



Case Note - Greg Lynn

R v Lynn [2024] VSC 635

WARNING: This case note contains references to and details of serious harm and murder. If you need any assistance, please call Kids Helpline 1800 55 1800 or Lifeline on 13 11 14.

Pre-learning Questions

1. Why does the justice system use juries?
How does the use of juries support fairness in case outcomes?
2. What is the role of a judge in a criminal case where the verdict is decided by a jury?
3. What procedures exist to support the integrity of jury decisions?

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Introduction

The case of R v Lynn concerns the highly publicised trial of Greg Lynn (“Lynn”), a Victorian man charged with the murders of fellow Victorians Russell Hill and Carol Clay, who disappeared while camping in the Victorian High Country in March 2020. After an extensive investigation, Lynn was arrested in November 2021 and charged with two counts of murder.

In June 2024, following a five-week jury trial before Justice Michael Croucher and a jury in the Supreme Court of Victoria, the jury found Lynn guilty of murdering Carol Clay, but acquitted him of murdering Russell Hill. The verdicts drew widespread public attention and debate.

The case provides an interesting insight into the role of juries and jury decision-making, sentencing decisions and key rule of law principles, such as fair and prompt trials, independence of the judiciary and punishment in accordance with the law. It also highlights some of the difficulties in the simultaneous achievement of the principles of justice – fairness, equality and access - when considering the conflicting rights and interests of

accused persons, convicted offenders, victims of crime and the community.

Facts of the Case

On 19 March 2020, Russell Hill (“Hill”) and Carol Clay (“Clay”) went on a camping trip together at Bucks Camp in the Wonnangatta Valley. The pair were aged in their 70s. Another Camper, Greg Lynn (“Lynn”), had also set up camp at the same site on 18 March. He was a licenced gun owner and was in the area hunting deer. In later statements to police, Lynn would indicate that initially, relations were cordial, however, soured over a dispute with regards to Lynn’s drone use and hunting.

On 21 March, another camper discovered Hill’s abandoned Landcruiser at a burnt-out campsite in Bucks Camp. Camera footage from national park number plate detection cameras showed Lynn driving his dark coloured car and trailer alone on the Great Alpine Road that same morning. Telephone records from Hill’s phone also show that it connected to a phone tower around the place the camera recorded Lynn driving at the same time he was passing through.

Hill was reported missing on 26 March, with Clay subsequently reported missing on 28 March. Police attended the burnt-out campsite discovering the missing pairs wallets in the vehicle with identification. The surrounding bushland was searched but nothing further was found. Lynn placed an advertisement to sell his trailer on 1 April but removed it two days later. The trailer has never been recovered.

Given the match in timing of Lynn’s vehicle being recorded and the signal from Hill’s phone, police considered Lynn a person of interest. On 14 July, police attended Lynn’s house covertly recording the conversation. Lynn was cooperative in answering police enquiries. On departure, the attending officers noted a car the same make and model as Lynn’s car was parked in a side street, however, it had been repainted a lighter colour.



A photo of him repainting the vehicle, dated 4 June, was later found on Lynn’s wife’s phone. Soon after this initial contact with Lynn, police began covert recordings of Lynn using listening devices and cameras that were placed in his home, car and driveway.

Park rangers inspected and recovered debris from the burnt-out scene at Bucks Camp on 15 October. On forensic examination, it was found to contain bra hooks, glass, and parts of a side mounted electric mirror from a car.

In a covert recording taken by police the following year on 13 November 2021, Lynn was captured speaking with his wife while watching a program about the disappearance of Hill and Clay. During that recording, Mrs Lynn remarked that the car and trailer looked like the ones belonging to her husband, noting the similarity of a distinctive mounted awning attached to the vehicle on the program to that of the one belonging to Lynn. Surveillance footage recorded in following days showed Lynn removing the awning from his vehicle.

On 22 November 2021, Police arrested Lynn and charged him with the murders of Hill and Clay. He was remanded in custody and did not apply for bail.

