

# SUPREME COURT OF QUEENSLAND

CITATION: *R v Crawford, Patea & Patea* [2018] QSC 122

PARTIES: **THE QUEEN**  
(prosecution)  
v  
**AARON JOHN CRAWFORD**  
(prisoner)  
and  
**LIONEL JOHN PATEA**  
(prisoner)  
and  
**NELSON ANDRAE PATEA**  
(prisoner)

FILE NO/S: Indictment No 803 of 2017  
File No 735 of 2018

DIVISION: Trial Division

PROCEEDING: Sentence

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED EX TEMPORE ON: 29 May 2018

DELIVERED AT: Brisbane

HEARING DATE: 29 May 2018

JUDGE: Burns J

CATCHWORDS: CRIMINAL LAW – PARTICULAR OFFENCES – OFFENCES AGAINST THE PERSON – HOMICIDE – MURDER – where the prisoner, Lionel Patea, pleaded guilty to murder – where the victim was lured to a meeting with the object of assaulting him – where the victim was assaulted by a group of men including Lionel Patea – where the assault included the use of weapons or objects – where the victim’s hands were bound whilst unconscious – where the victim subsequently died from his injuries – where the basis of the plea of guilty to murder was that Lionel Patea intended to cause grievous bodily harm – where Lionel Patea had

previously been convicted of murder

CRIMINAL LAW – PARTICULAR OFFENCES – OFFENCES AGAINST THE PERSON – HOMICIDE – MANSALUGHTER – where the prisoners, Crawford and Nelson Patea, pleaded guilty to manslaughter – where the victim was lured to a meeting with the object of assaulting him – where the victim was assaulted by a group of men including Crawford and Nelson Patea – where the assault included the use of weapons or objects – where the victim’s hands were bound whilst unconscious – where the victim subsequently died from his injuries – the basis for the pleas of guilty was that unlawful killing was a probable consequence of the plan to assault him

CRIMINAL LAW – PARTICULAR OFFENCES – MISCELLANEOUS OFFENCES AND MATTERS – MISCONDUCT WITH REGARD TO CORPSES – where the prisoner, Crawford, pleaded guilty to misconduct with regard to a corpse – where the victim was lured to a meeting with the object of assaulting him – where the victim was assaulted by a group of men including Crawford – where the assault included the use of weapons or objects – where the victim’s hands were bound whilst unconscious – where the victim subsequently died from his injuries – where threats were used by Crawford to secure assistance in disposing of the victim’s body – where the victim’s body was incinerated leaving no remains

*Corrective Services Act 2006 (Qld), s 182*

*R v Hicks & Taylor [2011] QCA 207*

*R v Lincoln; R v Kister; R v Renwick [2017] QCA 37*

*R v WAW [2013] QCA 22*

*R v Welham & Martin [2012] QCA 103*

COUNSEL:

G P Cash QC for the Crown  
D James for Aaron John Crawford  
S Lynch for Lionel John Patea  
A Edwards for Nelson Andrae Patea

SOLICITORS:

Office of the Director of Public Prosecutions (Qld) for the Crown  
Lawler Magill for the Aaron John Crawford  
Moloney MacCallum Abdelshahied Lawyers for Lionel John Patea  
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- [1] Lionel John Patea, you have pleaded guilty to one count of murder. Nelson Andrae Patea, you have pleaded guilty to one count of manslaughter. Aaron John Crawford, you have pleaded guilty to one count of manslaughter and one count of misconduct with respect to a corpse, as well as a summary offence of unlicensed driving.
- [2] The circumstances of the indictable offences are the subject of a statement of facts, exhibit 2, that has been agreed by each of you. Those facts have also been the subject of extensive submissions by Mr Cash QC, who appears on behalf of the Crown. However, in brief, the victim was Mr Greg Dufty. He was attacked on the evening of 6 July 2015 and died in consequence of that attack. The attack had been planned in retaliation for Mr Dufty's theft of a quantity of cannabis from you, Mr Crawford. After he died, his body was disposed of in a fire. No trace remains.
- [3] Six people faced charges in relation to Mr Dufty's death – each of you, together with Clinton Stockman, Liam Bliss and Ethan Clarke. Ethan Clarke has not yet been dealt with, but Stockman and Bliss pleaded guilty to manslaughter, and, in the case of Stockman, he also pleaded guilty to interfering with a corpse. Both have been sentenced.
- [4] Each of you faced a trial for murder, which was due to commence tomorrow. A pre-trial hearing was listed to commence yesterday. Negotiations between the parties that commenced late last week resulted in the pleas that you entered late yesterday. In particular, the Crown accepted the pleas of guilty entered by Nelson Patea and Aaron Crawford to manslaughter in discharge of the counts of murder that had been proffered against them.
- [5] You, Mr Crawford, had known Mr Dufty for some time. In a witness statement you provided to police, you described him as your "best mate". You worked together occasionally constructing swimming pools. You, Mr Crawford, also knew Stockman well, and, through that connection, Lionel and Nelson Patea. Each of Bliss, Clarke, Lionel Patea and Nelson Patea knew each other before this incident. Stockman only knew Lionel Patea and Crawford.

