

AUSTRALIA / JUDGMENT

R v Marshall

[2026] NSWSC 1165**COURT**

Supreme Court

DECIDED

25 September 2026

BEFORE

McGuire J

CASE / FILE NUMBER

2024/110685

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New South Wales

Amendment notes

Medium Neutral Citation: R v Marshall [2026] NSWSC 1165**Hearing dates:** 18 September 2026**Date of orders:** 25 September 2026**Decision date:** 25 September 2026**Jurisdiction:** Common Law**Before:** McGuire J

Decision: For the offence of manslaughter, Robert Marshall is convicted and sentenced to:

(1) Imprisonment for a term of 6 years commencing on 27 April 2026 and expiring on 26 April 2032.

(2) The non-parole period is 3 years and 8 months commencing on 27 April 2026 and expiring on 26 December 2029.

(3) Pursuant to s 25C of the Crimes (High Risk Offenders) Act 2006 (NSW), Robert Marshall is advised of the existence of that Act and of its application to the offence of which he has been convicted. His legal representatives are directed to advise him of the implications of those matters to him.

Catchwords: CRIME – sentence – manslaughter on basis of excessive self-defence – stab wounds with a hunting knife to the left buttock, left hip and left shoulder – where the offender was confronted by the deceased over an affair the offender had with the deceased’s partner – where the deceased was the initial aggressor, but was unarmed – where the offender’s anger escalated quickly after being punched – no planning – diagnoses of ADHD, social anxiety disorder, generalised anxiety disorder and trauma-related disorder – conditions likely to have contributed to heightened state of anxiety and fear and impulsive aggression – reduced moral culpability – good prospects of rehabilitation – genuine remorse and acceptance of responsibility

Legislation Cited:	Crimes (High Risk Offenders Act) 2006 (NSW), s 25C Crimes (Sentencing Procedure) Act 1999 (NSW), ss 21A(2), 21A(3) Crimes Act 1900 (NSW), s 24
Cases Cited:	Davidson v R [2022] NSWCCA 153; 300 A Crim R 214 Director of Public Prosecutions (Cth) v De La Rosa (2010) 79 NSWLR 1; [2010] NSWCCA 194 Goundar v R [2012] NSWCCA 87 Newburn v R [2022] NSWCCA 139 Patel v R [2019] NSWCCA 170 Paterson v R [2021] NSWCCA 273 R v Chamma; R v Hicks (No 3) [2023] NSWSC 1057 R v Dawes [2004] NSWCCA 363 R v Edwards (1996) 90 A Crim R 510 R v Hoerler [2004] NSWCCA 184; (2004) 147 A Crim R 520 R v Jousif; R v I Elomar; R v M Elomar [2017] NSWSC 1299; (2017) 325 FLR 108 R v Loveridge [2014] NSWCCA 120; (2014) 243 A Crim R 31 R v McDonald (Court of Criminal Appeal (NSW), 12 December 1995, unrep) R v White [2025] NSWCCA 111 R v White [2025] NSWSC 243 R v Wood [2014] NSWCCA 184; (2014) 244 A Crim R 501 R v Youseff (No 4) [2025] NSWSC 125
Category:	Sentence
Parties:	Rex (Crown) Robert Mathew Marshall (Accused)
Representation:	
Counsel:	N Keay (Crown) D Dalton SC (Accused)
Solicitors:	Director of Public Prosecutions (NSW) (Crown) Hanna Legal (Accused)
File Number(s):	2024/110685
Publication restriction:	Nil

JUDGMENT

On the evening of 23 March 2024, the offender, Robert Marshall, fatally stabbed Adam Cordingley at a rural property at Bungonia. Adam Cordingley was 39 years of age at the time of his death. The offender was 40 years of age.

The offender was arrested on 23 March 2024 and charged with an offence of murder.

He pleaded not guilty to that charge and stood trial before a jury in the Supreme Court commencing on 25 May 2026. On 9 June 2026, following a 9-day trial, the jury returned a verdict of not guilty of murder, but guilty of manslaughter. That verdict reflects a finding, consistent with the issues which the jury had to decide, that the offence was committed by excessive self-

defence.

I wish to commence these remarks on sentence by acknowledging the life lost and the extreme distress and trauma that Adam Cordingley's death has had on his family.

Later in my remarks, I will have more to say about Adam Cordingley and what his tragic death has meant to his family. I will also later make reference to the victim impact statements that have been tendered by the Crown which set out the impact that his death has had on his family. For efficiency, I will on occasion refer to Adam Cordingley as the deceased. No disrespect is intended.

In *R v White* [2025] NSWSC 243, Harrison CJ at CL relevantly observed as follows:

"[13] ... It is usual and perfectly understandable that many people will have an interest in the result of any sentencing proceedings and not merely the offender awaiting sentence. People other than those who are directly involved in the events that give rise to the relevant offence, such as an accused, often have and forcefully express a desire to follow what happens in court. These include, as in this case, relatives and friends of the deceased, whose position as victims is expressly recognised by statute. Further, and more generally, complete strangers to the proceedings, such as members of the general population and the local community, and often in large numbers, although only affected indirectly, nevertheless remain vicariously invested in the due administration of the criminal justice system. These individuals are entitled to a clear explanation of what happens to an accused person, or what sentence is imposed and why. These different roles are not necessarily mutually exclusive.

[14] Sentencing is a complex and complicated task. It is not designed to be so. It is not intended to vex the uninitiated. But unlike theatrical or cinematic representations of this aspect of the criminal law, sentences in this country are not handed down without giving due consideration to a very large number of important and often contradictory themes. ..."