Procedural History

Following his arrest on 22 November, Lynn was remanded in custody and questioned by police. Although he had received legal advice, his solicitor was not present at all during this time. Lynn eventually chose to go against his solicitor’s advice and told police his version of events on day 3 in custody, and continuing on into day 4.

A 4-day committal hearing commenced in the Melbourne Magistrate’s Court before Magistrate Sonnet on 16 January 2023. Following this, Lynn was ordered to stand trial for the murders of Hill and Magistrate Sonnet also granted Lynn a suppression order in relation to his police interview and statement.

Between December 2023 and June 2024, there were three administrative proceedings, called a Voir Dire. These proceedings are used to determine the admissibility of evidence for the trial according to the rules of evidence. Several pieces of evidence were deemed inadmissible during these

proceedings due to several reasons related to risk of reduced fairness during the trial for Lynn.

A first jury was empanelled, and the initial trial began on 10 May 2024, but the jury was discharged the same day due to “technical reasons”. The new trial, with a new jury of 15 commenced on 14 May, lasting for 5 weeks. The jury retired to deliberate on 14 June and delivered their verdict on 25 June. They found Lynn guilty of murdering Clay but acquitted him (i.e. found him not guilty) in relation to the murder of Hill.

Following the guilty verdict, the Sentencing Hearing was conducted on 12 September. Justice Croucher handed down Lynn’s sentence of 32 years imprisonment on 18 October 2024. Lynn’s application to appeal on the grounds of breaches of trial procedure creating unfairness and the length of the sentence imposed commenced on 31 October 2025. No decision had been made on the appeal application as of 11 November 2025.





Legal Issues

Australian legal systems are adversary systems which enables both parties to a matter to argue their case. This is a key aspect that enables and protects fairness and the rights of the accused in the legal system.

In Lynn’s case, each side presented their cases and supporting evidence based on the following cases:

PROSECUTION	DEFENCE
Mr Hill was murdered first, followed by Mrs Clay because she was a witness to the first murder.	Both deaths were accidental and Mr Lynn was not responsible for either, even under the definition of manslaughter.

The case or, position, is important as it will determine what evidence is used and how, guiding the questioning of witnesses and the arguments presented about each piece of evidence. This in turn then plays a role in the decision made by the judge or jury related to the charges that the accused is facing – has the prosecution proven their case beyond a reasonable doubt?

Murder, not manslaughter

Early in the trial, the jury was advised by Justice Croucher that there were three options for consideration of a verdict – murder, manslaughter or the acquittal of Lynn.

Manslaughter in Victoria can be classified as either:

- Voluntary, where an intentional killing happens but is mitigated by other circumstances at the time, such as provocation, conflict or emotional distress; or
- Involuntary, where a death is not the intended consequence of an action by the accused but is the result of either carelessness or recklessness.

Regarding the deaths of Hill and Clay, later in proceedings, both defence and prosecution agreed that given the cases that they had presented to the court throughout the trial, only the possibility of murder or acquittal existed. Neither category of

manslaughter was available to the jury as the cases had presented the deaths as either murder (prosecution) or accidental death unrelated to Lynn (defence).

Justice Croucher therefore instructed the jury in his summing up to “put manslaughter out of your mind, the only charges available to you are murder.”¹

Lack of motive

Motive is not an element of the crime of murder and therefore does not need to be proven by the prosecution. What needs to be proven beyond reasonable doubt are the elements of the crime that the accused has been charged with.

Question:

What are the elements of murder according to the Judicial College of Victoria?

Although the prosecution had argued that Lynn first murdered Hill after a possible dispute and had then killed Clay to silence her as a witness, this was not needed to be proven for a successful prosecution. The directions given by Justice Croucher to the jury were that they did not need to be satisfied of motive to find Lynn guilty of murder of either Hill or Clay. As members of the public, it may have been important for the judge to direct them in this way in order to ensure that their decision was made in a way that protected the rights of the victim. That is, they could not make a finding of not guilty simply because there was no apparent motive.

“...the directions given to the jury made it clear that they need not be satisfied of motive in order to find Mr Lynn guilty of murder on either charge. For motive is not an element of the crime of murder.”

