

Murder: 2000

Maximum Penalty: Life (s.19A (NSW) Crimes Act)

| | NAME (age if known) | PLEA | SENTENCE | APPEAL | SUMMARY OF RECORD | HOW KILLED | INVOLVEMENT & SUMMARY |
|----|--|--|--|---------------|----------------------|--|---|
| 1. | PATSALIS (31) SPATHIS (31) [2000] NSWSC 1320 Kirby J [2001] NSWCCA 476 | VG VG | MT 16y AT 5y 6m MT 14y AT 5y | AD AD | nil | Stabbing Intent kill | Victim stabbed in truck while accompanying both accused to warehouse - body set alight - premeditated murder P dominant party. |
| 2. | DE GRUCHY (2000) 110 A Crim R 271 [2000] NSWCCA 51 | VG 3 x murder | MT 21y AT 7y (each – concurrent) | Conviction AD | | Assaulted with heavy weapons | Killed mother, sister and brother in home - no motive for killings. |
| 3. | BOWHAY (18) (2000) 111 A Crim R 271 [2000] NSWCCA 54 | VG | MT 16y AT 7y | AD | custody | Assault and stabbing Intent to kill | Met victim in hotel earlier in evening - lured victim to park then strangled, stabbed and assaulted him - saw victim as easy target for aggression - decided to have fun at victim's expense. Youth – intoxicated - deprived childhood. |
| 4. | CROCKER (27) [2000] NSWCCA 79 | PG Murder Agg rob SMV Destroy MV by fire | MT 10y AT 5y MT 12y AT 3y FT 15m FT 15m <u>Total:</u> MT 22y AT 5y | AD | minor offences | Stabbing | Mugged male in park hitting him repeatedly with steering lock resulting in serious and permanent injuries. Ten days later murdered another intoxicated male in park, stabbing him with screwdriver around face and throat 47 times. Deprived background and drug addiction. |

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| 5. | WALKER [2000] NSWCCA 130 | VG | MT 14y AT 5y | Conviction AD | | Shooting Intent kill or GBH | Shot female taxi driver in back. |
| 6. | HILL [2000] NSWSC 259 O'Keefe J [2003] NSWCCA 128 | PG Murder Murder 2 x mal discharge firearm w/i to do GBH | MT 30y AT Life MT 25y AT Life MT 9y AT 3y (all concurrent) | AA 30y NPP 25y 25y NPP 23y MT 9y AT 3y (all concurrent) | prior convictions for weapons offences - offence committed while on bond | Shooting Intent kill | Angered by argument with neighbours shot two men working in nearby unit, killing one and injuring another - shot dead third man come to investigate noise then stalked and shot victim's wife. Not affected by alcohol or drugs - history of anger and violence - personality disorder, some prospects of rehabilitation. |
| 7. | HARRIS (30) (2000) 111 A Crim R 415 [2000] NSWSC 285 Bell J (2000) 121 A Crim R 342 [2000] NSWCCA 469 | PG 3 x Murder AR | 40y NPP 25y | Crown AA Life | not serious | Strangulation Intent kill | Three killings committed in one month - strangled male suffering effects of stroke in victim's home - strangled intellectually disabled woman he befriended in her home - strangled male neighbour and disposed of body in country - second and third killings motivated by desire to kill -elderly, sick, or disadvantaged victims - betrayal of trust - two killings an exercise of power and to exact revenge on society On appeal: totality of offending called for life sentence |
| 8. | BURKE (29) [2000] NSWSC 356 Greg James J | PG | MT 5y AT 4y | | street offences | Stabbing Intent GBH | Female - stabbed de facto husband in chest while in car - spontaneous offence - intoxicated and arguing and seriously emotionally disturbed. Aboriginal mother of four - deprived and abused life resulting in alcoholism and intellectual impairment - some evidence of rehabilitation. |
| 9. | MCGRATH (21) [2000] NSWSC 419 Grove J [2002] NSWCCA 207 | PG | 18y NPP 13y 6m | AD | not serious | Assault / suffocation Intent kill | Bashed then suffocated victim with wet tea towel after learning victim accused of sexual assault on friend's daughter - travelled to home of victim with intention to execute in vigilante type vengeance |