It is my task to sentence the offender according to law. It is worth noting early in these remarks that in sentencing offenders for murder or manslaughter, judges are asked to perform an impossible equation. No human life can ever be equated with a period of imprisonment. No gaol term, of any length, can return a loved one. No life can ever be measured simply by equating it to the punishment imposed.

The sentence I intend to impose does not, and could not ever, measure the value of Adam Cordingley's life. Instead, it reflects the sentencing discretion informed by proper legal principle. It must reflect adequate punishment, deterrence and denunciation, in addition to rehabilitation and protection of the community. It must hold the offender to account and reflect the objective seriousness of the offence. It must also reflect the offender's subjective case, his moral culpability, his prospects of rehabilitation and the likelihood of offending again in the future.

The legal principle involving the purposes of sentencing requires that this sentence punishes the offender and holds him to account for his actions. The offender's sentence goes some way to fulfilling those purposes. However, punishment is not the only purpose of sentencing. In the circumstances of this case, the offender will have to live the rest of his life with the burden of the consequences of his actions in taking the life of another man, causing the loss of a father to his

young children and the loss of a loved one to other members of his family. It can be expected that such a burden, in addition to any period of imprisonment, will form part of the offender's punishment.

The facts on sentence

The trial of the offender involved very little factual dispute. The issues for the jury were whether the offender had acted in self-defence and, if so, whether his conduct in self-defence was excessive in the circumstances as the offender perceived them to be.

I proceed to sentence the offender on the following facts.

In 2023, the deceased became aware that his partner, Kate Open, was having an affair with the offender. The affair occurred between sometime in July 2022 and 30 July 2023. In the months following his discovery of the affair, the deceased became distressed, embarrassed and angry about it. Despite reconciling with his partner, he became somewhat fixated on discovering the details of the affair, including its duration and circumstances. That resulted in the deceased confronting and arguing with his partner, attempting to have the offender sacked from his employment as a chef at the Terminus Hotel in Marulan, attending the hotel on an earlier occasion with the intention of confronting the offender, messaging the offender's then wife Catherine Marshall indicating a potential for him to be violent if he confronted the offender, and discussing the issue angrily with his brother Joel Cordingley and friend Darren Richardson.

By March 2024, the offender and his then wife had separated and sold their property at Bungonia and the offender had formed a new relationship, secured alternative employment and was in the process of moving to Tumut. The evening of 23 March 2024 was the offender's last night working at the Terminus Hotel.

The deceased had told others that he wanted to meet with the offender before he left town in order to confront him about the affair.

Unbeknownst to the offender, an opportunity for such a confrontation was orchestrated by the offender's wife and the deceased on 23 March 2024.

At about 8:20 pm on 23 March 2024, the offender's wife sent the deceased a message which indicated that the offender had said he might leave work early and not go to the home in Bungonia, but that she had asked him to go there to feed their dogs. She also indicated to the deceased that she would "let [him] know".

The offender arrived at the Bungonia property at about 8:42 pm. When he arrived, he noticed a car parked behind the barn on the property. The offender then telephoned his wife to ask if she knew whose car it was. She said that she did not know and encouraged him to go and have a look.

The offender then armed himself with a hunting knife, which he had kept in his car for rural use. The knife and photographs of it were tendered at the trial. It had a black coloured blade and a black coloured handle. Forensic evidence of the knife established that the blade was 18

centimetres long and its total length, including the handle, was 31 centimetres. In a recorded interview with the police, the offender stated that he had sharpened the knife about a year before and that it had not been used since. He told the police that he took the knife out of the car because it was a dark night and he did not feel safe. He told the police that he had no intention of using it and had no intention of hurting anyone.

Catherine Marshall received a telephone call from the offender at 8:46 pm during which he said, "It's fucking Adam" and words to the effect of "I've asked him to leave the property but he won't". She said that the offender sounded nervous during that conversation.

The offender gave the following account to the police. The deceased confronted him outside the granny flat on the property and said that they had to have a chat. The offender removed the hunting knife from its sheath and then held the knife in his right hand throughout the conversation. He said the deceased then asked him questions about the affair, including questions seeking intimate details. He said that the deceased was angry and aggressive. The offender told the deceased that he did not want him on the property and asked him to leave a number of times.

After about 15 to 20 minutes of questioning, the offender turned to walk away and started walking towards the house, at which point the deceased ran up and punched him, pulled his t-shirt and held his head down. He told the police that the deceased punched him in the head at least 4 or 5 times and then said, "Did you stab me?". He said that the deceased then let go and the offender stepped back and ran down the driveway.

The offender then telephoned triple zero. That call is recorded as having been made at 9:16 pm. The offender said to the operator, "I've just had someone on my farm try and attack me, and I've just stabbed him" and he asked the operator to send police and an ambulance. He told the operator that he believed he must have stabbed Adam Cordingley because there was blood on the knife. He said that he was unsure where he had stabbed him, but believed it had been on the left side of his body, and that he was unsure how many times he had stabbed him, but believed that it may have been a few times. He told the operator that he did not know where Adam was because it was dark, that he did not know how injured he was and that he was worried that Adam may attack him again. He told the operator that he was not going to put the knife down until the police arrived and would not walk back up the driveway toward the house because he was worried that Adam would attack him again.

He later agreed with the police that by swinging his arm with a knife in his hand there was a reasonable chance that he would stab or severely cut the deceased, although he said that he did not intend to kill him. He said that he believed that using a knife against someone who was punching him was a reasonable reaction in the circumstances, including because of the deceased's size and refusal to leave his property despite being asked to do so multiple times.

The offender also told the police that in July 2023, when the affair first became known, the deceased had telephoned and threatened him, but that he did not take the threat seriously. He said that the deceased had not made threats to him in the lead up to the confrontation and that it had “come out of the blue”.

