

Module 8: Judicial Decision Making

Section	Plan
Case name and citation	<i>Bugmy v The Queen</i> (2013) 249 CLR 571
Court	High Court of Australia
Judge(s) presiding	French CJ, Hayne, Crennan, Kiefel, Bell and Keane JJ Dissenting - Gagelhar
Material facts	<p>Bugmy threw a pool ball and hit an officer in the eye</p> <ul style="list-style-type: none"> - Aboriginal man <p>District Court NSW: Appellant adhered to pleas of guilty for offences of:</p> <ul style="list-style-type: none"> - S 60A (1) – assault a correctional officer on duty - S 33 (1) (b) cause grievous bodily harm to person with intent <p>Sentenced to 4y and 3 months years non-parole and balance of term of 2 years</p> <p>Mr Bugmy, a prisoner at Broken Hill Correctional Centre was upset that his anticipated visitors might not arrive before the close of visiting hours. A senior correctional officer, Mr Gould, agreed to make inquiries to find out if the visiting hours could be extended. The appellant was not satisfied with Mr Gould's response. He followed him into the wing office saying 'I'll split you open, you cunt'. Mr Gould contacted Assistant Superintendent Pitt and told him that the Emergency Team might be needed.</p> <p>...</p> <p>8. Mr Pitt and another officer, Mr Donnelly, arrived at the scene and spoke with the appellant. The appellant threatened them in much the same terms as he had threatened Mr Gould. He then ran to a pool table and picked up a number of pool balls. Mr Pitt and Mr Donnelly retreated as the appellant threw pool balls at them. This was the conduct charged as the assaults.</p> <p>9. Mr Gould entered the yard and the appellant said 'Gould you cunt, I told you I'm going to split you open'. He threw two balls at Mr Gould, which struck his back. Mr Gould retreated into the wing office and as he attempted to secure the doors a third pool ball thrown by the appellant struck him in the left eye, causing serious injury. This was the conduct charged under s 33(1)(b).</p>

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