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| 10. | LEWIS (62) NSWSC Ireland J 9.6.2000 [2001] NSWCCA 448 Co-offender: ROSE | VG 2 x murder | Life | AD | nil | Shooting and stabbing Intent to kill Felony murder | Participated in joint criminal enterprise with co-offender to kill offender's de facto partner – victim and employee killed by co-offender inside business premises - premises set on fire - contract killing - considerable planning - offender took active part by delivering de facto to her executioner - twice exhorted gunman to hurry - knowledge that victim's death would derive five children of their mother |
| 11. | P HELMHOUT (31) M HELMHOUT (37) [2000] NSWSC 651 Bell J (2001) 125 A Crim R 257 [2001] NSWCCA 372 (M. Helmhout) | VG VG | 18y NPP 13y 6m 18y NPP 13y 6m | Conviction AD | relatively minor - violence and alcohol related more serious including dangerous act causing death | Strangulation Intent kill | Strangulation of 47y male friend - offenders and victim under influence of alcohol and marijuana following funeral earlier that day for offender's brother - angered by victim's continued reference to deceased brother - perceived lack of sensitivity to aboriginal culture - various acts of degradation performed on body after death and dumped in nearby bush. |
| 12. | DARGIN (24) [2000] NSWSC 710 Ireland J | PG | 19y NPP 14y | | long history of dishonesty and violence - on bail at time of offence | Assault Intent GBH | Bashed 72y female to death in her home - brutal sexual assault - initial motivation was robbery. Aboriginal offender. |
| 13. | LULHAM (35) [2000] NSWSC 703 G.James J [2006] NSWCCA 262 | PG | 18y NPP 13y 6m | AD | on recog at time of offences - minor record | Shooting Intent kill | Co-accused shot sleeping male in head - vicious and cowardly killing - equal criminal responsibility - supplied gun and present during killing - history of resentment towards victim Severely intoxicated at time of offences - suffering brain dysfunction – need for drug and alcohol rehabilitation. |

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| 14. | SERRATORE (22) [2000] NSWSC 696 Kirby J [2001] NSWCCA 123 | VG | 20y NPP 14y | Conviction AD | nil | Assault Intent kill | Convicted of killing or arranging killing of girlfriend after she indicated intention to break off relationship - body found several days after disappearance - violent relationship. Good prospects of rehabilitation |
| 15. | FORD [2000] NSWSC 713 Barr J [2003] NSWCCA 5 | VG | 16y NPP 12y | AD | includes convictions for violence | Stabbing Intent kill | Stabbed male in fight - angered at racist jokes and armed himself with knife before provoking fight - pursued victim persistently, making threats. |
| 16. | LO (29) (2000) 115 A Crim R 53 [2000] NSWSC 714 Barr J [2003] NSWCCA 313 | PG Murder Conspiracy to murder | 32y NPP 23y FT 18y Total: 36y NPP 27y | AD | nil | Shooting Intent kill | Contract killing of tow-truck driver to pay drug debt - assisted in attempted murder by luring victim to shooter's residence - deeply in debt over drug transactions - both offences fall into worst case category. Assistance to authorities only basis for reducing life sentence – combined 28% discount |
| 17. | PARK (30) NSWSC Sperling J 3.8.2000 [2003] NSWCCA 203 [2003] NSWCCA 142 | VG Murder Murder Murder | 26y NPP 19y 6m FT 15y FT 15y (all concurrent) | Conviction AD Crown AD | | Suffocation Intent kill | Suffocated wife and two infant children and dumped bodies in bushland - highly charged emotional state at time of killing. Some remorse - admissions shortened trial - protective custody |
| 18. | HERON [2000] NSWCCA 312 | VG | MT 14y AT 4y | AD | convictions for assault | Stabbing Intent GBH | Stabbed male during drunken pub brawl. Disadvantaged and troubled life - voluntarily surrendered to police. |
| 19. | OFFER (35) [2000] NSWSC 839 G James J [2002] NSWCCA 341 | PG Murder Att Murder Sched: 3 x solicit to murder | 34y NPP 25y FT 10y (concurrent) | AD | of little relevance | Cross bow Intent kill | Attempt to kill three witnesses who were to give evidence against him in upcoming trial - offered friend money to take care of three persons - shot wife of one witness with cross bow when she answered door, causing permanent brain damage - shot dead another witness - "very highest criminality" - motivated by panic. Protective custody - family now in Ireland. |