- [6] The deceased, Mr Dufty, was a user of cannabis and methylamphetamine. He was also a dealer in those drugs on the Gold Coast, in North Queensland and in the Northern Territory. You, Mr Crawford, had supplied him with drugs and it is likely that he was in debt to you. Mr Dufty also owed a debt of some \$17,000 to a man named Price in relation to the supply of cannabis.
- [7] In early 2015, Mr Dufty became involved with you, Mr Crawford, in the management of a crop of cannabis near Casino in New South Wales. Stockman was also involved in looking after that crop. Around the middle of May 2015, Mr Dufty stole a substantial quantity of cannabis from that plantation. The quantity is estimated to be about four kilograms. His intention was to sell the cannabis he stole, and, from the profits, clear his debt to Price.
- [8] About a month later, Mr Dufty travelled to Cairns to sell the cannabis, but, instead, he took half of it for himself and did not repay any money to Price. Then, in late June 2015, when Price was away, Mr Dufty broke into his residence and stole an amount of cash, some hunting equipment and the remainder of the cannabis. Not long after that, Price travelled to the Gold Coast and told you, Mr Crawford, that Mr Dufty had, in his belief, stolen your cannabis and given it to him. You, Mr Crawford, told Price that Mr Dufty “needed a beating”, although you did not indicate at any time an intention to kill him.
- [9] On the day of the attack, 6 July 2015, you, Mr Crawford, contacted Price and told him you would be meeting with Mr Dufty that night with the intention of bashing him. You also made inquiries of Ms Mill, Mr Dufty’s former partner, as to Mr Dufty’s whereabouts. Having established that, you, Mr Crawford, and Stockman attended on the residence of you, Mr Lionel Patea, where a meeting of sorts took place between the three of you in relation to Mr Dufty. Stockman and you, Mr Crawford, later purchased a metal instrument described as a tyre checker, and which is said to have been shaped like a small baseball bat, as well as zip ties. They were placed in either Stockman’s vehicle or in your truck, Mr Crawford.
- [10] In the meantime, Mr Dufty had returned home, or at least returned to the house occupied by Ms Mill and their two daughters. At about 8.30 pm, he left in a hire

vehicle. He then met you, Mr Crawford, at a steak and seafood restaurant at Ashmore. You departed together in the cab of your truck, leaving the hire vehicle behind. You left about five to 9 pm.

- [11] In accordance with the arrangements that had been made, Bliss collected you, Lionel Patea, you, Nelson Patea, as well as Clarke, and drove you to a pre-arranged place in Nerang. Bliss later told police that you, Lionel Patea, asked him for help because someone owed you money. You said:

*I might have to smoke this cunt, so just watch over me. If there's a passenger in his car just keep an eye on him.*

- [12] Stockman later said that you, Lionel Patea, directed him to the meeting. He followed Bliss's vehicle for the latter portion of the trip. At the same time, you, Mr Crawford, drove Mr Dufty to the place at Nerang, arriving there at approximately 9.15 to 9.20 pm.

- [13] According to an account Bliss gave to police, when he, you, Lionel Patea, you, Nelson Patea, and Clarke arrived at the scene, he saw Stockman's vehicle and your truck, Mr Crawford. You, Lionel Patea, greeted Crawford, and Bliss saw Mr Dufty greeting some of the men, who he apparently did not know. As this occurred, you, Lionel Patea, struck Mr Dufty in the head with an object, which I accept was a 40-centimetre-long shifting spanner, a photograph of which is in evidence before me: exhibit 11.

