

## Murder: 2001

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	<b>CIKOS</b> <a href="#">[2001] NSWSC 35</a> Dunford J	PG (10-15%) 3 x Murder	21y NPP 15y 6m (each / concurrent)		nil	Suffocation / assault  Intent to kill	Killed de facto and sons aged 4 years and 18 months old - passive man who endured months of aggression and abuse at hands of dominant de facto wife - reacted to de facto's ultimatum that he kill de facto's friend by certain date. Genuine remorse - strict protection
2.	<b>FOWLER</b> (54) <a href="#">[2001] NSWSC 179</a> Simpson J  (2003) 151 A Crim R 166 <a href="#">[2003] NSWCCA 321</a>	VG	16y NPP 12y	AD	not significant	Shooting  Intent to kill	Involved in shooting of brother in law in 1988 - premeditated - believed victim mistreating his wife - fired at least one shot. Prior good character - long delay due to two successful conviction appeals.
3.	<b>BREWER</b> (24) <a href="#">[2001] NSWSC 99</a> Bell J  Co-offenders: MCNELLEE TUCKER DALLEY	PG (4 <sup>th</sup> day of trial)	20y 6m NPP 15y 4m		some prior offences	Stabbing  Intent to kill	Arranged to have victim lured to remote area where he was attacked by group of four men - angered by perceived drug rip off - stabbed victim several times - prime mover - formed intent to kill during attack. Suffered physical and sexual abuse as a child - alcohol and cannabis dependence.
4.	<b>ROBINSON</b> <a href="#">[2001] NSWCCA 180</a>	PG Murder  10 x AR	MT 15y AT 5y	AD		Shooting  Limited intent to kill	Carefully planned armed robbery of computer store - shot manager during struggle.
5.	<b>FERNANDO</b> (31) <a href="#">[2001] NSWSC 294</a> Howie J	PG (Head sentence reduced by 10 years)	30y NPP 22y		serving life sentence for murder and sexual assault	Stabbing  Intent to kill	Stabbed cousin in prison with scissors blade - angered by cousin's assistance to police in relation to earlier murder

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6.	<b>PHUNG</b> (17) <a href="#">[2001] NSWSC 357</a> Wood CJ at CL	PG (25%) Murder  s.97(2)  Sched: 2 x AR in Co Possess unauth firearm	13y NPP 8y  FT 3y  Total: 14y NPP 9y		some prior and subsequent offences	Shooting  Felony murder	With co-offender robbed two males at entertainment arcade of various personal property - used .32 calibre weapon wrapped in towel – shooting occurred during second robbery committed five hours later – shot male attempting to aid victim of robbery in chest Deprived childhood resulting in living on streets and drug addiction at early age - no contact with any family - good rehabilitation since custody.
7.	<b>MATHESON</b> (27) <a href="#">[2001] NSWSC 332</a> Howie J	VG	20y NPP 15y		little criminal record - prior assault in context of jealousy in relation to victim	Shooting  Intent to kill	Shot former de facto in head while she was on ground - angered victim refused to reconcile – used shortened rifle - pre-meditation. Culpability reduced by personality disorders and depressive illness.
8.	<b>EBNER</b> (29) <a href="#">[2001] NSWSC 421</a> Adams J	PG (15%)  Sched: Break & enter Assault w/i to rob	18y NPP 13y		prior record - on bail for stealing at time of offence	Strangulation  Intent to kill	Strangled female flatmate to steal heroin - hid body in wardrobe - took shot of heroin with girlfriend and attempted to sell victim's property - dumped body in nearby laneway. Limited insight and remorse - protective custody - bleak prospects of rehabilitation.
9.	<b>HYLAND</b> (27)  <b>PARRY</b> (35)  <b>YATES</b> (28) <a href="#">[2001] NSWSC 470</a> Ireland AJ  <a href="#">[2002] NSWCCA 520</a>	VG Murder  s.111(3)  Murder  s.111(3)  Murder  s.111(3)	23y NPP 17y 3m  FT 11y (concurrent)  26y NPP 19y  FT 11y (concurrent)  20y NPP 15y  FT 10y (concurrent)	Conviction and sentence AD	prior record   lengthy record including violence   insignificant record	Shooting  Intent to kill	Group of men forced way into residential house and terrorised occupants inside with baseball bat, revolver and shortened shotgun - occupants assaulted with bat - victim executed at close range with bullet behind ear - other occupants shown body and threatened - worst class of case but level of culpability not so extreme that community interest only met through life imprisonment P shot victim in presence of Y Y a follower with limited intellectual functioning and back injury.

