



# Case Brief

<b>Case Name/ Type:</b>	R v Lynn – Sentencing Judgement	
<b>Case Citation:</b>	R v Lynn [2024] VSC 635	
<b>Court:</b>	Supreme Court of Victoria	
<b>Division:</b>	Criminal	
<b>Key persons</b>	<b>Prosecution:</b> The Crown (R)	<b>Judge:</b> Justice M Croucher
	<b>Defendant/ Accused:</b> Mr G Lynn	<b>Jury:</b> N/A
<b>Charge/ Conviction</b>	Murder	
<b>Key Principles</b>	Open, independent and impartial judiciary; Presumption of innocence; People can only be punished in accordance with the law; Fair and prompt trials; Fairness; Equality; Access	
<b>Facts of the case</b>	In March 2020, the victims, Mr Russell Hill and Mrs Carol Clay went missing in the Victorian High Country while on a camping trip. Mr Lynn was camped at the same site. Their burnt-out campsite was found by other campers on the same day that Mr Lynn was recorded driving on a nearby road towing a trailer, at which time Mr Hill's phone connected to a cell tower as the car drove past. In the following months, Mr Hill repainted and modified his vehicle and disposed of the trailer. He was arrested in November 2021 after a lengthy investigation by police. He confessed to returning to the High Country to relocate, burn and dispose of the bodies and remnants, but maintained that the deaths were accidental.	
<b>Procedural History overview</b>	Police investigation (2020-2021); Charged with murder (Nov 2021); Committal Hearing (2023); Voir Dire hearings x 3 (2023/2024); Trial 1 (May 2024) – jury dismissed due to technical issues; Trial 2 (May/ June 2024); Jury verdict - Guilty (June 2024); Sentencing hearing (September 2024); Sentencing Decision (October 2024); Appeal application commenced (October 2025)	
<b>Case Analysis</b>		
<b>Arguments</b>	<b>Prosecution</b> Mr Hill was murdered by Lynn first, followed by Mrs Clay as she was witness to the first murder.	<b>Defence</b> Mrs Clay was accidentally shot when Lynn and Hill were wrestling for the gun, and Hill subsequently fell on a knife when he went to attack Lynn for killing Clay. Both deaths were accidental and Mr Lynn was not responsible for either, even under the definition of manslaughter.
<b>Judgement/ Decision</b>	32 years imprisonment, 24 years non-parole	
<b>Key Issues</b>	Does a lack of motive impact on the determination of murder and the sentence? When is a life sentence a warranted sanction? Why wasn't manslaughter open to the jury as a conviction option? What are the complications of circumstantial evidence? Contrasting verdicts reached for each of the victims Fairness – achievement through fair trial elements, due process and procedural fairness. Supported by open justice, independent judiciary, presumption of innocence Equality – achieved through adversary trial and protection of rights related to opportunity to mount defence Access – supported through recognition of rights of accused, victims and community throughout trial process and sentencing	