Justice Croucher at [56]

Contrasting jury verdicts

The role of a jury in a criminal matter is to be adjudicators (or judges) of fact. This means, that it is the job of the jury to decide the guilt or innocence of the accused person beyond reasonable doubt based only on the evidence presented to the court. Importantly, jury deliberations are confidential in Australian justice systems and juries are not required to provide reasons for their decision. In fact, it is unlawful for jurors to disclose what jury they have sat on, and anything said in their

¹ <https://www.9news.com.au/national/greg-lynn-manslaughter-alternative-thrown-out-of-lynn-trial/a8688a46-e621-4ef4-8008-576001e2f9b9>



deliberations during or after the conclusion of the case.

When the jury returned an unexpected result that found Lynn guilty of the murder of Clay but acquitted him of Hill's murder, there was much discussion about how unusual this result was, and there were feelings of uncertainty about the integrity of the jury system. However, due to the confidentiality of the jury process, the reasoning behind this outcome will remain unknown. It can, however, be established that the jury had reasonable doubt about whether Hill was murdered by Lynn based on the evidence presented during the trial.

Rule of Law Principles and the Principles of Justice

The rule of law principles and the principles of justice work together to create just outcomes in the legal system. The case of *R v Lynn* reveals how these foundational principles work to support and achieve the principles of justice in the Victorian justice system.

Question:

Using the Rule of Law Wheel, identify the rule of law principles that are important to this case. Justify your answer.

The principles of justice, fairness, equality and access, are important considerations when examining whether just outcomes are being achieved in the justice system. They help the community to analyse how effective our legal systems are at resolving disputes in a way that recognises and meets the rights and needs of all people before the law and the wider community.

- **Fairness** - everyone in the legal system should be treated equally and without bias. Fairness is protected by clear and consistent legal rules and processes that apply to all people, such as due process (following proper legal steps to protect a person's rights) and procedural fairness (making sure decisions are made in a fair and transparent way).
- **Equality** - all people are treated the same way under the law and have an equal opportunity to present their case in court.
- **Access** - citizens understand their legal rights and can exercise them. This includes being informed of any charges made against you, having the opportunity to take action in

court, receiving a prompt trial, obtaining legal advice and being represented in court by a qualified lawyer.

Presumption of innocence – Fairness and Access

The presumption of innocence is a key rule of law principle that helps to maintain fairness in the trial process, and ensures individuals will be punished by a court, and only in accordance with the law.

This principle is especially important when a person's freedom or livelihood is at stake, as it prioritises access through the protection of the rights of all accused persons. It also underpins other important rights such as the right to silence, to be tried without undue delay and fair and public hearings.

Question:

Identify where Presumption of Innocence is protected in the International Covenant on Civil and Political Rights (ICCPR), and the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

Beyond Reasonable Doubt

In a criminal case, the onus, or burden of proof, rests with the prosecution. One of the fundamental supporting elements of the presumption of innocence is the standard of proof (level of proof) required to make a finding of guilt in criminal cases – that of 'Beyond Reasonable Doubt'. This standard requires that the prosecution must prove their case against the accused beyond any reasonable doubts in the mind of an ordinary, reasonable person who uses their life experiences to make judgements about the credibility of evidence to support the case presented against the accused to the court.

Despite the intense public and media interest in the Lynn case, the jury ultimately acquitted Lynn of one murder while convicting him of the other. The verdict surprised many, particularly given that Lynn had admitted to moving and burning both bodies at different times, and the evidence before the court that demonstrated the many actions Lynn had taken to conceal the deaths. In addition, the split verdict also did not fit the prosecution's theory or Lynn's own account of the events of 20 March 2020.

However, this outcome highlights an important point: that suspicion, however strong, cannot be a substitute for proof beyond reasonable doubt and that the presumption of innocence is given to all



accused persons before the courts. The jury's decision reaffirmed that criminal conviction requires strong evidence to support a finding beyond reasonable doubt, and if this cannot be established that the accused must be acquitted of the crime they are accused of.