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10.	<b>CLARK</b> (36) <a href="#">[2001] NSWSC 488</a> Barr J  (2001) 123 A Crim R 506 <a href="#">[2001] NSWCCA 494</a>	VG	16y NPP 12y	AD	nil relevant	Shooting  Intent to kill	Took female acquaintance to isolated forest area and shot her three times - frustrated at victim's refusal to leave offender's mothers house and resented victim's failure to adequately perform job linked to offender's business. Badly injured in motor cycle accident causing brain damage - physical injuries will make imprisonment more onerous.
11.	<b>IRANI</b> (31) <a href="#">[2001] NSWSC 475</a> Barr J  <a href="#">[2002] NSWCCA 153</a>  Co-accused: SUTESKI	PG (40% for plea and assist)	20y NPP 15y	AD	moderate record with no violence	Stabbing	Paid to assault co-offender's employer and keep him away from work for several weeks - in struggle fatally stabbed victim - carefully planned offence. Assistance in relation to co-offender - reasonable prospects of rehabilitation - serious drug addiction
12.	<b>MCINTYRE</b> (44) <a href="#">[2001] NSWSC 500</a> Bell J  <a href="#">[2002] NSWCCA 29</a>	VG	22y NPP 17y	AD	negligible	Stabbing  Intent to kill	Stabbed 14y boy in neck and chest - disposed of body in bushland after cutting off penis and scrotum and attempting to saw off leg - motive unclear - not premeditated. Socially isolated lifestyle - family support.
13.	<b>CHEATHAM</b> <a href="#">[2001] NSWSC 580</a> Grove J  <a href="#">[2002] NSWCCA 360</a>	VG Murder  Murder  Wound w/i to murder	24y NPP 16y  FT 16y  FT 12y (all concurrent)	AA 22y NPP 14y  FT 14y  FT 12y (all concurrent)		Stabbing	Stabbed wife and 3y daughter to death and attempted to stab baby to death - believed he was suffering from AIDS and had infected family. Protective custody because worked in juvenile justice system – retrial

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14.	<b>BIKIC</b> (45) <a href="#">[2001] NSWSC 571</a> Hidden J  <a href="#">[2002] NSWCCA 227</a>	VG Murder  Manslaughter	16y NPP 11y  10y NPP 7y  Total: 17y NPP 12y	Conviction AD	serious drug offence	Shooting  Joint criminal enterprise	Involved in assault upon two men by nine offenders - both men shot - motive not clear - unclear who fired shots - other offenders convicted of manslaughter - offender convicted of murder on basis aware of guns and contemplated their use with requisite intent for murder - convicted of manslaughter on basis shot fired after provocation. Serbian - supportive of sister and her family - pre-sentence custody and stringent bail conditions - high risk prisoner while on remand. (Co-offenders - <i>PUTA &amp; ORS</i> [2001] NSWSC 225)
15.	<b>BALLANGARRY</b> (28) <a href="#">[2001] NSWSC 642</a> Sully J	PG (15%)	17y NPP 11y		prior convictions for assault	Assault  At least intent GBH	Bashed female to death during argument about her relationship with another man - smashed victim's head against tiled verandah, and stomped on her head several times. Aboriginal male - mild developmental disability - head injuries and alcohol induced brain damage - intoxicated at time of offence - sad and deprived background - remorse.
16.	<b>PATERSON</b> (2001) 125 A Crim R 252 <a href="#">[2001] NSWCCA 368</a>	PG (approx 10%) Murder  Arson	22y NPP 17y  FT 4y 6m  Total: 24y NPP 19y	AD		Shooting	Shot victim - removed head, arms and hands - burned removed parts in heating appliance - buried body, then placed it in garbage bin in river.
17.	<b>WRIGHT</b> (25) <a href="#">[2001] NSWSC 1050</a> Adams J	PG Murder  Sched: Aggravated rob with wounding	22y NPP 15y 6m			Stabbing  Intent to kill	Stabbed middle aged woman in own home - broke into home intending to rob victim - killed victim to prevent identification - previously worked for victim and husband - premeditated, cowardly and brutal attack. Troubled childhood - some prospects of rehabilitation - relative immaturity
18.	<b>MAXWELL</b> <a href="#">[2001] NSWCCA 362</a>	VG	MT 10y AT 6y	AD	insignificant	Shooting  Intent to kill	Shot estranged wife outside child care centre. Obsessional, discursive, narcissistic and suspicious personality traits - in marked distress at time of killing.