When the police arrived at the scene at about 9:45 pm, the offender was still holding the knife. They searched for Adam Cordingley and found his body face down on the driveway with no signs of life. Attempts to resuscitate him were unsuccessful and he was pronounced deceased at the scene. Three stab wounds were seen on his body.

Subsequent post-mortem examination established that the deceased had been stabbed three times. Two of the stabbing wounds (those above the left buttock and around the left hip) contributed to his death. The third wound (to the left shoulder) did not contribute to his death.

The wound above the left buttock was about 140 to 180 millimetres deep. It penetrated the skin, the gluteus maximus muscle and the pelvic bone and incised the iliac artery. The incision to that artery caused internal bleeding, loss of blood pressure, cardiovascular arrest and a significant risk of death after about 1 to 5 minutes. Expert evidence from Dr Bernard l’Ons, forensic pathologist, established that some degree of force, which he estimated to be about 6 out of 10, or possibly higher, would have been needed to penetrate the pelvic bone.

The wound around the left hip penetrated to a depth of about 60 to 80 millimetres. It penetrated the skin, the abdominal muscle, the abdominal cavity and the small bowel. The damage it caused to the small bowel and to the surrounding blood vessels contributed to the deceased’s death.

The non-fatal wound to the left shoulder was to a depth of about 30 millimetres. It penetrated muscle only.

The post-mortem examination also revealed that the deceased had no injuries to the backs of his hands. Other marks and abrasions on him were consistent with a terminal fall.

Forensic examination of the scene established that blood was found in the vicinity of disturbed gravel on the driveway, consistent with that being the location of a physical altercation between the two men.

I accept that the offender did not instigate the confrontation. Rather, he was surprised by the deceased’s presence on the property and had not expected to be confronted with angry questioning or physical aggression. I also accept that the deceased was the initial aggressor and that when the offender turned his back to him and told him to leave the property, the deceased punched the offender and tore his t-shirt. The offender’s version of those events is corroborated by the torn state of his t-shirt when the police attended the scene. Further, his account of the angry nature of the questioning is consistent with evidence from prosecution witnesses of the deceased’s anger and preoccupation with knowing the details of the affair leading up to the confrontation.

I find that the offender became annoyed that the deceased was on his property and was questioning him about the affair. That finding is consistent with the offender telling the police that when he was being questioned by the deceased, he said to him “I don’t want you here, just fuck off”, him asking the deceased to leave a number of times and him turning his back on the questioning and walking away. However, when the offender was punched and his t-shirt was torn, I find that his annoyance quickly escalated into anger and aggression and that in that state of anger the offender stabbed the deceased three times. These were deliberate acts on the part of the offender. Consistent with the jury’s verdict, I find that the offender’s conduct was not a reasonable response in the circumstances as he saw them at the time.

I am not satisfied that at the time he perpetrated those deliberate acts, he had an intention to kill or to cause grievous bodily harm. I do not accept the submission made on behalf of the Crown that the offender had a murderous intent. The evidence does not lend itself to establishing, beyond reasonable doubt, that the offender had any such intent. The location of the fatal stab wounds, to the buttock and lower abdomen, as opposed to the head or upper chest, and his immediate request for an ambulance, indicate otherwise. Rather, I am satisfied that he is to be sentenced on the basis that, by stabbing the deceased with a knife, in circumstances where a reasonable person, in the position of the offender at the time, would have realised that the act exposed the deceased to a risk of serious injury, he committed an unlawful and dangerous act.

However, the following circumstances satisfy me that his acts in stabbing the deceased were dangerous to a significant degree. The offender armed himself with and used a large, sharpened hunting knife, in circumstances where there was no indication that the deceased was armed. He inflicted three separate stab wounds. The two fatal wounds were deep and, according to expert evidence, at least one of them was delivered with a significant degree of force.

Objective seriousness

The killing of another person with a weapon is an objectively serious offence. That is exemplified by the maximum penalty for manslaughter of 25 years imprisonment pursuant to s 24 of the Crimes Act 1900 (NSW). There is no applicable standard non-parole period.

There is no category of manslaughter that is to be considered more or less serious than others, however, it is important to identify with clarity the basis upon which an offender is to be sentenced: *Davidson v R* [2022] NSWCCA 153; 300 A Crim R 214 at [204] (per N Adams J).

The circumstances giving rise to a manslaughter offence are so varied that the penalties imposed in other cases are of little assistance: see *R v Hoerler* [2004] NSWCCA 184; (2004) 147 A Crim R 520 at [88] (per Adams J); *R v Wood* [2014] NSWCCA 184; (2014) 244 A Crim R 501 at [56] (per Price, Garling and Bellew JJ); *R v Loveridge* [2014] NSWCCA 120; (2014) 243 A Crim R 31 at [193], [227] (per Bathurst CJ, Johnson and R A Hulme JJ); *Goundar v R* [2012] NSWCCA 87 at [42]-[44] (per R A Hulme J).

Sentences imposed for the offence of manslaughter must reflect the fact that there has been a felonious taking of human life: *R v Dawes* [2004] NSWCCA 363 at [32] (per Dunford J); *R v Edwards* (1996) 90 A Crim R 510 at 517 (per Gleeson CJ); *R v McDonald* (Court of Criminal Appeal (NSW), 12 December 1995, unrep).

In determining the objective seriousness of the offending, I have had regard to the following factors:

The offender used a weapon in circumstances where the deceased was unarmed and there were no indications to the contrary.

The deceased was the initial aggressor, although his aggression manifested itself in angry questioning, fisticuffs and ripping the offender's clothing.

The offender was not seriously injured by the deceased's assault on him.

The violence used by the offender was a significant escalation of the conduct prior to the stabbings.

