



**Judgment Summary**  
Supreme Court  
New South Wales

10 February 2015

R v Johnson [2015] NSWSC 31

Hamill J

On 5 February 2015 Hamill J sentenced Dale Ryan Johnson on his plea of guilty to the murder of Cheree Anne Lawson on 12 March 2013 at Dareton. A further offence of assault occasioning actual bodily harm on the same victim was taken into account in sentencing. The proceedings took place in Broken Hill.

The killing of Ms Lawson was the last of three serious assaults committed upon her by the offender. Ms Lawson died from multiple applications of blunt force trauma to the chest and head. The assault occurred over a period of around half an hour. Hamill J was not satisfied that the offender intended to kill in spite of the brutality and sustained nature of the assault.

Hamill J accepted that the offender was out of control and in a rage at the time of the murder, but did not accept that this was a momentary loss of control. Hamill J rejected that this violent rage, most likely brought on by a combination of alcohol and jealousy, mitigated the objective criminality of the offence.

In finding that the offence fell within the mid-range of objective seriousness, Hamill J did not take into account evidence concerning the offender's early exposure to drugs and alcohol fuelled domestic violence at the hands of his alcoholic father. Rather, this was held to be relevant to the offender's moral culpability and his inability to control his emotions.

Hamill J emphasised that the sentence must reflect the need to send a message that our society will not tolerate domestic violence. Where death results, lengthy gaol sentences must be imposed. The offender's history of domestic violence coupled with the further offence taken into account in sentencing meant that greater weight was given to both personal deterrence and retribution.

Ms Lawson's mother and sister provided moving victim impact statements. These included statements by the victim about her own attitudes to, and experience of, domestic violence. Hamill J applied relatively new legislation that allowed these statements to be taken into account in determining the sentence because the harm to the victims was an aspect of harm to the community.

Having received a discount of 20% for his plea of guilty, the offender was sentenced to 21 years with a non-parole period of 15 years and 9 months.

**This summary has been prepared for general information only. It is not intended to be a substitute for the judgment of the Court or to be used in any later consideration of the Court's judgment.**