

Activity 1 – Chris Dawson’s Sentence

Justice Harrison will today (11 November 2022) sentence Chris Dawson for the murder of his wife Joy Dawson.

This case has received extensive media attention, as will whatever sentence Justice Harrison hands down.

The offence happened prior to the Standard Non-Parole Period of 20 years for murder being introduced; therefore Justice Harrison will not be using that as a guidepost. Justice Harrison must consider many aspects of the offending and offender as well as past sentences for similar offending.

Justice Harrison will have all sentencing statistics found at the Judicial Commission for similar offending. You have a table of statistics for judgements made between 1 January 2008 and 30 September 2021 for offences committed before SNPPs began in February 2003.

Along with this information, the Judgement Summary below and the complete Judgement emailed with this resource, you are to determine an appropriate sentence for Chris Dawson, which will not be appealed in the NSW Court of Criminal Appeal either by the offender, or the Crown.

1. What aspects of the sentencing process will Justice Harrison be looking at?

2. What aspects of this case would cause concern for determining an appropriate sentence?

3. What sentence would you hand down?

Complete sentence _____

Non-parole period _____

Why did you determine this sentence?

Judgment Summary – Supreme Court NSW

R v Dawson [2022] NSWSC 1131 Harrison J

The Supreme Court has found Christopher Michael Dawson guilty of the murder of Lynette Joy Dawson following a judge alone trial held over forty years after her disappearance from Sydney's Northern Beaches in early January 1982.

As at 8 January 1982, Mr Dawson and Lynette Dawson lived at 2 Gilwinga Drive, Bayview with their two young daughters. They had married on 26 March 1970, when they were 21 years old. Lynette Dawson was a trained nurse working at the Warriewood Childcare Centre, while Mr Dawson was then a teacher at Cromer High School.

It was at Cromer High School that Mr Dawson first met JC, who commenced as a student there in 1976 and completed her Higher School Certificate in 1981 when she was 17 years of age. From time to time during 1980 and 1981, JC worked as a babysitter for the Dawsons' girls at Gilwinga Drive. Mr Dawson and JC commenced a sexual relationship at some time during 1980 or 1981 and JC, who was at that time experiencing difficulties living at home with her mother and stepfather, moved into the Dawsons' house for a brief period late in 1981.

On or about 22 December 1981, Mr Dawson travelled with JC north to Queensland, leaving Lynette Dawson and their daughters in the matrimonial home. However, JC became ill and missed her family, and she and Mr Dawson returned to Sydney on Christmas Day. JC then told him that she wanted to end their relationship. Mr Dawson did not want that to happen.

On or about 2 January 1982, JC travelled to South West Rocks for a holiday with her sisters where she met up with some of her school friends. At Mr Dawson's request, JC telephoned him every day, reverse charges, from a public phone.

On 8 January 1982, Mr Dawson and Lynette Dawson attended marriage counselling. According to her work colleagues and her mother with whom she spoke that afternoon and evening, Lynette Dawson appeared happy and optimistic for the future of her marriage.

Mr Dawson claims that on the morning of 9 January 1982, he dropped Lynette Dawson at a bus stop in Mona Vale. He stated that she was going shopping and that she had agreed to meet him and their children at the Northbridge Baths, where Mr Dawson was working that day as a lifeguard. Lynette Dawson failed to appear at the Northbridge Baths and was never seen or heard from again.

Mr Dawson initially maintained that his wife had called him on several occasions after 8 January 1982, including at the Northbridge Baths on 9 January, telling him that she was away only temporarily. According to Mr Dawson, in his last contact with Lynette Dawson she said that she was feeling stronger, she was happy and not to worry about her.

On or about 11 January 1982, Mr Dawson drove to South West Rocks to collect JC and drive her back to Sydney. JC moved into the home at Bayview where she and Mr Dawson commenced living in an intimate relationship. They continued living there together with Mr Dawson's children, and were married there in 1984. They later moved to Queensland, and JC gave birth to their daughter in 1985. JC separated from Mr Dawson in 1990.

Mr Dawson was not arrested and charged with the murder of Lynette Dawson until 2018. Her body has never been located. The Crown relied wholly on circumstantial evidence to support its contention that on the weekend after JC went away, Mr Dawson, either alone or with the assistance or involvement of another person or other persons, murdered his wife. The Crown also alleged that Mr Dawson then or later disposed of her body at an unknown location, once again possibly with assistance from another person or other persons. The Crown contended that Mr Dawson was motivated to kill Lynette Dawson to be able to enter an unfettered relationship with JC, with whom he was infatuated and obsessed.

