

STATE OF TASMANIA v MICHAEL JOHN PICKEN
COMMENTS ON PASSING SENTENCE

14 MAY 2026
WOOD J

On 6 May 2022, Michael John Picken murdered his father., Anthony John Picken. The defendant has pleaded guilty and is now to be sentenced.

The deceased, Mr Picken, was 74 years old. The defendant had been living with his father at his father's home in Howrah for approximately eight months. Mr Picken was frail and suffered from a number of medical conditions including ischaemic heart disease, emphysema, urinary obstruction requiring a catheter, and hepatitis. He also had a past history of depression, opiate and benzodiazepine abuse and alcohol dependence. He was prescribed various medications. Mr Picken had suffered numerous falls in the months before his death.

Mr Picken was assisted by support workers from Integrated Living Service so that he could remain living at home. The defendant was his primary carer and would assist with household tasks and with his father's care but did not receive a carers payment.

Mr Picken's relationship with the defendant was not harmonious. On 24 February 2022, Mr Picken telephoned Integrated Living Service for help. He reported that the defendant had threatened to bash him and had drunk three casks of wine. In fact, it is not the case that the defendant had made that threat. Mr Picken stated he did not want the defendant to live with him anymore and the Service contacted police on his behalf.

Two police officers attended Mr Picken's home and spoke to him. He told the officers he wanted the defendant to move out of the house by the end of the week due to his drinking, verbal abuse, and poor behaviour.

The officers informed the defendant that his father wanted him to move out. The defendant accepted that he would do this but continued to live at his father's address.

Ambulance Tasmania attended Mr Picken's address on 1 May 2022 due to him falling over when going to the bathroom. He sustained a small wound on the top of his head and remained in hospital until 4 May 2022. He was discharged with a diagnosis of gait/mobility abnormalities.

On 6 May 2022, between 12:00 midday and 2:47 pm when Mr Picken was in bed, the defendant stabbed Mr Picken with a carving knife to the sternum. The wound was deep and inflicted with lethal force.

Then, the defendant pulled the knife out of deceased's chest and placed the knife in the deceased's right hand.

At 2:47 pm the defendant made a 000 call and spoke to the operator advising him that his father had just stabbed himself and was dead. He elaborated upon this saying he had been watching movies while his father was in his bedroom where he stabbed himself, telling the operator, "he's gone".

The operator told the defendant that he would arrange for Tasmania Police and Emergency Services to attend.

Police arrived approximately 6 minutes later and were met by the defendant at the front of the residence. In the deceased's bedroom, they saw the deceased with the single stab wound to his

sternum and a 25 cm carving knife sitting loosely in his right hand. The police officers checked the deceased and there were no signs of life. They commenced CPR in an effort to revive him. Paramedics took over once they arrived at the scene. These revival attempts were unsuccessful, and Mr Picken was pronounced deceased a short time later.

When police officers questioned the defendant about what had happened, he said, that he had put his father to bed earlier, his father had come out to the kitchen and the defendant had not realised that his father had taken a knife from the kitchen.

The police officers observed a small cut to the defendant's right little finger and another to his toe and a scratch on his knee. He was asked about the scratch on his knee and said he fell over trying to make his father something to eat just before he went into his bedroom and found him deceased. When asked about the cut on his finger he said he did that while preparing food for his father. In fact, the defendant had sustained that cut in the process of stabbing the deceased.

The defendant was alcohol dependent and asked while speaking with police if he could continue drinking. He told police, "I can't believe this".

The defendant went with police officers to the Hobart Police Station and he was questioned the following day.

On 7 May 2022, Dr Christopher Lawrence conducted an autopsy. The deceased weighed only 44.6 kilograms and was described as appearing frail.

The autopsy revealed that the wound tract was 16 cm in length and ran almost directly front to back. It perforated the chest wall, the left first rib and the upper lobe of the left lung, the pericardial sac, the left pulmonary artery, the descending aorta and the left side of the fifth and sixth thoracic vertebrae. No defensive injuries were observed. The injury suggested the deceased had not moved at the time of death. Dr Lawrence concluded the cause of death was the stab wound.

A toxicological examination revealed the deceased had a blood alcohol level of 0.168/100mL and tramadol was detected at a level of 6.7 mg/L. This level has been reported to result in toxicity and fatality in some individuals when used alone but there is an overlap between therapeutic and toxic levels. Dr Lawrence formed the view that it was likely the deceased had a significant tolerance to the drug. Therapeutic levels of prescription medication were also detected.