- [14] When struck, Mr Dufty immediately fell to the ground, whereupon he was kicked by you, Mr Crawford, you, Nelson Patea, and Clarke. Stockman gave a version of having seen you, Mr Crawford, approach Mr Dufty while holding the tyre checker, although he did not see if you used it. He did see Mr Dufty struck with a weapon of some description and saw him fall to the ground. Stockman saw you, Mr Crawford, striking Mr Dufty in the stomach area with the tyre checker when Mr Dufty was on the ground, although he described the motion in these terms: "Aaron didn't wind up hard." Stockman continued his account by saying that you, Crawford, you, Lionel Patea, you, Nelson Patea, and Clarke started kicking Mr Dufty on the ground, during which you, Mr Crawford, said to Mr Dufty words to the effect of, "Bite the fucking hand that feeds you."

- [15] At some point after the initial assault, Stockman told you, Mr Crawford, to stop, at which point you told him to “mind his own fucking business”. You, Lionel Patea, held a green-handled kitchen knife to Mr Dufty’s throat when he was on the ground. You asked where the money was. Mr Dufty refused to talk. You and others then continued to kick him on the ground. In addition to kicks, he was hit in the legs with the spanner to which I have referred or the tyre checker or both.
- [16] In accordance with a direction given by you, Mr Crawford, Stockman went to the truck and returned with zip ties, which he had fashioned into rudimentary handcuffs. He gave them to you. You used the zip ties to secure Mr Dufty’s hands behind his back. By this time he had lost consciousness. Thereafter, some of the men involved in the attack – it is not clear precisely whom – carried Mr Dufty to your truck, Mr Crawford.
- [17] I should say at this point that the overall attack lasted about one to two minutes and that, after the initial blow, the deceased, Mr Dufty fell silent after about 30 seconds. When taken to your truck, Mr Crawford, Mr Dufty’s hands were still zip-tied behind his back. His body slumped forward on the dash, and you then drove away with Stockman to what is referred to in the statement of facts as the truck yard.
- [18] In the meantime, Bliss, you, Lionel Patea, you, Nelson Patea, and Clarke drove back to the residence of you, Lionel Patea. During this journey, Bliss recalls Clarke telling those in the vehicle not to worry, as he had checked Mr Dufty’s pulse and he was still alive. After that, you, Lionel Patea, telephoned Crawford or Stockman and told them to take Mr Dufty straight to the hospital. They did not do that. On your way home, you directed Bliss to stop at a particular location, where you disposed of your weapons. At the place where that occurred, police later recovered the shifting spanner, which is exhibit 11, as well as the green-handled knife.
- [19] When Stockman and you, Mr Crawford, arrived at the truck yard, Stockman saw you kick Mr Dufty out of the passenger seat onto the ground. You dragged him into the shed and tried to rouse him. At one point, you splashed water on him while saying, “Wake up, you dog. I’ve got a lot of torture in store for you.” Over a number of hours, you, Mr Crawford, and Stockman discussed what to do. Stockman said to you, Mr Crawford, that you should go to the police and take Mr Dufty to hospital. After some

time, however, you, Mr Crawford, came to realise Mr Dufty was not breathing, and it seems then, without hardly missing a beat, you told Stockman to help you dispose of Mr Dufty's body. Stockman refused, at which point you threatened his family, and so he complied.

[20] Mr Dufty's body was wrapped in a tarpaulin. When doing so, Stockman noticed that Mr Dufty had a black eye, which is of course evidence of Mr Dufty having been alive subsequent to the initial assault. Stockman helped you, Mr Crawford, put the deceased's body into the bin of the truck, and on the following day – that is, 7 July 2015 – you phoned Stockman, Mr Crawford, and told him there was “work to be done”. The two of you drove to a storage shed somewhere in northern New South Wales, where two plastic drums were retrieved. You, Mr Crawford, explained to Stockman that the drums would be used to cover the deceased's body so that it would not be crushed when the truck was loaded with rock.