The Court first considered whether Lynette Dawson was alive after 8 January 1982. The evidence touching this question included statements by Mr Dawson that he had spoken to Lynette Dawson by telephone on 9 January 1982 and after that date, evidence that Mr Dawson told others about Lynette Dawson using her bankcard to make purchases later that month, and evidence of a series of people who claim they saw Lynette Dawson alive in 1982 and thereafter. While the evidence concerning the use of her bankcard was inconclusive, Harrison J was satisfied that Mr Dawson's reported telephone conversations with Lynette Dawson were lies, and that none of the alleged sightings was genuine. His Honour further considered evidence of extensive proof of life inquiries to find beyond reasonable doubt that Lynette Dawson is dead and has been dead since about 8 January 1982.

Harrison J then considered the question of how Lynette Dawson died. While not required by evidence to prove or establish anything, Mr Dawson emphasised the possibility of Lynette Dawson having simply abandoned the home as a reasonable one consistent with his innocence. However, having found among other things that Lynette Dawson had a loving relationship with her family, adored her children and her husband, and was positive about the future of her marriage with Mr Dawson even after he left her for JC, his Honour was satisfied beyond reasonable doubt that the possibility that Lynette Dawson voluntarily abandoned her home without ever contacting her friends and family again was not a reasonable one.

Although finding him to be of good character, Harrison J concluded that Mr Dawson told a series of lies following Lynette Dawson's disappearance which demonstrated a consciousness of guilt for her murder. While that finding, standing alone, was not determinative of Mr Dawson's guilt, when taken together with evidence of Mr Dawson's obsession with JC, his Honour found that the prospect he would lose JC following her departure to South West Rocks so distressed, frustrated and ultimately overwhelmed Mr Dawson that he resolved to, and did, murder his wife so that he could be with her.

The Court was therefore satisfied beyond reasonable doubt that the only rational inference to be drawn from all of the circumstances of the case was that Lynette Dawson died on or about 8 January 1982 as the result of a conscious and voluntary act committed by Mr Dawson with the intention of causing her death.

This summary has been prepared for general information only. It is not intended to be a substitute for the judgment of the Court or to be used in any later consideration of the Court's judgment.

Source: NSW Caselaw website

Sentences for Murder – offences prior to Standard Non-Parole Period

1 January 2008 – 30 September 2021

NPP	Sentence	Priors	Age	Offence Date	Date of Trial
9 years	12 years	none	31 – 40	3/09/2001	20/08/2009
10 years	14 years	none	31 – 40	12/5/1987	22/06/2012
12 years	18 years	serious	31 – 40	23/10/2095	2/09/2020
12 years	15 years	very serious	31 – 40	3/03/2001	16/04/2015
13 years	17 years	minor	21 – 25	13/12/2002	25/07/2008
14 years	18 years	serious	31 – 40	29/05/1990	15/12/2011
14 years	18 years	none	21 – 25	14/09/1996	15/04/2011
14 years	18 years	none	31 – 40	21/09/1999	14/08/2009
15 years	20 years	serious	21 – 25	10/08/1990	26/07/2018
15 years	20 years	very serious	14 – 17	03/09/1988	11/12/2015
15 years	20 years	minor	31 – 40	24/09/1983	03/03/2017
15 years	20 years	none	31 – 40	16/11/2001	13/04/2012
15 years	22 years	minor	26 – 30	22/12/1989	03/04/2020
17 years	22 years	none	26 – 30	11/08/1997	23/02/2018
17 years	22 years	serious	21 – 25	01/02/1992	22/05/2014
17 years	22 years	serious	26 – 30	15/02/2001	15/08/2008
18 years	24 years	minor	31 – 40	16/11/2001	13/04/2012
21 years	28 years	none	41 – 50	30/05/1995	08/02/2008
33 years	43 years	minor	31 – 40	08/01/2000	14/09/2012
	Life	none	41 – 50	22/04/1995	24/02/2012
	Life	none	31 – 40	23/06/1980	03/09/2020

Source: Judicial Information Research System – Judicial Commission of NSW