The defendant participated in an electronic record of interview on 7 May 2022. He told police he and his father started drinking in the morning. His father only had about two or three beers while he had about 12. At some stage he purchased a cask of wine and had a couple of glasses of wine. They watched a movie but his father could not concentrate and was really flat. The defendant lied to police about the death of his father. First, he told police his father had stabbed himself. He said his father went to lie down and said to him, "I'm sick of living like this son, with what's going on with me catheter." He told police he tucked his father into bed and then returned to the lounge room.

He checked on his father and saw him slouched over and a knife in his hand. He did not do CPR because his father had told him not to if anything ever happened to him. He was in shock and called Emergency Services. He was asked about the cut to his right finger, and he gave the same explanation as before.

He told the police officers that over the last week his father had been mentioning suicide quite a bit and had said things such as that he was "sick of living like this". He had also been making such comments before he went to hospital. The questioning explored whether the defendant had assisted his father given that it was not likely the deceased had stabbed himself. Initially he stated that the deceased had never asked him to assist him in ending his life. Then he told police he did not want to see his father in pain anymore.

The defendant then gave a second account, also lies, elaborating on it in some detail. He explained that when checking on his father, his father had asked him to get the knife and bring it to the bedroom. His father said that he had had enough of his life and just wanted it over. He told police that his father had said to him, "I need you to do this for me son". The defendant told police he did not want to, but his father was in so much pain and he did not know what else to do. He told police that when he returned with the knife, his father told him how to stab him and that he was to make it look like his father did it. When he told his father again that he did not want to, his father told him, "you've got to son, because I can't live like this anymore." He later said his father was adamant and begging him to end his life. The defendant told police that he did what his father had told him to do and then afterwards put the knife in his father's hand as he had been told to.

At the sentencing hearing, it was acknowledged that the defendant had lied in his account about his father's death. It was accepted that he had lied in his assertions that the deceased killed himself, that the defendant stabbed the deceased at the deceased's request, and that he did so to end his father's suffering.

In the plea in mitigation the defence gave an account of what happened. This account is not disputed by the State. Accordingly, in sentencing the defendant I proceed on the basis that this is a true account of what happened. It is as follows.

The defendant and Mr Picken both abused alcohol and drank daily to excess, often commencing early in the morning. While generally they got along, there were regular arguments and the relationship was volatile. They each owned a cat which lived at the premises, but they had to be separated because they did not tolerate each other. The cats became a focus of heated arguments.

The defendant found his father's attitude towards him was highly critical and negative. It was common for Mr Picken to be verbally abusive towards his son, particularly once he was intoxicated. On occasions Mr Picken would ask his son to leave the house, and the defendant would do so and find other accommodation. It is accepted that in the weeks before his death, Mr Picken had commented that he wanted his son removed as mentioned.

For the duration of the time the defendant lived with his father he undertook household tasks and assisted with his father's care.

On 6 May 2022, the deceased and the defendant started drinking early in the morning. They argued about the cats and the fact that the defendant had shut doors in order to separate them, but Mr Picken did not want his own cat shut out of his bedroom. The defendant was in the kitchen preparing something to eat, knife in hand, when he heard his father call out. His father's voice sounded panicky, and he rushed to the bedroom. When there, he was met with verbal abuse, and he realised his father simply wanted him so that he could subject him to critical and disparaging comments.

The defendant describes feeling that he snapped. In a state of sudden anger and frustration, he rushed at his father and stabbed him with the knife he was still holding.

His act of stabbing his father was an immediate response to his father's denigrating comments and the cumulative effect of such comments in the past. The knife was in his hand only because he had been using it at the time of his father's call, and it happened to be in his hand when he rushed to the bedroom in response.

At the time, he did not intend to kill his father. It is the case, though, that in that moment of violence he intended to cause his father bodily harm which he knew to be likely to cause his death. He is to be sentenced on the basis that s 157(1)(b) of the *Criminal Code* has been established. His intention, and also that he knew that his act was likely to cause death, is a necessary inference from the very nature of the act and, in particular, the fact that he stabbed his father to the chest with a knife with considerable force. The defence does not dispute this inference should be drawn but maintains that the defendant does not have any recall of intending to cause his father harm.