The offence was unplanned. While the offender engaged in some deliberate conduct in obtaining the knife from his car, taking it out of its sheath and holding it during the conversation, I accept that the offender did not intend to use it and had commenced walking away from the deceased. It was not until the deceased punched the offender and tore his t-shirt that the knife was used to stab the deceased. Although the acts of stabbing were deliberate, I accept that they were a relatively spontaneous reaction to being punched.

The fatal stabbing took place in a very short period of time, probably a matter of seconds.

The two stab wounds which contributed to the deceased's death were above the left buttock to a depth of about 140 to 180 millimetres and around the left hip to a depth of about 60 to 80 millimetres.

The forces required to inflict the fatal wounds were not insignificant, particularly that which penetrated the pelvic bone. However, the dynamic forces created during the struggle likely contributed to the force of the stabbings.

Although the stabbings were in response to the deceased's assault on the offender, and in self-defence, they were excessive and not a reasonable response in the circumstances as he saw them at the time.

The offender did not intend to kill the deceased. Rather, he is to be sentenced on the basis that, by stabbing the deceased with a knife, in circumstances where a reasonable person, in the position of the offender at the time, would have realised that the act exposed the deceased to a risk of serious injury, he committed an unlawful and dangerous act.

My finding that the offender did not intend to kill, but committed an unlawful and dangerous act, informs the extent to which his actions exceeded a reasonable response, and assists in assessing objective seriousness and moral culpability: *Newburn v R* [2022] NSWCCA 139 at [47]. I am satisfied that the offender's response in using the knife to stab the deceased three times, and with not inconsiderable force, significantly exceeded a reasonable response in the circumstances.

The Court of Criminal Appeal in *Paterson v R* [2021] NSWCCA 273 made the following observation at [33] concerning the assessment of objective seriousness in manslaughter cases:

"There is no standard non-parole period for manslaughter. Given that, and the much repeated statements that, of all crimes, manslaughter is said to 'thro[w] up the greatest variety of circumstances affecting culpability' (R v Blacklidge (Court of Criminal Appeal (NSW)), Gleeson CJ, 12 December 1995, unrep; see also R v Blake Davis [2021] NSWSC 235 at [138] per N Adams J) it follows that an assessment of where a particular crime of manslaughter is to be placed on some hypothetical range of manslaughters or types of manslaughters is not only not obligatory, it is unlikely to be of much utility. For my part I consider that it is an analysis that is best avoided."

I do not accept the submission made on behalf of the offender that the objective seriousness in this case should be found to be equivalent to that in *R v White* [2025] NSWCCA 111 at [83], where the Court found objective gravity to fall "at the lower end" of the range for offending of its type. The objective circumstances in *White* were very different, and less serious, than those in the present case. There, the offender was required to carry a weapon in the exercise of his duty as a police officer, the weapon used was a taser which is ordinarily expected to stun not kill, the taser was deployed once, the deceased was carrying a knife and the offender was required to do something to stop the situation from developing and acted in a genuine, tragic, error of judgment. That is very different from a civilian unlawfully and dangerously using a long hunting knife to stab an unarmed person three times, acting in anger and aggression.

A finding of the objective seriousness of the offending by reference to a notional range of seriousness is not necessary. However, to the extent that it makes it easier to understand the findings in this case, having considered the nature of the act and the circumstances of the offending, I am satisfied that the offence falls towards, but not at, the lower end of the range of objective seriousness for offences of this type.

Section 21A(2) CSPA – aggravating factors

The use of a weapon, in this case a knife, is an aggravating factor: s 21A(2)(c) of the Crimes (Sentencing Procedure) Act 1999 (NSW) (CSPA). However, the presence of a weapon for an offence of manslaughter does not have much effect on the objective seriousness of the offending by virtue of that fact alone: *R v Chamma*; *R v Hicks (No 3)* [2023] NSWSC 1057 at [85]-[86]; *R v Youseff (No 4)* [2025] NSWSC 125 at [47].

In this case, the offender first armed himself with the knife because he had noticed a strange car parked on his property and was concerned about the presence of a trespasser. I do not find that he intended to use it at the time he retrieved it from his car. Rather, his retrieval of the knife was initially as a protective measure. In those circumstances, the use of the knife as a weapon could only amount to an aggravating factor to a limited extent.

However, because I have taken the use of a weapon into account in assessing objective seriousness, in order to avoid double counting, I will not take it into account as an aggravating factor.

The offender has no criminal history. As the numerous character references tendered on his behalf establish, he is a man of prior good character.

Section 21A(3) CSPA – mitigating factors

I take the following mitigating factors into account:

The offence was not planned – s 21A(3)(b).

The offender has no prior criminal record – s 21A(3)(e). In addition, his lack of criminal antecedents and his prior good character reduce the need for specific deterrence and reduce the significance of denunciation and general deterrence: *R v Jousif*; *R v I Elomar*; *R v M Elomar* [2017] NSWSC 1299; (2017) 325 FLR 108 at [100].

He is a person of prior good character – s 21A(3)(f). The numerous character references describe him as a gentle, kind, loyal, hard-working, non-violent man who avoids conflict. He is clearly loved, admired and trusted by family, friends and colleagues. The referees consistently report the remorse the offender has expressed, both in relation to causing Adam Cordingley's death and in leaving his children without a father. A reference from a person associated with the Terminus Hotel in Marulan also states that he was so supportive of the offender and so confident in his good character, that his business had assisted him with a substantial loan to help meet his legal costs. That situation is confirmed by loan and banking documents tendered on the offender's behalf.