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| 20. | HODGE (18 at offence – 31 at sentence) [2000] NSWSC 897 Dunford J [2002] NSWCCA 10 | VG | 15y NPP 7y | Conviction AD | minor record subsequent to offence | Assault Intent GBH | (1988) Picked up hitch-hiking late at night and accompanied him home for drinks – bashed victim to death with mallet when woken up by homosexual advances. Contribution - married with young family - established successful life |
| 21. | TURK (31) [2000] NSWSC 1071 Bell J [2001] NSWCCA 547 | VG | 18y NPP 14y | AD | poor | Stabbing Intent GBH | History of animosity and violence between offender and victim - three stab wounds to chest - angered by earlier assault committed by victim - sought him out, determined to get even. No remorse. |
| 22. | ROBINSON (17) [2000] NSWSC 972 Adams J [2002] NSWCCA 359 | PG | 45y NPP 35y | AA 45y NPP 27y | | Assault with bowling pin Intent kill | Accompanied stranger home with intention to at least assault and rob - bashed victim with bowling pin then stabbed and mutilated body. Boasted of killing to friends - extremely dangerous and disturbed person. |
| 23. | ELPHICK [2000] NSWSC 977 G. James J [2002] NSWCCA 273 | PG | 15y NPP 12y | AD | minor | Stabbing Intent kill | Stabbed de facto with boning knife in paroxysm of frustration and rage - turbulent and violent relationship - angered by victim's refusal to give up drugs and prostitution. Egocentric with little contrition for consequences of act - hope for rehabilitation - good worker |
| 24. | NAISMITH (31) [2000] NSWSC 1024 Dunford J | VG 2 x murder | 33y NPP 25y (each – concurrent) | | nil | Assault / shooting Intent kill | Killing of two men in relation to drug dealing – one man assaulted with baseball bat – second man shot - took victims to nearby sand hills and burnt bodies - both murders planned and premeditated – not worst case. No remorse or regret - some prospects of rehabilitation - previous good character –supportive family. |
| 25. | TON (21) [2000] NSWSC 1023 Adams J | PG (20%) | 22y NPP 14y | | | Stabbing Intent GBH | Stabbed male with pocket knife attempting to apprehend offender after robbery of young female in street - offender mistakenly thought victim was a police officer. |

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| 26. | KANE (16 at offence - 26 at sentence) [2000] NSWSC 1061 Barr J [2001] NSWCCA 150 | VG | 10y 6m NPP 8y 8m | Crown AD | minor | Suffocation Intent kill | (1990) With co-offender bashed male school teacher in his home with baseball bat - victim suffocated after being tied up with plastic bag taped over head - believed co-offender had been raped by victim Retrial - return to prison particularly stressful |
| 27. | MCNELLEE TUCKER (33) DALLEY (16) [2000] NSWSC 1154 Bell J (2002) 132 A Crim R 169 [2002] NSWCCA 284 (Dalley) Co-offender: BREWER [2001] | PG (25%) VG VG | 14y NPP 10y 6m 13y NPP 9y 10y NPP 6y | Conviction AD | minor nil nil | Stabbing Common purpose robbery | Offenders involved in common purpose to rob victim of cannabis while armed with knives, mattock handle and machete - victim stabbed 21 times by fourth offender - all offenders played subsidiary role Good prospects of rehabilitation. |
| 28. | BOWEN (33) NSWSC Howie J 15.12.2000 | PG | 18y NPP 13y 6m | | minor criminal record - two assault offence related to mental condition | Assault Intent to kill | Beat caravan park manager to death with wooden baton and fire tongs in own home - requested money from victim and when met with resistance reacted with a frenzied attack - not premeditated to any significant extent. Effected by deteriorating mental state at time - depression - aggravated by drugs and alcohol |

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| 29. | NGUYEN (22) [2000] NSWSC 1177 Whealy J | PG (15%) Murder Escape | 18y NPP 9y 6m 18m NPP 6m <u>Total:</u> 19y 6m NPP 10y | | history for violence - offence committed awaiting trial for murder and manslaughter | Stabbing Intent kill | Inmate stabbed to death by other inmates with scissors - over 60 wounds inflicted - spontaneous attack in retaliation for rape by victim perpetrated several weeks prior to killing. Unhappy and deprived childhood - chronic depression. Sentence partially concurrent to existing sentence NSWSC, Kirby J, 29.10.1998 (murder) NSWSC, Kirby J, 20.11.1998 (manslaughter) Total 30y NPP 21y |
| 30. | VALERA (19) [2000] NSWSC 1220 Studdert J [2002] NSWCCA 50 | VG 2 x murder | Life | AD | nil | Assault / strangulation Intent kill | Bashed to death 59y male in victim's home then mutilated body - two weeks later bashed and strangled 68y male in victim's home and mutilated body - savage attacks - random and utterly senseless killings – mutilation and treatment of bodies showed utter contempt for victims and exuded evil Physically and verbally abused by father throughout childhood - mother left home when offender aged 3y |
| 31. | O'GRADY (16y 9m) [2000] NSWSC 1255 Hulme J | VG | 15y NPP 10y | | no significant record | Shooting | Led 15y male acquaintance into bush area and shot with rifle and silencer 9 times - voluntarily surrendered to police - no rational explanation for offence. Displayed genuine remorse and shame - long history of drug abuse - desensitised to violence but no actual history of violence - impulsive - degree of depersonalisation at time of offence - general deterrence limited value |

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