Open, independent and impartial judiciary – Fairness, Equality and Access

An independent judiciary is essential to ensuring fair trials in Australia. Under the principle of the separation of powers in the Constitution, judges are independent of the government. They base their decisions on the law and the evidence before them, free from external pressures, such as political pressure, media or public opinion. They are also responsible for ensuring trials are run in accordance with due process and procedural fairness. In this way, judicial independence supports the achievement of all three principles of justice.

The protection of individual rights remained central throughout the trial of Lynn. The decision of Justice Croucher to disallow some aspects of evidence in the Voir Dire hearings in the interests of fairness is a clear demonstration of the independence of the judiciary. Of particular importance was the exclusion of some aspects of police questioning that was found to be not conducted in a manner that protected the rights of Lynn. Even though the statements and recordings were conducted by those in authority investigating the case, the rights of the accused were protected to ensure a fair trial and result were reached.

Further, when sentencing Lynn, Justice Croucher also recognised the time that he had been held in remand already (over 1,000 days), ensuring that this period was credited towards his final sentence in recognition of the importance of proportionate justice that is fitting to the crime committed. Lynn was also able to retain his right to silence, choosing voluntarily to give a statement to the police regarding what had happened with Hill and Clay, and then giving evidence in his own defence at trial before the jury.

Fair and prompt trials – Fairness, Equality and Access

A fair trial is structured to protect innocent people from being convicted of crime and unfairly losing other important rights like freedom, property, and reputation. Being wrongly found guilty is a serious injustice. Trials conducted according to due process

have protections built into proceedings that support fairness for the parties to matters, ensure equality is protected and enable access to rights for both victims and accused persons.

Admissibility of evidence

Lynn's committal hearing ensured that only charges supported by sufficient evidence proceeded to trial, protecting him from unfounded prosecution. Later, multiple Voir Dire hearings determined the admissibility of evidence, preventing the jury from hearing material that failed to meet the high legal standards set in the rules of evidence.

Evidence that is not collected or handled in a way that protects the rights of the accused and follows the strict rules of evidence cannot be presented as it may lead the jury to come to a different conclusion about the relevance or meaning of the evidence presented.

Some important outcomes of the Voir Dire hearings in the case of Lynn were:

- **Ruling 1** – the accused's written statement and covert recording taken in July 2020 were deemed inadmissible due to failure of the police to caution and advise the accused of his rights properly.
- **Ruling 2** – The Record of Interview (ROI) taken in November 2021 during questioning were deemed inadmissible due to 'oppressive conduct' used by police in questioning the accused and undermining the right to silence.
- **Ruling 3** – some items of evidence found after the recorded interview were also deemed inadmissible as the admissions in the ROI were obtained by improper conduct. This included the finding of Clay's blood on the canopy of Lynn's vehicle awning.
- **Ruling 4** – evidence of the accused's possession of a number of firearms (with the exception of the gun from the scene of the incident), hunting knives, swords etc were deemed inadmissible due to the 'danger of unfair prejudice to the accused'.

These rulings ensured that the jury was able to make a decision based only on evidence that was believed would not unduly influence their opinions either way, protecting Lynn's right to a fair and unbiased trial.



Judicial discretion

Justice Croucher also exercised discretion to balance fairness with openness. Suppression orders were imposed regarding some aspects of the police questioning to minimise prejudicial publicity and preserve the impartiality of the jury, while still maintaining transparency in the administration of justice.

Justice delayed is justice denied

However, as noted by Justice Croucher in his sentencing decision, this case also shows the substantial delay faced by offenders before the Supreme Court of Victoria, impacting on the achievement of rights, fairness and access for both accused persons/ offenders and victims.

Lynn spent almost 3 years between being charged with the murders in November 2021 and finally being sentenced in October 2024. Such a lengthy delay impacts on his right to be tried promptly, a legacy from the Magna Carta that is included in the ICCPR and the *Charter of Human Rights and Responsibilities Act 2006* (Vic). In addition, this delay also has consequences for the families, friends and networks of both victims and accused persons, such as financial and emotional hardship.