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19.	<b>GOSLING</b> (18) <a href="#">[2001] NSWSC 850</a> Howie J  <a href="#">[2002] NSWCCA 351</a>	VG	16y NPP 12y	Conviction AD	on bond for assault on father	Shooting  Intent GBH	Shot dead victim during attack with three co-offenders as pay back for alleged insulting behaviour of victim towards mother of one co-offender - culpability somewhat reduced by mental disorder - manipulated by co-offender
20.	<b>WHITFIELD</b> (17) <a href="#">[2001] NSWSC 876</a> Adams J  <a href="#">[2002] NSWCCA 501</a>	VG	20y NPP 13y	Conviction and sentence AD	lengthy criminal record	Stabbing  Intent GBH	Went armed with knives to victim's house with three others to commit robbery - stabbed victim three times probably in panic to escape. Disturbed and troubled childhood displaying early signs of behavioural difficulties - aboriginal.
21.	<b>SAARI</b> (42) <a href="#">[2001] NSWSC 892</a> Adams J	PG (25%)	16y NPP 12y		alcohol related motor vehicle offences	Shooting  Intent GBH	At social gathering shot male friend - drunk and angered by break down of de facto relationship - element of disordered thinking - expected victim to react to threat to shoot - also held unfounded belief victim had stolen from de facto Alcohol abuse - from severely dysfunctional family - remorse
22.	<b>KANAAN</b> (26) <a href="#">[2001] NSWSC 959</a> Greg James J  (2005) 157 A Crim R 238 <a href="#">[2005] NSWCCA 385</a>	VG 2 x Murder  Mal wounding with intent	Life	AD	minor	Shooting  Intent to kill	Became involved in minor altercation outside hotel - stepped out of car and shot three male strangers - no provocation - comments immediately following shooting demonstrated no remorse and dangerousness No explanation in background of offender for brutal behaviour - no prospects of rehabilitation
23.	<b>HURLEY</b> (32) <a href="#">[2001] NSWSC 1007</a> Levine J	VG	18y NPP 13y 6m		nil	Assault and stabbing  Intent to kill	Visited estranged de facto wife - assaulted her with wooden tool handle and hammer and stabbed her twice in chest. Some history of mental disorder - profoundly affected by death