I am satisfied that he is unlikely to reoffend – s 21A(3)(g). I accept the opinions of Ms Amanda Georges, registered clinical psychologist, and Dr Rafe Pulley, consultant forensic psychiatrist, that he presents with a low risk of future offending. That finding is supported by the absence of criminal antecedents, the absence of any history of violence or anti-social behaviour and his record of stable employment and meaningful personal relationships. He has no known history of involvement with anti-social peers, no personality disorder and no substance use disorder.

I find that the offender has good prospects of rehabilitation – s 21A(3)(h). He has voluntarily engaged with psychological treatment whilst on conditional liberty and has expressed a willingness to continue with that treatment. He has shown insight into his psychological needs and has responded well to treatment. According to Ms Georges, whose opinion I accept, his psychological prognosis is good. He has the familial and vocational support of his partner, family

and work colleagues. With that support he intends, upon his release from custody, to continue his relationship with his partner, return to living with her and resume his previous employment.

I also accept that he has shown genuine remorse, has accepted responsibility and acknowledged the loss caused by his actions –

s 21A(3)(i). In this regard, the offender immediately called for ambulance assistance for the deceased at a time when he was unsure how significantly he had been injured, expressed sadness and shock when told that the deceased had died, immediately expressed sympathy for his four young children and, in his dealings with the police during the triple zero call, at the scene and during the recorded interview expressed himself consistently with genuine remorse. Although the offender did not give evidence during the sentence proceedings, I accept that the offender's letter of apology genuinely expresses his sorrow and devastation in learning that Adam Cordingley had died and acknowledges the impact on his family and young children. The offender observes, no doubt correctly, that that is something that will affect him for the rest of his life. Similar expressions of remorse are noted in Ms Georges' and Dr Pulley's reports. Notably, he told Dr Pulley that he had deep regret for his actions and great regret and remorse that as a consequence four children would grow up without their father.

Subjective and other considerations

The offender is now 43 years old. He was born in Wollongong and grew up in Oak Flats, a suburb of Shellharbour. He has one older sister. His father worked for BHP at Port Kembla. His mother was a homemaker and later worked with children with disabilities and provided weekend respite care. His parents separated when he was in his early thirties. Both parents are now retired.

He has described his relationship with his mother as very good and his relationship with his father, who had difficulties regulating alcohol consumption, as "comfortable". He states that his childhood was generally positive and that his parents did their best. He denies any physical violence occurring between his parents during his upbringing, although reports that they frequently argued about financial matters. He denies any interpersonal difficulties with his father. The offender maintains a close relationship with his sister, who he describes as supportive.

The offender reports that he has a long-standing propensity to be easily distracted and a difficulty remaining task oriented. As a child, he fidgeted a lot and had difficulty standing still.

He performed averagely at school and got on well with other students, but reports that he had long-standing difficulties with concentration and had a reputation for hyperactivity and disruption in class. He completed year 12, became an apprentice chef, completed a TAFE cookery course and has worked as a chef and in the hospitality industry ever since.

He reports two traumatic events in his early adulthood. The first, when he was 19 years old, occurred when a tourist bus crashed near where he worked. The offender assisted at the crash scene and witnessed a number of fatalities and serious injuries. The second occurred about a week later, when he witnessed a person commit suicide by jumping from a building.

He met his now ex-wife at the age of 21. She had a son from an existing relationship, who the offender accepted as his own. They had a daughter in 2008 and married in 2013. The marriage deteriorated and they separated in 2023, at which time the offender moved out of the family home and into the granny flat on their property in Bungonia. By about September 2023, they had decided that the Bungonia property should be sold. Contracts for the sale of the property were exchanged in the week immediately before the index offending. They later divorced in 2024.

The offender reports that he has close and long-standing relationship with his stepson, who is now 25 years old. He describes that, prior to the commission of the offence, his relationship with his daughter was exceptionally close. However, since his arrest, which occurred when his daughter was 15 years old, that relationship has deteriorated, causing him considerable distress.

He commenced his current relationship about three years ago and was in that relationship when he was living in the granny flat and at the time of the commission of the offence. Immediately prior to the offending, he had made arrangements to permanently relocate to Tumut, where his current partner lives, and had secured new employment.

Mental health

The offender engaged in psychological treatment with Mr Andre de Jager, psychologist, since February 2025, following his release on bail. Mr de Jager reports that the offender was consistently engaged and cooperative, demonstrated good insight into his emotional state and the impact of stress on his functioning and responded well to psychological support.

Ms Georges assessed the offender on 31 July 2026. The offender reported no history of substance abuse, denied any history of psychiatric illness and had never engaged in psychological treatment prior to the current proceedings. He informed Ms Georges that he believed he had suffered from attention deficit hyperactivity disorder (ADHD) since childhood, but had never sought treatment or been assessed because he believed that it was “weak to speak” about such emotional difficulties. He described persistent difficulties remaining seated, maintaining concentration and excessive talking. As an adult, his symptoms were generally compensated by the demands of his occupation, explaining that he functioned well in the pace and pressure of a commercial kitchen.

Ms Georges reports that the offender has adapted well to custody and has established a structured daily routine. He has obtained work in the prison kitchen and manages periods of anxiety or psychological arousal by exercising.

Ms Georges states that there is a “clinically meaningful, although not causative, relationship” between the offender’s psychological functioning and the offending. She states that his vulnerabilities are “best understood as increasing vulnerability during periods of acute interpersonal stress rather than constituting a direct or sole cause of the alleged behaviour”. She considers that the marriage breakdown, the impending sale of the family home, his relocation and the death of his grandfather in the preceding period were accumulating stressors which likely reduced his overall psychological resilience.