Juries as decision makers

One important aspect of a fair trial is enabling accused persons to be judged by their peers - fellow citizens who are reflective of the broader community and its current standards. Jurors listen carefully to all the evidence and decide if the person on trial is guilty or not, reinforcing fairness and impartiality in legal proceedings. The use of juries supports fairness by holding the accused to account by community standards and ensures that decisions are not just made by those in power, but by the community as well.

The rights of victims

The case also exposes the tension between emotional justice and legal justice. Hill's family, despite their profound loss, were not legally recognised as "victims" under the law because Lynn was acquitted of Hill's murder. This outcome left deep frustration and raised public questions about justice and accountability given that Lynn had admitted to moving and burning Hill's body in the same way as Clay's.

This outcome highlights the tension between emotional justice and legal justice. While the result

may feel unsatisfying, it reaffirms that a conviction must be proven beyond reasonable doubt and that every person, regardless of public sentiment, is entitled to a fair trial based solely on proven facts.

Appeals

The hierarchical structure of the Victorian court system supports the ability of offenders to appeal the decisions in their case to higher courts on either legal grounds or the length of the sentence imposed. This is an important feature of the system designed to support fairness and consistency.

Appeals enable the decisions of judges to be reviewed by a judge in a higher court and overruled or overturned if:

- elements of the trial were found to be in breach of due process or procedural fairness; or
- if the law has been applied incorrectly; or
- if the sentence imposed is deemed to be disproportionate to the crime.

Lynn is scheduled to have his conviction and sentence application to appeal heard on 31 October 2025. The points of appeal are based on the argument that a substantial miscarriage of justice occurred during the original trial. The application raises five grounds seeking either to overturn the conviction or to reduce the sentence:

- The prosecutor breached procedural fairness by failing to ask Lynn key questions in cross examination, preventing the jury from fully assessing his responses
- The use of evidence from a police ballistics expert, alleging that its presentation amounted to a serious departure from the standards of a fair trial;
- Two further grounds relate to the jury's deliberations, with the defence arguing that the jury followed an impermissible reasoning pathway and that the verdict is therefore unsafe and unsatisfactory; and
- That the 32-year sentence imposed is manifestly excessive.

Punished in accordance with the law - Fairness and Equality

In Australia, we have freedom under the law. This means people can only be punished for breaches of the law in accordance with the law. It is important that:



- Any sanctions imposed on convicted persons fits the crime committed. This supports fairness in outcomes for offenders;
- Only the law defines a crime and prescribes a penalty, supporting equality and consistency before the law of offenders convicted of the same or similar crimes; and
- Sanctions given must take place in a manner that is proportionate to the gravity of the offending behaviour. This should be done in a way that is just, or fair, in relation to not only the circumstances surrounding the commission of the crime and the offender themselves (aggravating and mitigating circumstances), but also in a way that takes into account the rights of the victims and community.

Although the finding of guilt in many matters is decided by juries, it remains the role of the judge to sentence a convicted defendant. Additionally, judges must record and publish detailed reasons for the sentence imposed and apply the relevant legislation. This transparency is designed to support fairness in outcomes for convicted persons and ensures that judges are accountable for the application of the law in a way that supports the rule of law.

Factors considered in sentencing

Fairness recognises that not everyone is the same, and so people can be treated differently when it is appropriate to do so. This includes the judge's ability to use discretion to consider people's individual circumstances when deciding on a sentence. Judges must consider mitigating factors (like remorse, family circumstances or mental illness) and aggravating factors (like the level of harm caused to a victim or repeat offending) in deciding a fair sentence.

Sentencing hearings are proceedings that occur after a defendant has either pled guilty or has been convicted at trial. They enable fairness and equality in ensuring all relevant factors can be presented to the court by both the prosecution and defence. Judicial officers then use these submissions to help them determine the most appropriate sanction. Victims of crime may also make a Victim Impact Statement to the court about the effects of the crime on their life and wellbeing during this proceeding.