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24.	<b>KNIGHT</b> (51) <a href="#">[2001] NSWSC 1011</a> O'Keefe J  (2006) 164 A Crim R 126 <a href="#">[2006] NSWCCA 292</a>	PG	Life	AD	nil	Stabbing  Intent to kill	Female offender - pre-meditated murder of de facto husband - stabbed victim at least 37 times inside home – extensive mutilation of body - premeditation History of violence - offender enjoyed horrific mutilation - suffering incurable borderline personality disorder - no prospects of rehabilitation
25.	<b>SYMSS</b> (24) <a href="#">[2001] NSWSC 1037</a> Howie J  <a href="#">[2003] NSWCCA 77</a>	VG Murder  Rob w/ wounding  LMV	22y NPP 16y 6m  FT 5y  FT 2y (all concurrent)	Conviction AD	priors including armed robbery	Suffocation  Intent to kill	Suffocated 73y female in own home during robbery - attempted to stab victim in neck No remorse
26.	<b>TOKI</b> (34) <a href="#">[2001] NSWSC 1036</a> Howie J  <a href="#">[2003] NSWCCA 125</a>	VG	24y NPP 18y	AA 22y NPP 16y 6m	lengthy criminal record including assault	Assault  Intent to kill	Beat de facto wife to death using piece of wood - extensive injuries inflicted - history of repeated violence against victim - loss of self-control Genuine remorse - born in Cook Islands
27.	<b>NGO</b> (43) (2001) 125 A Crim R 495 <a href="#">[2001] NSWSC 1021</a> Dunford J  (2003) 57 NSWLR 55 <a href="#">[2003] NSWCCA 82</a>  <a href="#">[2013] NSWCCA 142</a>	VG	Life	Conviction AD   Sentence AD	nil	Shooting  Intent to kill	Arranged for shooting of politician – victim gunned down outside house - motivated by political ambition - several prior attempts made - long period of planning Vietnamese - evidence of good community work as Deputy Mayor and honorary president of Mekong Club - model prisoner - on protection
28.	<b>BADANJAK</b> (53) <a href="#">[2001] NSWSC 1041</a> G James J  <a href="#">[2004] NSWCCA 395</a>	PG (15%)	16y NPP 12y	AD	prior record for violence against wife	Stabbing  Intent to kill	Stabbed wife with kitchen knife - frenzy occasioned by anger - history of violence within relationship. Some cognitive defects - Croatian - estranged from family

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29.	<b>BOND</b> (51) <a href="#">[2001] NSWSC 1059</a> James J	VG	30y NPP 25y		substantial - on parole at time of offence for manslaughter of female	Stabbing  Intent to kill	Stabbed 30y girlfriend three times at her home - not premeditated - no apparent motive - no history of violence in relationship - not pre-armed - severe attack Previous manslaughter of female a significant aggravating circumstance.
30.	<b>DAVENPORT</b> (39) <a href="#">[2001] NSWSC 1083</a> Bell J	VG	15y NPP 11y 3m		drugs	Stabbing  Intent GBH	Stabbed friend once following drunken fight. Relationship characterised by frequent aggressive episodes during drinking bouts - alcohol addiction.
31.	<b>CARTER</b> (28) <a href="#">[2001] NSWSC 1119</a> Howie J	VG	18y NPP 13y 6m		nil	Motor vehicle  Intent to kill	Following altercation at party with B ran car into group of people - hit female standing next to B - intoxicated. Handed himself to police – remorse - stable employment and relationship.
32.	<b>JOINER</b> (37) <a href="#">[2001] NSWSC 1163</a> Whealy J  (2002) 133 A Crim R 90 <a href="#">[2002] NSWCCA 354</a>	VG	18y NPP 13y 6m	Conviction AD	nil	Assault  Intent GBH	Viciously assaulted wife during argument – death caused by kicking or striking head with rock - abandoned body in boot of car on street - Relationship characterised by violence on part of offender
33.	<b>HOLMES</b> (21)  <b>RATU</b> (18) <a href="#">[2001] NSWSC 1183</a> Levine J  <a href="#">[2003] NSWCCA 258</a>	PG  PG (25%)	16y NPP 12y  16y NPP 12y	AD  AD	nil relevant  nil relevant	Assault  Intent GBH	Taxi driver attacked after attempting to prevent offenders running off - kicked, punched and stomped for over 10 minutes. Genuine contrition and remorse- good prospects of rehabilitation
34.	<b>HELMAN</b> (36) <a href="#">[2001] NSWSC 1127</a> Kirby J	PG	15y NPP 11y		little history	Assault  Intent to kill	Assaulted male acquaintance with metal bar while he was watching TV - multiple blows - had developed unfounded belief victim was a paedophile - affected by drugs and sensitivity to issue Remorse

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35.	SCHREIBER (21) <a href="#">[2001] NSWSC 1184</a> Hidden J	PG (20%)	16y NPP 12y		armed robbery	Assault  Intent to kill	Attacked victim in own bed with poker and tomahawk - used knife to further mutilate body - believed victim sexually abused son and granddaughter - urged to commit offence by victim's daughter Disturbed mental state - reasonable prospects of rehabilitation.

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