Ms Georges considers that the offender presents with symptoms consistent with provisional diagnoses of ADHD, Combined Presentation, and Other Specified Trauma and Stressor Related Disorder. Despite those symptoms, Ms Georges notes that the offender has demonstrated considerable functional adaptation. She reports that those conditions were present and untreated at the time of the offence. In her opinion, his untreated symptoms were likely associated with difficulty regulating attention, executive functioning and emotional responses during periods of heightened stress.

She considers that the offender’s prognosis is good, his risk of reoffending is low and his prospects of rehabilitation are good. Ms Georges recommends that the offender be referred to a psychiatrist and that he continues with psychological treatment upon his release from custody.

Dr Pulley assessed the offender on 9 September 2026. Dr Pulley’s report contains a summary of the offender’s background which is generally consistent with that contained in Ms Georges’ report. He notes that the offender had never seen a psychiatrist before, but that a psychologist had raised the possibility of ADHD and issues relating to traumatic experiences.

There are passages contained in Dr Pulley’s report relating to the offender’s account of the circumstances leading up to the commission of the offence which are unsupported by evidence. Those passages include assertions by the offender that:

the deceased had sent him a text message which stated “When I find you, you’re dead. I’m going to get you” or words to that effect;

the offender thought at the time of the confrontation that the deceased had intended to kill him; and

he had been told that the deceased had intended to kill him and dump his body at an old rifle range.

It should immediately be noted that these assertions are inconsistent with the offender’s statements to the police at the time of the emergency call, at the scene and during the recorded interview. No evidence at the trial or on sentence supports the assertions. Rather, the evidence at trial established that the offender told the police that when the affair first became known the deceased had telephoned him and threatened him but that he did not take that threat seriously, and that in the lead up to the confrontation the deceased had not been making threats and that the confrontation had “come out of the blue”. Although there was evidence of a threat made during a telephone call, there was no evidence of a threatening text message or of a threat in the

terms expressed by the offender to Dr Pulley.

Upon raising this issue during the sentence hearing, senior counsel for the offender accepted that the assertions made to Dr Pulley were contrary to the evidence, describing them as recreations after the event, confirmed that they were not relied upon and submitted that they should be disregarded.

On one view, the unsupported assertions contained in Dr Pulley's report may establish that the offender has a tendency to exaggerate and may call into doubt the accuracy of his reporting generally. However, his reporting of his background and history and of the other events surrounding the offending are either uncontroversial or supported by evidence. Accordingly, I accept the submission made by the offender's senior counsel and will disregard the unsupported assertions.

Dr Pulley notes the offender's history of inattention symptoms dating to childhood and his lifelong hyperactive-impulse symptoms. He records that the offender has longstanding excessive anxiety and social anxiety and suffered from two traumatic events, being the bus crash and the suicide, which were of a sufficient severity to meet the exposure criterion for post-traumatic stress disorder (PTSD). He recommends further therapy to determine if he meets the full criteria for PTSD.

Dr Pulley diagnoses the offender as suffering ADHD, social anxiety disorder, generalised anxiety disorder and trauma-related disorder. He is of the opinion that at the time of the offending, although the offender had untreated ADHD and longstanding symptoms of social anxiety and generalised anxiety, those conditions were not causing any significant functional impairment. In Dr Pulley's opinion, the offender's perception of the threat posed by the deceased was likely to have been increased by his anxiety disorders and past exposure to traumatic events. He further opines that his ADHD was likely to have caused him to have more emotional and behavioural impulsivity than the average person. In combination, they may have contributed to a heightened state of anxiety and fear and to impulsive aggression.

Dr Pulley comments that if the offender was suffering from concussion from the blows to his head, that may have diminished his ability to control his actions and may have led him to act impulsively out of an exaggerated need to defend himself. However, in finding the offender guilty of manslaughter, the jury must have been satisfied that he had engaged in an intentional and deliberate act. Dr I'Ons gave evidence at the trial that the offender had no signs of substantial injury to his head, that concussion is a vague concept and that blows to the head can cause between a temporary period of confusion, to something much more substantial. Accordingly, I accept that the blows to his head may have caused confusion. I do not accept that he was so concussed that his conduct in stabbing the deceased occurred at a time when he was unable to control his actions or that he acted impulsively. Rather, as must have been found by the jury, his conduct was intentional and deliberate.

Dr Pulley considers that the burden of custody weighs more heavily on the offender because of his ADHD, that he will not be able to access treatment for ADHD in custody and that his incarceration will cause financial hardship to his partner.

He considers that the prospects of rehabilitation are excellent and that his risks of reoffending appears low.

Moral culpability

I accept the opinions of Ms Georges and Dr Pulley in relation to the offender's mental health conditions. I am satisfied on the basis of their opinions that the offender's ADHD, social anxiety disorder, generalised anxiety disorder and trauma-related disorder made him more impulsive and emotional in the stressful situation which developed during the confrontation.

However, both experts gave measured opinions of the relationship between the offender's mental health and the offending. There is no evidence that the offender's developmental history was compromised. His upbringing appears to have been generally stable and supportive and provided him with protective factors. The reports establish that the offender has been able to psychologically function throughout his adult life. There is no history of psychiatric diagnosis or treatment. He has a history of social and vocational stability and an ability to establish meaningful relationships. There is nothing to indicate that his insight or judgment were compromised.

Accordingly, I am satisfied that his mental health conditions contributed to the commission of the offences in a material way and that, as a result, his moral culpability and the need to denounce the crime are both reduced in accordance with *Director of Public Prosecutions (Cth) v De La Rosa* (2010) 79 NSWLR 1; [2010] NSWCCA 194.

However, based on the opinions concerning the nature of the offender's mental health conditions and their relatively limited impact on his offending conduct, the reduction in moral culpability and denunciation will be minimal.

Others matters

I take into account that the factors which have led me to reduce the offender's moral culpability are such that general deterrence should be given somewhat less weight in the sentencing exercise.