[21] The loading of the truck with rock occurred on the following day. About 10 tonnes of crushed rock was loaded into the truck on top of the drums that covered Mr Dufty's body. You, Mr Crawford, and Stockman then proceeded to a place known as Busby's Flat. You drove the truck into the property, and both you, Mr Crawford, and Mr Stockman emptied the rock from the truck, and then removed Mr Dufty's body and placed it on a pyre of felled timber. You poured diesel fuel over his body and lit the fire. You tended the fire for a number of hours until there was no sign left of Mr Dufty's body.

[22] What followed was an extensive police investigation.

[23] Mr Stockman, came under suspicion at an early stage. He took part in a formal interview on 16 July 2015, in which he denied any involvement. He then contacted police on 21 September of the same year and said he wished to speak to them. He took part in a further interview at that time where he indicated his involvement, but he withheld some information. He provided a written statement two days later and an addendum statement on 15 November 2015. He also took part in two recreations arranged by police at the truck yard, as well as at Busby's Flat, and provided a further addendum statement on 28 April 2016. Lastly, on 4 May 2017, in a final statement to

police, he made a number of admissions in relation to assisting with the disposal of Mr Dufty's body.

[24] You, Mr Crawford, were also interviewed and made some admissions. You said you had arranged to meet Mr Dufty to talk about the money that he owed and to work out a payment plan. You said that you had accepted an offer from Mr Lionel Patea to come along, as your earlier attempts to resolve the matter with Mr Dufty had been unsuccessful. In terms of the attack, you, Mr Crawford, initially claimed to have been retrieving your phone when you heard a squeal and returned to see Mr Dufty on the ground being assaulted but, in more recent versions, you claimed to have seen Mr Dufty struck with a metal object in a manner consistent with what I have earlier described in these remarks. None of the versions you provided, Mr Crawford, to the police or to the Crown contained any admission on your part that you inflicted any violence on Mr Dufty.

[25] The basis for the plea of guilty entered by Mr Lionel Patea should be made clear. It is that he struck a blow to the head of Mr Dufty with a heavy metal object, probably the 40-centimetre-long shifting spanner, a photograph of which is exhibit 11, and that he then participated in a joint assault on Mr Dufty. Mr Patea did so intending to cause Mr Dufty grievous bodily harm. He did not plead guilty on the basis that he intended to kill Mr Dufty, but nonetheless, by intending to cause Mr Dufty grievous bodily harm, the offence of murder was made out.

[26] So far as Mr Nelson Patea is concerned, he participated in the prosecution of the unlawful common purpose of assaulting Mr Dufty. Whilst it is not clear what Mr Patea knew before the drive to where Mr Dufty met his demise, it must be inferred – and I do – that Mr Patea, became aware that the group of men with whom he was travelling meant to offer violence to Mr Dufty. I think it is also clear enough that Mr Nelson Patea was drawn into this enterprise initially, but then at some point, as I have said, he would have become well aware of what was planned. It was a probable consequence of this intended joint assault that Mr Dufty could very well be unlawfully killed. To be clear, Nelson Patea did not plead guilty on the basis that he himself had an intention to cause death or grievous bodily harm. Rather, he pleaded on the basis that he did not

himself intend death or grievous bodily harm and his knowledge of the plan was not such that murder was a probable consequence.

[27] Crawford is in a similar position. He is criminally responsible for the offence of manslaughter as someone who prosecuted the unlawful common purpose of assaulting Mr Dufty. He did not himself intend to cause death or grievous bodily harm, and his knowledge of the plan which he, I note, was instrumental in devising, was not such that murder was a probable consequence. Rather, it was a probable consequence of the intended or planned joint assault that Mr Dufty could very well be unlawfully killed.

[28] Could you stand up please, Mr Lionel Patea. Mr Patea, you are 26 years of age and you were 24 at the time of this offence. You have some prior convictions, but the one of most relevance is your conviction for murder following your plea of guilty before Mullins J on 27 February 2017. That offence occurred on 9 September 2015; two months after you committed the present offence. As you are only too well aware, there is only one sentence that the court may impose for the offence of murder, and it is imprisonment for life. However, because you have on a previous occasion been sentenced for another offence of murder, I must order that you not be released from imprisonment until you have served a minimum of 30 years. That period, that is the non-parole period, may be longer, but the minimum is 30 years. The Crown have not submitted that any more than the minimum period should be ordered in your case, having regard to your plea of guilty, and I agree with that submission.

