

# The regina knight case



The legal citation of the case. Regina v [2001] NSWSC 1011 (8 november 2001) The elements of the offence. In order for a trial to be brought, the police and prosecutors might be able to prove that the elements of the particular offence are present. In this criminal case both Actus reus, Mens rea as well causation was clearly shown through the behavior of Katherine Knight. Actus reus is the term referring to ' guilty act' meaning any voluntary actions or omissions that constitutes to a crime, it is the physical element of an offence Her Actus reus is shown through her act of stabbing him 37 times and killing him.

She also chopped off his head and cooked it with vegetables and skinned majority of his body. It is certain to say her act was intentional, malicious and evil. Mens rea refers to ' guilty mind' and is defined as the state of mind requiring constituting a particular crime which is the mental element of an offence. It is clear that the murder was pre-meditated. Her mens rea is shown more clearly by the comments made by the prisoner to other persons indicating intention, comments made by Mr. rice to others which indicated his fears for his life, comments of a similar kind made by the prisoner to Mr Price in the presence of others and the conduct of the prisoner in the days leading up to the murder. She threatened Mr. Price and said " You'll never get me out of this house. I am going to kill pricey and I am going to get away with it, I'll get away with it cause I'll make out, I'm mad. The causation of the incidence was clear. She wanted to kill him and she performed actus reus and his life ended on her hands.

Factors that might have led to the criminal behavior. There are a few factors that may account to the behavior of Knight. It includes psychological factors,

social factors, and self interest. Knight is said to have been diagnosed with the borderline personality disorder and to have suffered from a post traumatic stress disorder. Her borderline personality disorder may have contributed to the crime but is said by doctor Delaforce and Lambeth that the murder was pre-meditated and her behavior highlights the malign nature of the prisoner. Dr.

Delaforce also took into account that the prisoner enjoyed watching gruesome and disturbing videos entitled such as " Resurrection". His Honour reflects " That video gave to the actions by the prisoner in relation to Mr. Price's body a sense of " copy cat. Knight had almost performed the exact same task and scene of murder to Mr Price compared to the murder in " Resurrection". Although nothing is 100% proven, she has said that she had been physically abused by two of her brothers when she was young and that on one occasion her father engaged in activity suggestive of some sexual connection with her.

She has been in two de facto relationships and she claims that she has been sexually abused by David Kellet who was also unfaithful to her, which she results to have had a nervous breakdown. Knight says Mr. Saunders has also treated her very badly and was violent to her. Both of them explain that what she said about the sexually or physically abusing is not true and indeed that " they were the ones being assaulted by her". Her self interest of revenge is the most major role affecting her to commit criminal behavior, her strong idea of revenge which leads to satisfaction.

It is her nature to maliciously revenge anyone who crosses her and she believes that, that is what they deserve. The problem is not that she did not know it was wrong to do such thing, but that she did not care about doing them..." The interview by Dr. Lambeth came to a similar conclusion of the prisoner's interest and enjoyment in violence. Reporting and investigation of the crime. Citizens must play a major role in the criminal justice system by reporting crime. In the morning of Mr. prices death, around the 1st of March 2001, Police were called by next door neighbor Mr who was suspicious of Mr. Price as Mr. Price mentioned earlier to him Knight may kill him anytime soon. By reporting the police, action was able to be taken much faster by professional police and there was less time to get rid of evidence of killing for Knight. Police had found Mr. Price's body to have been stabbed at least 37 times in various parts of his body back and front. His blood was found splattered and smeared throughout various parts of the house and in a pool. The police found the blood not fully congealed and had only dried at edges, of the 1st of March in 2000.

An examination of the blood stains, their differing characteristics and pattern of occurrence in various parts of the house, establish that Mr. Price was first attacked by the prisoner in the principal bedroom of the premises at a time when he was in a recumbent posture. His body was found perfectly skinned his body and his head chopped off and boiled with vegetables. The way he was skinned was done professional and neatly and is required by a very skilled person with knife to be able to do so. Mary who has been working as a meat slicer in abattoirs for years is obviously a huge suspect.