Afterwards, the defendant realised the enormity of what he had done, and he felt confused and panicked. He was distressed, he was crying and shaking. While I accept that he was panicked and distressed, I also note he demonstrated considerable presence of mind when he withdrew the knife from his father's chest and placed it in his dead father's hand. This is conduct which demonstrates he was focussed on his own self-preservation.

He called triple zero, reporting his father had stabbed himself. This and subsequent lies to police about what had happened are said to have been motivated by self-protection and panic. While I accept there was an element of panic, he was sufficiently cool-headed and strategic to be able to maintain a consistent story and embellish it and then recast it when his first account was shown not to be credible. The defendant cannot claim in mitigation that he co-operated with the police and confessed his crime. Further, the defendant's conduct in the aftermath of the crime does not suggest he was stricken by remorse. This is the absence of a mitigating factor, distinguishing it from other cases where the defendant immediately accepts responsibility and demonstrates remorse.

In sentencing the defendant, I must take into account his personal circumstances and background.

The defendant is now aged 42 years. He has one prior conviction for assault, being assault occasioning actual bodily harm involving domestic violence committed in New South Wales in 2018. He has some prior convictions in Tasmania for dishonesty offences and driving with alcohol and drugs in his system.

The defendant was raised by his mother; his parents separated prior to his birth. He grew up believing his step-father was his biological father until his teenage years. His mother was an alcoholic, and his childhood was affected by the dysfunction of constant alcohol use. After completing his education to grade 10 he commenced work as a furniture removalist, and then moved to Alice Springs and worked in Aboriginal care for two years.

He lived in Queensland for a period, and he was in a relationship there that did not last. He has two children from that relationship but has no contact with them.

He has lived in various places interstate, finding employment and returning periodically to Tasmania. He and his partner moved to Devonport in 2010 where they lived for approximately four years before travelling around Australia. His partner died in 2016 which had a considerable impact upon him and led to his return to Hobart in 2017. In that year he first lived with his father. Initially they were on civil terms, but their relationship was problematic, and arguments began over finances and the defendant moved out into other accommodation. The defendant felt his father rarely displayed positive feelings towards him, adversely affecting his self-esteem. He returned to live with his father again in 2020.

The defendant has a long-standing alcohol problem and mental health issues. He began using drugs and alcohol in his late teens. In 2008, when living in New South Wales, he was placed on a disability support pension for issues related to anxiety and substance abuse.

In 2018, a general practitioner prescribed the defendant an anti-depressant and referred him to a counselling service for anxiety, depression, and substance abuse. It was noted that his challenges arose in the context of a history of childhood trauma, and grief and loss arising from the death of his partner.

By this stage, his level of alcohol abuse was serious, involving very heavy daily consumption. Tasmania Health records reveal three admissions to the Alcohol and Drug Service, "detoxification unit", on two occasions in 2018 and once in 2019. These admissions were his own initiative. He sought support and help for his alcohol dependence and requested supported withdrawal.

He made considerable progress for a time, completing a course of detoxification and achieving abstinence. He engaged well with counselling services.

His mental health was raised as a concern and it was noted in Alcohol and Drug Service records that it was considered he met the criteria for Post-Traumatic Stress Disorder. He was treated with medication for anxiety and depression between 2018 and the early months of 2022. He had run out of his antidepressant medication in early May 2022, days before the crime.

Having moved in to live with his father in 2020, there were occasions when he moved out due to the strained and difficult relationship he had with his father. In 2021, he tried to secure alternative accommodation with Housing Tasmania, citing the fact that living arrangements with his father were becoming untenable due to their strained relationship which was negatively affecting his mental health.

His most recent contact with alcohol and drug services was in 2021 when he sought counselling. While living with his father in the months before the crime, his alcohol dependence was not being addressed, and he was drinking heavily on a daily basis.

As noted, the defendant's sudden enraged state occurred in a context of a volatile relationship with tensions and animosity. There was a history of his father making critical and negative remarks, which he found difficult.

The defendant's mental health issues and alcohol dependence arising from his grief, and other background issues, are relied upon as part of the explanation of his circumstances at the time of the crime, and as providing context for his actions. I will take them into account in that way. It must be noted that there is no suggestion that they had the effect of reducing his moral culpability for the crime he committed.

I expect his intoxicated state was a significant factor in the commission of the crime. Equally, this does not give rise to any excuse or mitigation, and I note that his counsel does not suggest that it does operate in that way.