[29] It seems to me, Mr Patea, from all that I have read and heard, that I should make clear that three things can be said in your favour, and I make this clear for those who, many years from now, will have the task of considering whether you should be released on parole.

[30] The first is the basis for your plea of guilty, that is that you did not have an intention to kill, but rather your intention was to cause grievous bodily harm.

[31] Secondly, after the attack you telephoned Stockman or Crawford to tell them to take Mr Dufty to the hospital. That reflects, I think, a level of concern for Mr Dufty and a level of concern for what you had done.

[32] Thirdly, you pleaded guilty, at a very late stage admittedly, but in that regard I acknowledge the communication difficulties highlighted by your counsel in submissions, that is to say that you have been in recent times held at Lotus Glen Prison and communications with you for the purposes of this proceeding have been difficult. It should also be said in your case, as well as the other two prisoners, that your pleas of guilty have resulted in a considerable saving to the community, and you have spared Mr Dufty's family the further suffering that would have accompanied a trial where the evidence in detail was ventilated.

[33] However, other than those three features, you clearly led the attack on Mr Dufty and struck the blow to his head which caused him to fall to the ground. You then continued the assault. Your savagery, leading as it has to the horrible death of, first, a man you hardly knew, if at all, and then only two months later, of the mother of your daughter, is so abhorrent as to be beyond the comprehension of any decent human being. You will, I am afraid, forever be marked by what you have done, and not just your responsibility for the loss of two lives, but the endless suffering that has caused to the families of your victims, not to mention your own family.

[34] Accordingly, for the count of murder to which you have pleaded guilty, you will be convicted and sentenced to imprisonment for life. I order that you not be released from prison until you have served at least 30 years from today, that is to say, not before 29 May 2048. Thank you.

[35] Stand up please, Mr Crawford. Mr Crawford, you are 30 years of age and you were 27 at the time of the offences. You have previous convictions of no particular relevance to today's hearing. You were arrested on 4 November 2015 and remanded in custody. You have been in custody on remand ever since; a period of 937 days, a period of approximately two and a-half years.

[36] You were born in Auckland. Your parents separated when you were young. Your father is a police officer in New Zealand and you have other members of your family who are police officers there. It seems to me that you, like the Pateas, come from good families. You were educated to year 11 level and later moved to Australia. You obtained work in the construction industry and then worked in nightclubs at Surfers

Paradise as a security provider. You then moved to Melbourne and worked as an operations manager for a haulage company for about 18 months. In 2012 you returned to the Gold Coast and started up your own transport business. You have your aunt to thank for that, who financed the capital for the purchase of your first truck. You had three trucks at the time of these offences. In addition to your transport company you also worked from time to time in swimming pool construction, and of course that was one of your connections to Mr Dufty. You have a 10 year old son whom you supported to some degree before being taken into custody. In that regard, I am told that you had shared access and supported your son financially. Of course, all of that came to an end when you were arrested in relation to these offences.

[37] As I have already recounted, you were interviewed by police and made some admissions, and ultimately, of course, you have pleaded guilty to manslaughter as well as interference with a corpse. That is something that I take into account as a significant mitigating factor because it goes to reduce the sentence I would otherwise have imposed but for your plea of guilty.

[38] I listened very carefully, Mr Crawford, to the submissions made by your counsel, whom I am sure said all that could be said on your behalf. But throughout all of those submissions, I heard not one word of a regret or remorse expressed on your behalf. That is to your enduring shame. By your written account, Mr Dufty was your best friend, but you lured him to a place where he met his death and then set about disposing of his body until there was no trace. You settled upon a plan and enlisted the support of others, most notably Mr Lionel Patea. I infer that you were too craven to confront Mr Dufty on your own; rather, you lured him to a place where other men were gathered to execute a plan to attack him. You then dealt with Mr Dufty and his body in the most despicable of ways. But your deceit did not end there, as Ms Mills said in court earlier today, addressing you:

*Greg told me if I ever needed help to call you, I did... You promised me you would help me find him knowing he would never be found. You walked into my house, you looked me in the eye and lied to my face. You hugged me with the same hands you'd used to kill the man I love just days earlier. You told me it would be ok, knowing it would never be ok again.*