In relation to general deterrence, I adopt the comments of the Court of Criminal Appeal in *Patel v R* [2019] NSWCCA 170 at [38] that "general deterrence sits somewhat awkwardly with notions of excessive self-defence, given the similarities with spontaneous crimes of passion involving retribution or provocation or unexpected loss of control". However, it was also stated there, with respect to the sentencing exercise at issue, that "[g]eneral deterrence remained an important consideration, along with retribution, denunciation and punishment".

In White at [94], the Court of Criminal Appeal said that “[g]eneral deterrence will typically have a lesser role to play in a case such as the present where no pre-meditation was involved”, as compared to cases of intentional wrongdoing.

The comments in Patel and White are apposite here. General deterrence is a relevant consideration in this case, but it is far from being the most significant consideration. The same can be said with respect to specific deterrence.

Notwithstanding their reduced significance, general and specific deterrence still have a role to play.

I also take into account that the offender’s conditions of custody are made somewhat more difficult as a result of his ADHD.

In considering his prospects of rehabilitation, I note that Ms Georges and

Dr Pulley have expressed the opinions that his prospects are “good” and “excellent” respectively. I find that his prospects of rehabilitation are good. As I have already noted, that finding is supported by his lack of criminal history, his engagement with treatment, his insight, his remorse and his pro-social supports.

In addition, I find that he is unlikely to reoffend in the future. As I have already noted, that finding is supported by his lack of criminal history, the evidence of his prior good character, his community and familial support and his background of interpersonal and vocational stability.

I accept the submission made on the offender’s behalf that he is entitled to a finding of special circumstances under s 44(2) of the CSPA on the basis that this is his first time in custody, his rehabilitation will be promoted by a greater period on parole, and his circumstances of custody are likely to be more onerous on him than other prisoners due to his subjective circumstances. Accordingly, I propose to make some, albeit a modest, variation to the statutory ratio to account for the finding of special circumstances.

Victim impact statements

During the course of the sentence proceedings, the Court received victim impact statements from Adam Cordingley’s partner, Kate Open, his parents, Ted and Julie Cordingley, and his brother, Joel Cordingley. Kate Open read her victim impact statement in Court. Julie Cordingley read the victim impact statement on behalf of herself and her husband. Joel Cordingley’s victim impact statement was read by his wife, Christy Cordingley, on Joel’s behalf.

Pursuant to s 30E(3) of the CSPA, I consider that it is appropriate to take the victim impact statements into account on the basis that the harmful impact of the offending on Adam Cordingley’s family is an aspect of the harm done to the community. The victim impact statements also allow the Court to obtain a better understanding of Adam Cordingley and how deeply his death impacted on his family and loved ones.

Kate Open, the deceased's partner, wrote and delivered a victim impact statement on her own behalf and on behalf of their four children. She notes that Adam was a loving and supportive father who helped their children every day with their homework, played games with them, shared laughter and created strong bonds. She records that the children are struggling with the new reality of life without their father. She describes their sense of loss as profound and notes that the older children feel the pain of loss sharply and that the younger children often become upset because they were so young at the time of his death that their memories of him are becoming unclear as they age. She notes that their sense of loss and confusion at the absence of their father is heart-breaking.

Ms Open also notes that Adam's absence has created financial difficulties because she now needs to raise their children as a single parent. The need to often take time off work, usually without pay, to look after the children puts additional financial strain on her and the family. She also notes that the circumstances surrounding Adam's death have resulted in her losing a number of her friends and social supports. She has lost self-confidence, struggles with feelings of doubt and has become withdrawn and lonely.

In the victim impact statement from Adam's parents, Ted and Julie Cordingley, they record that Adam was only 6 months old when his older brother died in a tragic accident. They record that Adam's death has caused overwhelming sadness and grief and left a hole in their lives. They note that the circumstances of his death were both horrific and unnecessary and have left them with a profound sense of injustice and loss. That loss is described as being even more profound because they have now had to bury not one, but two of their children.

Mr and Mrs Cordingley also note that Adam and his younger brother Joel were particularly close and had planned to manage and work the family farm together in the future. That responsibility now falls on Joel and has caused him increased stress and reduced the amount of time he has available to spend with his family. They describe that Adam was a hard worker, a man of few words, and a particularly proud and loving father of his four children. They have observed the impact that Adam's death has had on his partner Kate, their children and on his brother Joel. They note that all of their lives have been changed forever.

In his victim impact statement, the deceased's brother, Joel Cordingley, describes Adam as hard-working, a good provider for his family and a dedicated father. He notes that Adam was an active member of the local rural fire brigade and loved being involved in the community. Joel also records that he and Adam planned to take over the family farm and that he had expected to spend the rest of his life working beside Adam. It was intended that the two of them would continue running the family farm together and carry on what past generations of their family had built. He describes that because of Adam's death, that future has been stolen from them. He now has to work on the farm without Adam's assistance. As a result of the amount of time he now has to devote to the farm, his ability to spend time with his own family and with Adam's children is compromised. He notes that Adam's children used to love learning to shear sheep from him, going yabbing on the farm, mustering sheep on the motorbike and fishing with him at the local river. He notes that no sentence could ever bring Adam back and that nothing could ever replace

his loss as a father, son or brother.

I am acutely aware that no mere words, nor the sentence that I will impose, could ever mitigate the loss to Adam Cordingley's family or provide them with any comfort. However, I can assure you that your voices have been heard through your victim impact statements and I take those statements into account to the extent permitted by the law. It is important that the impact of the offender's crime upon the victim's family and loved ones be recognised and never forgotten. On behalf of the Court, I extend my sincere condolences.

