



## HIGH COURT OF AUSTRALIA

Public Information Officer

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### KENNETH FRANCIS STANTON v THE QUEEN

The High Court of Australia today dismissed Mr Stanton's appeal against his conviction for the wilful murder of his estranged wife, Marie Ann Stanton, in Lake Clifton, south of Perth, in March 1999.

The issue in Mr Stanton's trial in the Western Australian Supreme Court was intent. He did not deny shooting his wife, but said that when he went to her house with a shotgun loaded with heavy-gauge ammunition he merely intended to frighten her and make her see sense in their Family Court dispute and did not intend to kill her or to cause her grievous bodily harm. The jury was directed that it could find Mr Stanton guilty of either wilful murder, murder or manslaughter, or it could find him not guilty. The only verdicts realistically open on the evidence were wilful murder or manslaughter.

The trial judge, Justice Robert Anderson, directed the jury to first consider wilful murder. If they were unanimously of the view that Mr Stanton was not guilty of the offence, they should consider murder, and if they unanimously believed he was not guilty of murder they could then consider manslaughter. If they unanimously found him not guilty of manslaughter they should acquit him. Mr Stanton argued Justice Anderson should not have prescribed the order in which the jury should have addressed alternative verdicts, and in addition the directions he gave effectively reversed the onus of proof.

The WA Court of Criminal Appeal held that Justice Anderson erred in his directions to the jury and in his answer later to a jury question but, by majority, decided there was no miscarriage of justice.

The High Court, by a 3-2 majority, dismissed the appeal. It held that, taken as a whole, there was no error in Justice Anderson's directions to the jury.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*