- [39] Your role in this terrible event was significant, Mr Crawford. You organised this attack. You participated in the violence that was inflicted on Mr Dufty, you played the leading role in the disposal and destruction of his body, and, throughout that last aspect, even resorted to threats against Stockman's family to get your own way.
- [40] Without your plea of guilty, late though it is, and the degree of cooperation you did attempt, I would have imposed a head sentence higher than 11 years. However, taking into account those factors, and what must be said to be your limited criminal history, for the offence of manslaughter, you will be convicted and imprisoned for 10 years. For the offence of misconduct with respect to a corpse, you will be convicted and imprisoned for two years. Both terms of imprisonment will be served concurrently. With respect to the offence of driving without a licence, you are convicted and not further punished. You will, however, be disqualified from holding or obtaining a driver's licence for a period of six months.
- [41] I declare that your conviction for manslaughter is a conviction for a serious violent offence. It follows, by reason of s 182 of the *Corrective Services Act 2006 (Qld)*, that your parole eligibility date will be the day after the day in which you have served 80 per cent of your term of imprisonment, that is to say, eight years. I declare that the time you have spent in presentence custody, that is, between 4 November 2015 and today, a period of 937 days, to be time served with respect to the sentences I have just imposed and for no other reason. It follows from the other declarations I have made that your parole eligibility date will be 4 November 2023. Thank you, Mr Crawford.
- [42] Mr Nelson Patea. As I have already remarked, you were drawn into this event. I accept that it was your birthday the next day, that you had been drinking, and that you planned to have a night at the casino, but at some point on your journey in the car with the others, you became aware of what was planned, and, of course, as your counsel submitted, your plea of guilty to the offence of manslaughter, and the basis for it that I have recorded, confirms your awareness in that regard.
- [43] You are 24 years of age and you were 21, about to turn 22, when you committed this offence. You have some prior convictions, including a conviction for assault occasioning bodily harm whilst armed in 2013. As I remarked during the submissions

of counsel, two men were involved in that assault. You played the lesser role of the two, and that was reflected in the sentence imposed by his Honour Judge Martin. You were arrested with respect to this offence in May 2016, and you have been held on remand ever since: in total, a period of 748 days, all of which is declarable.

[44] You have a very good work history, and you come from a good family. Many of your family members are here to support you today. You were educated to grade 12 level and obtained work scaffolding for a construction company.

[45] You have expressed remorse for what you did, and it is true, as the Crown Prosecutor submitted, that sometimes people in your position express regret for finding themselves in this situation – that is being sentenced – but in your case, I have read what you have written and what has been written on your behalf. I have watched you during the course of this proceeding, and I accept that your remorse is heartfelt and genuine. Of course, remorse is one thing and does nothing at all to repair the terrible harm you and the others caused on that evening: the harm to Mr Dufty’s partner, his two daughters, his wider family and the harm to your own family. You will have to come to grips with that somehow, or at least try to.

[46] I interpolate that I have had regard, in the sentence I arrived at for Mr Crawford, to the decisions of the Court of Appeal in *R v Welham and Martin* [2012] QCA 103 as well as *R v WAW* [2013] QCA 22, and also to the sentences that were imposed by Justice Boddice in the case of Bliss and Stockman. In your case, Mr Patea, I have had regard to the decisions of the Court of Appeal in *R v Hicks and Taylor* [2011] QCA 207 and *R v Lincoln; R v Kister; R v Renwick* [2017] QCA 37, as well as to the sentences imposed by Justice Boddice on Bliss and Stockman.

[47] Having done so and having reflected on your culpability in the overall attack, you will be convicted and sentenced to eight years imprisonment. However, having regard to your plea of guilty, late though it is, but initiated, I think, back in January of this year, at least in terms of discussions between counsel, your remorse, which I find to be genuine, and your relative youth, I fix your parole eligibility date to be 11 January 2019, and that is a date that will represent you having served two years and eight months of the overall sentence. That date comes about because of the declaration I am about to make, that is,

that the time you have spent in pre-sentence custody between 11 May 2016 and 29 May 2018 was time served with respect to the sentence I have just imposed and for no other reason.

[48] Adjourn the court, please.