



## HIGH COURT OF AUSTRALIA

Public Information Officer

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### LAURIE STEVENS v THE QUEEN

The High Court of Australia today ordered a retrial for Mr Stevens who was convicted of the shooting murder of his friend and business partner Murray Cameron Brockhurst.

Mr Stevens and Mr Brockhurst co-owned Australian Carbide Saws in the Brisbane suburb of Newmarket. They were also friends who holidayed, fished, dived and socialised together. However, Mr Brockhurst wished to buy out Mr Stevens's interest in their company and to sell him his interest in another company, JLM Grinding. Negotiations were inconclusive. On the day of his death, 22 June 2000, Mr Brockhurst bought into another competing business, Stotts Saws. Mr Stevens arrived at their premises to discuss their business affairs.

He said he walked into Mr Brockhurst's office to find him with Mr Stevens's old .22 calibre rifle held up in front of him. Fearing his friend was about to commit suicide, he lunged for the rifle but it discharged and Mr Brockhurst was shot in the head. Mr Stevens attempted to revive Mr Brockhurst and called an ambulance, telling the operator the shooting had been an accident. Scientific officers and a ballistics expert called by the prosecution found that the rifle was prone to discharge if dropped on its butt. The ballistics expert found that striking the gun with his hand caused it to discharge one in five times. There had been conflicting evidence about Mr Brockhurst's state of mind.

In 2002, Mr Stevens was charged with murdering Mr Brockhurst. At his first trial in the Queensland Supreme Court, the jury could not reach a verdict. He was later convicted at another trial in 2003. He unsuccessfully appealed to the Court of Appeal. Mr Stevens contended that the trial judge had failed to direct the jury on the defence of accident. He appealed to the High Court, which allowed his appeal by a 3-2 majority.

The majority held that the evidence did raise a defence of accident which was for the prosecution to negative. It held that the trial judge should have instructed the jury that Mr Stevens could not be convicted of murder unless the prosecution had satisfied it beyond reasonable doubt that the death of Mr Brockhurst was not an accident.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*