



Summary of Judgment

Cardamone v The Queen [2019] VSCA 190

27 August 2019

The Court of Appeal (Chief Justice Ferguson, President Maxwell, Justice Weinberg) today refused Michael Cardamone’s application for leave to appeal from his sentence for murder. The trial judge sentenced Mr Cardamone to life imprisonment. The judge did not set a non-parole period. The application for leave focussed on this.

Mr Cardamone pleaded guilty to the murder of Karen Chetcuti and incitement to murder the prosecution witness, Edward George. Mr Cardamone was also dealt with for breaching a prescribed condition of parole, that breach being the murder of Ms Chetcuti.

The Court of Appeal stated that the murder of Ms Chetcuti was a horrendous crime, committed in the most appalling way. It was, as the sentencing judge observed, ‘unprovoked and extraordinarily violent’ as well as being ‘horrifyingly callous.’ The murder was pre-meditated, and committed in circumstances of the utmost cruelty. It was committed by an offender who had already shown himself to be a serious threat to women, and who had offended again not long after being released from two very long stints in prison.

In addition, Mr Cardamone’s conduct after the offence included numerous elaborate acts, and lies told, in order to avoid detection and focus the investigation elsewhere. He attempted to implicate George in the murder. This was reprehensible as was his attempt to have George murdered in order to ‘save his own skin.’ He involved his mother in that enterprise and she was charged.

Although Mr Cardamone pleaded guilty, it was not an early plea and there was no remorse at all, nor even any expression of regret. Mr Cardamone had previous convictions for serious offending - rape of a 15 year old girl, making threats to kill and to inflict serious injury.

The sentence of life imprisonment, with no non-parole period was a dreadful punishment. The Court of Appeal observed that it was, however, a punishment for a dreadful crime. It was, in the exceptional circumstances of this case, well merited.

NOTE: This summary is necessarily incomplete. It is not intended as a substitute for the Court’s reasons or to be used in any later consideration of the Court’s reasons. The only authoritative pronouncement of the Court’s reasons and conclusions is that contained in the published reasons for judgment.