prior thereto, did the prisoner express any regret for what she had done or any remorse for having done it; not even through the surrogacy of counsel. Her attitude in that regard is consistent with her general approach to the many acts of violence which she had engaged in against her various partners, namely “they deserved it”. In addition, the prisoner’s history of violence, together with her flawed personality, cause me to conclude, along with Dr Milton and the other psychiatrists called in the case, that she is, without doubt, a very dangerous person and likely, if released into the community, to commit further acts of serious violence, including even murder against those who cross her, particularly males. A crime of the kind committed by the prisoner calls for the maximum penalty the law empowers the court to impose.

113. An examination of the cases referred to by counsel supports the view that I have formed, namely that the only appropriate penalty for the prisoner is life imprisonment and that parole should never be considered for her. The prisoner should never be released.

SENTENCE

114. Katherine Mary Knight, you have pleaded guilty to, and been convicted of, the murder of John Charles Thomas Price at Aberdeen, in the State of New South Wales, on or about 29 February 2000. In respect of that crime, I sentence you to imprisonment for life.

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