His background also demonstrates that there are times when he has shown initiative in terms of addressing his alcohol dependence and made good progress, and he has taken steps in the past to address his mental health.

The defendant has been in custody now for four years. For a time after he was remanded in custody, he was in a state of disbelief about what he had done. He has had to adjust to the prison environment without the crutch of alcohol which has been difficult because of the extent of his alcohol dependence. Over time his thought processes have become clearer.

The death of his father has caused him grief and distress, and I accept the assertion in mitigation that he is remorseful. The knowledge that it was his own act that took his father's life will remain with him for the rest of his days.

His conduct in the aftermath of the crime and the lies he told police about the manner of his father's death do not negate that remorse. While he was actuated by his own selfish interests at that time, his growing sense of responsibility and remorse over time should still be acknowledged.

The defendant has pleaded guilty at a late stage of the proceedings, almost four years after he was charged, and after preliminary proceedings were held, but before the matter was prepared or listed for trial. By his plea of guilty he acknowledges his responsibility for the crime and he has saved the community the expense of a trial and the witnesses the stress of giving evidence.

While in prison the defendant has availed himself of various courses and opportunities. He has completed a resilience program which aims to develop skills including emotional regulation. He has completed the EQUIPS Foundation Program of 40 hours. He has engaged with the peer support program as a peer support worker and in that role has been a mentor and advocate for other prisoners with low literacy skills and disabilities. He has made a valued contribution in that role. In March last year he was referred to the JustACE Program which provides support and referrals for people likely to have cognitive impairment. I have been provided with a letter from the Program's case facilitator, Ms McGee, dated 19 February 2026. In the defendant's case, the risk factors for cognitive impairment are considered to be his chronic alcohol use and mental health challenges including his anxiety, depression and Post-Traumatic Stress Disorder. He is described as actively engaged with the Program and he has attended at least 13 appointments. He is presently completing the Alcohol and Drug Cognitive Enhancement Program. It can be seen that since he was remanded in custody, he has shown himself to be someone who is motivated to progress his rehabilitation.

These efforts in prison in undertaking courses, as well as his efforts in the years before the crime to address his alcohol dependency with good progress, demonstrate a sound capacity for rehabilitation.

The sentence I impose must reflect the sanctity of human life, a most important consideration. It is amply illustrated by the victim impact statements I have received in this case from Mr Picken's sister, Donna Wakefield, and his daughter, Gina Ashlin. This crime has had a devastating effect on the deceased's family. Ms Wakefield describes her brother as having been

her rock and her mentor. At the time of his death, she lived in Queensland and had just recently sold her house and was about to return to live in Tasmania to be near him. She describes the nightmares she has about how her brother died. Mr Picken's daughter, Ms Ashlin, is heartbroken to have lost her father, having forged a relationship and connection with him as an adult. Both speak eloquently of their confusion and disbelief that it is a member of their own family who has committed this terrible crime. Their lives are forever affected by Mr Picken's premature and senseless death.

The sentence must be proportionate to the nature of the crime committed and its objective seriousness. The act of murder did not involve an intention to kill, and the violence was not pre-meditated; it was committed in a sudden moment of rage when, in that moment, the defendant intended to inflict physical harm which he knew was likely to cause death. I note there is no suggestion of any pause before the violence was inflicted, and this is not a case where there was time taken to retrieve a weapon or during which there was any harbouring of an intention to harm. The defendant's rage was precipitated by denigrating comments from the deceased. It must be noted though that such comments were not unexpected in the context of their volatile relationship.

The crime involved a singular act of violence which was savage and decisive.

There are aggravating features of this crime which must be reflected in the sentence. The crime was committed against a physically frail man who was intoxicated and heavily medicated. Mr Picken was completely helpless in the face of any physical aggression, let alone this brutal act of violence. He had no chance or hope of avoiding or defending himself against such an act.

A further aggravating factor is that it was committed by the deceased's own son, someone he trusted to care for him in his own home and in his vulnerable state. The crime involves a profound betrayal of that trust.

Because of that relationship of trust and the victim's acute physical vulnerability, general deterrence and denunciation are significant sentencing considerations.

The defendant's capacity for rehabilitation is also taken into account and reflected in the sentence, particularly, in relation to the order I make as to parole eligibility.

Michael John Picken, you are convicted of the crime of murder. You are sentenced to 22 years' imprisonment backdated to 6 May 2022. You are not to be eligible for parole until you have served 12 years of that term.