Comparable cases

The parties referred me to a number of cases said to be relevantly comparable, acknowledging of course that each case is unique. I have considered each of them.

Senior counsel for the offender placed particular emphasis on White as a relevant comparable case. It was submitted that, although the deceased in White was armed, the circumstances of the offending were otherwise generally comparable. It was submitted that, unlike in White, where it was held that the offender misread and misunderstood the dynamics of the situation and overestimated the level of threat presented by the deceased, the offender's misreading in this case was not inexplicable because it was the product of an ambush by the deceased, at night, in circumstances where the ambush had been planned and concealed from the offender. In White, both the sentencing judge at first instance and the Court of Criminal Appeal were satisfied that the unusual circumstances of that case resulted in the s 5(1) threshold not being met, and instead imposed a community correction order (CCO).

Senior counsel for the offender submitted that White demonstrates that where the s 5 threshold is not crossed, a CCO can be appropriate for manslaughter in circumstances where the killing was an error of judgment or a terrible mistake. Further, it was submitted that each of the purposes of sentencing referred to in s 3A is met without the need for further incarceration. It was submitted that a CCO, together with the periods of time that the offender has spent in remand custody and on strict bail conditions, were adequate punishment and the conviction and restrictions of a CCO were themselves substantial punishment. In relation to general deterrence, it was submitted that that consideration has limited relevance in circumstances where the conduct was spontaneous, fear driven and a defensive response. Senior counsel for the offender submitted that protection of the community and specific deterrence were not significant considerations in light of the offender's low risk of reoffending and good prospects of rehabilitation. Further, it was submitted that his future rehabilitation is best promoted by an order permitting continued treatment in the community with his treating psychologist. It was submitted that denunciation in recognition of harm was appropriately recognised in this case by recording a conviction for manslaughter together with conditions associated with a CCO.

The Crown submitted that White was distinguishable from the present case and that the s 5 threshold had been crossed in the present circumstances. It submitted that the Court would be satisfied that no penalty other than full-time custody was appropriate and that the purposes of sentencing set out in s 3A would not be adequately addressed by a non-custodial sentence.

As I have already noted, I do not accept the submission that the objective seriousness of this case is equivalent to that in White. For similar reasons, I do not accept the submission that White is a relevant comparable case. Unlike in White, the offender was not authorised or required to carry a weapon in the exercise of his duty and did not have a duty to take positive steps to prevent the deceased from using any knife he was carrying. Unlike in White, here the offender used a knife and used it not once, but three times. Unlike in White, here the deceased gave no indication that he was himself carrying a weapon. Although both this case and White can be described as tragic and both involve errors of judgment, the present case of a civilian unlawfully and dangerously using a hunting knife to stab someone three times in anger and aggression clearly establishes that White is not a particularly useful comparative case. Additionally, the offender in White suffered extra-curial punishment in the form of the loss of his employment as a police officer and an inability to continue to reside in his local community. Those considerations have no relevance to the current sentencing exercise.

Having considered all possible alternatives, and noting that an intensive correction order is not an available sentencing option for manslaughter, I am satisfied that no penalty other than imprisonment is appropriate in the circumstances of this case. I am satisfied that the purposes of sentencing referred to in s 3A, particularly the need for adequate punishment and accountability, denunciation and recognition of harm, require the sentence to be imposed to be one of full-time imprisonment.

Appropriate commencement date

The offender was initially bail-refused upon his arrest. Accordingly, he has spent time in custody from the date of his arrest on 23 March 2024 until he was granted conditional bail on 3 May 2024. That is a period of 42 days. In addition, the offender went into custody on 9 June 2026, upon the jury delivering a guilty verdict and upon the Crown bringing a detention application which was not opposed. He has remained in custody since 9 June 2026. That is a period to date of 109 days. The total period of pre-sentence custody is 151 days. Accordingly, I propose to backdate the sentence to commence on 27 April 2026.

I have considered the offender's submission that his bail conditions were so onerous that they should be taken into account. The offender was on bail from 3 May 2024 until 9 June 2026, a period of 2 years and 37 days. His bail conditions were to be of good behaviour, to report daily, to surrender his passport, to not approach points of interstate or international departure and to comply with a curfew condition. The curfew condition initially required him to remain at his residential address between the hours of 6 pm and 6 am. On 9 July 2024, the curfew hours were varied to between the hours of 10 pm and 6 am. Those bail conditions allowed the applicant to be at liberty to attend work during daylight hours and to go about his life with relatively few

restrictions. In those circumstances, I do not accept that the conditions were so onerous as to be a form of quasi-custody justifying some further adjustment in the commencement date.

However, I take into account that the offender's compliance with bail conditions should be taken into account as part of the instinctive synthesis as relevant to the issues of good character, remorse, prospects of rehabilitation and the unlikelihood of reoffending.

Sentence

Robert Marshall, you are convicted of the manslaughter of Adam Cordingley.

For that offence, I sentence you to a term of imprisonment of 6 years commencing on 27 April 2026 with a non-parole period of 3 years and 8 months commencing on 27 April 2026 and expiring on 26 December 2029 and a balance of term of 2 years and 4 months expiring on 26 April 2032.

Accordingly, the earliest date upon which you will become eligible for release on parole is 26 December 2029.

I am required to advise you that the provisions of the Crimes (High Risk Offenders Act) 2006 (NSW) apply to the offence of manslaughter and that you may be subject to its provisions at the end of the sentence I have imposed. That Act allows for certain orders for the continued detention or extended supervision of violent offenders at the conclusion of the sentence. I direct that the offender's legal representatives advise him of the possible application of the provisions of that Act.

Amendments

25 September 2026

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Amended "record interview" to "recorded interview" at [66].

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Decision last updated:

25 September 2026

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