The factors considered by Justice Croucher in the sentencing decision in *R v Lynn* were substantial, and included:

- Lynn's evidence and police methods of gathering evidence potentially infringing on his rights;
- Disputed facts concerning the circumstances of murder, including consideration of the importance of motive, spontaneity of the murders and the order of the deaths;
- Lynn's post-offence conduct;
- Victim impact statements;
- Nature and gravity of the offence;
- Lynn's personal circumstances;
- Aggravating and mitigating factors;
- Comparative case sentences;
- Standard sentencing practices for cases of murder;
- Consideration of whether a life or fixed term sentence as prescribed by the *Crimes Act 1958* (Vic) was appropriate to the case; and
- The purposes of sentencing as provided in s 5(1) of the *Sentencing Act 1991* (Vic).

This shows the wide and varied factors that are considered when sentencing. This is done to ensure that a just and fair sentence is imposed on offenders that is not only based on the objective seriousness of the crime itself.

Further, when considering his sentence, Justice Croucher noted that many acts were clearly intended to conceal the crime and therefore constituted a significant aggravating factor. Lynn's defence conceded that his actions could be interpreted as attempts to conceal the murder of Clay, however, that Lynn was entitled to the 'full benefit of his acquittal' for Hill's death and should be sentenced only for the offence of which he was convicted. The Judge accepted this and only considered his post-offence actions in relation to Clay.

Purposes of sentencing

The purposes of sentencing provide a common set of sentencing objectives for judicial officers to consider when sentencing an offender. These support the principle of fairness and ensure that offenders are punished in accordance with the law.

In Victoria, s5(1) of the *Sentencing Act 1991* (Vic) provides the following purposes of sentencing:



1. General deterrence, denunciation and just punishment;
2. Specific deterrence and protection of the community;
3. Rehabilitation; and
4. Parsimony (a sentence is only as severe as it needs to be to achieve its purposes).

Specifically, the principles of just punishment and parsimony require that a sentence be no more severe than necessary to achieve its purposes. During his sentencing decision, Justice Croucher noted this and his intention to conform with the sentencing principles. Although not defining how much weight or consideration would be given to these, such statements of compliance are important for a judge to make as it shows that they are following the correct procedure and that that offender is receiving a fair trial as required by due process.

Use of case comparisons in sentencing

Case comparisons can be of assistance in identifying current sentencing practices or in assessing sentences imposed for broadly similar offences. However, their usefulness is limited. Each case turns on its own unique combination of aggravating and mitigating factors, making direct comparisons not 100% reliable. Justice Croucher emphasised that sentencing hearings differ fundamentally from trials because “*sentences are not precedents to be applied or distinguished.*”[169]

Rather, a sentencing judge must focus on the circumstances of the case and the statutory principles contained in the *Sentencing Act* to determine an appropriate sentence. This supports fairness by assessing each case on its merits and applying a sentence that accounts for the relevant factors and circumstances specific to that case.

Post sentencing consideration: Parole

According to the Adult Parole Board of Victoria, the purpose of parole is to support prisoners return to the community as they near the end of their sentence. It is a supervised program whereby prisoners have a strict set of terms and conditions to comply with. Parole supports the principle of fairness in accordance with the human right to liberty, while also supporting the community’s access to their collective and individual rights to safety. Lynn was set a non-parole period of 24 years, enabling him to be considered for transition back into the community if conditions allowed.

Sentence credit

Recognition of the time already served plays an important role in maintaining fairness in the justice system. It can help to account for delays in the justice system and recognises the deprivation of liberty that may have been experienced by accused persons while awaiting trial. The court credited Lynn with 1,061 days already served while on remand, in accordance with section 18 of the *Sentencing Act* and in compensation for the right to be tried without undue delay in Article 14(3)(c) of the *International Covenant on Civil and Political Rights*.

Conclusion

The case of R v Lynn demonstrates the rule of law in practice: that justice can be achieved by applying clear and consistent legal principles. It shows how the presumption of innocence, proof beyond reasonable doubt, judicial discretion and fairness of process serve as essential checks on power and public pressure.

In this way, the case of Lynn reminds us of that adherence to the rule of law, even when outcomes are difficult, is what preserves the integrity of the justice system in Australia and enables the achievement of the principles of justice.