However Knight claims that she has no idea or recollection of Mr. Price's death. She claims that she cannot recall anything and do not know about anything. The prisoner claims not to remember anything of the aftermath of killing. However so much evidence reveals that the murderer is Knight. The fact that the slicing of his body required a professional experienced person with the knife and the tremendous threats about the fact she was going to kill Mr. Price to Mr. Price and many others. The Plea Knight was arraigned on 2 February, 2001 on a charge of having murdered John Charles Thomas.

She pleaded not guilty. The trial was initially fixed for 23 July, 2001 but was adjourned due to the illness of her counsel. She maintained her plea of not guilty and the trial was re-fixed for 15 October, 2001. After a medical assessment the prisoner was officially charged with the murder on 18 October 2001 and pleaded guilty to the charge. The court accepted her plea of guilty her conviction of murder was recorded. Factors affecting the sentence decision. The three factors that affect sentencing decision in this criminal case include aggravating, mitigating and subjective factors.

Katherine Mary Knight has committed a murder which falls into the most serious category of murder and it is proven beyond reasonable doubt that the murder was premeditated. She used a sharp butcher knife to murder and stabbed him at least 37 times as well as perfectly skinning his whole body. Sometime before she murdered him she made numerous threats to him about his death. After she had murdered him, she stated that she had no recollection of the murder what so ever to the police. She tried to escape her position of crime by trying to blame everything on her mental personality disorder.

She not only planned the murder but actually enjoyed the horrific acts which led to death and defilement. After the death of Mr. Price, she indicated cognition, volition, calm and skill and showed no remorse or guilt at all.

There were four matters going on the mitigation of the penalty was the fact that the prisoner pleaded guilty to the charge of murder, the borderline personality disorder diagnosed in the prisoner, the absence of any prior relevant criminal record on the part of the prisoner and that the quality of mercy would not be strained were a finite sentence to be imposed on the prisoner.

Although the prisoner claims to have no recollection of many events to the death of Mr Price, the horrific murder was premeditated. Even though she claims to have no recollection, her attempts to prove mitigation is regarded as nothing more than trying to block out the gruesome events caused by her. It is said by Dr. Delaforce that " she knew the nature and quality of the acts...was aware at that time that those acts were wrong. " Her actions were a sense of ' pay back' and she tried to make herself look mad. However Dr.

Delaforce explained that the way she committed the murder showed the immorality of her actions which does not necessarily mean madness. The extent to which the law balances the right of victim and offender. The extent to the law which balances the rights of Knight and Mr Price seems to reasonably just. Knight committed a crime that is Knight's life imprisonment seems pretty reasonable as she will be a significant threat to the community if she is set free and for her gruesome act of murder towards Mr Price.

Knight had the right to put in an appeal, have strong qualified lawyers and to have a say. Although Knight is punished to life imprisonment, the tragedy of Mr Price and his family is not just. Mr. Price attended a chamber Magistrate at Scone Court House on 29, February 2000 and sought an apprehended violence order and informed the chamber magistrate that he wanted to end his relationship with her to prevent her entering his life. The only problem is that he did not report it earlier and shortly after this visit, he died.

Knight had the right to apply for an appeal, and although her appeal was through it was not seem reasonable and was rejected. The law succeeded in balancing the rights as it took under consideration the impact the situation had on the victim's family. In order to be just it referred to previous cases such as (Regina v Previtara (1997) A Crime R 76; Bollen v Regina (1998) 99 A Crim R 510) and judging by precedent the penalty Judge O'Keefe J sentenced Knight was suitable. Despite the prisoner's attempt of appeal later on, the dismissal of her appeal was also appropriate.

The penalty given. The final penalty given to Katherine Mary knight is life imprisonment. Her murder fits in the most serious category of crime. The culpability of her truly requires a life sentence. A court is to impose a sentence of imprisonment for life on a person who is convicted of murder, if the court is satisfied that the level of culpability in the commission of the offence is so extreme that the community interest in retribution, punishment, community protection and deterrence can only be met through the imposition of that sentence.

She also will be harmful if let out in the community, considering there is no possible alternative, no other penalty than imprisonment is appropriate.

Katherine Mary Knight is sentenced for life imprisonment. Bibliography

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Anna Marshall 3 July 2006 Case: Regina v ? Knight ? [2001] NSWCS 1011 (8

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Decision: Appeal Dismissed

Decision: Appeal Dismissed