

Murder: 2017

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

Standard non-parole period (offences committed on or after 1.2.2003)

20 years

25 years - Where the victim was a police officer, emergency services worker, correctional officer, judicial officer, health worker, teacher, community worker, or other public official, exercising public or community functions and the offence arose because of the victim's occupation or voluntary work

Standard non-parole period (where conviction entered or plea of guilty made on or after 1.1.2008)

25 years - Where the victim a child under 18 years of age

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	DROUDIS (No.16) (33) [2017] NSWSC 20 Johnson J [2020] NSWCCA 322	VG	44y NPP 33y	AA 35y NPP 26y 3m	Breached bail Subsequently sentenced for offensive use of postal service	Stabbing and set on fire Intent to kill	SNPP 20 years Female - at instigation of partner stabbed partner's ex-wife in stairwell of units 18 times – set victim alight without knowing if already dead and creating danger to other residents – carefully planned – desire to secure custody of partner's two children circumventing court order - partner a violent extremist who subsequently died in café siege – highly unusual and influential relationship but no reduction in culpability Attempt made to deflect police investigation showing lack of remorse – prospects of rehabilitation fair – some credit for cooperation during trial On appeal: error in assessment of death of offender's partner on risk of re-offending and rehabilitation prospects

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2.	XIE (53) [2017] NSWSC 63 Fullerton J [2021] NSWCCA 1	VG 5 x Murder	Life	Conviction AD		Assault with hammer-like weapon Intent to kill	SNPP 20 years / 25 years Killed wife's brother and his wife, her sister and their 12y and 9y sons and wife's sister – all victims killed in same house at night – severe and targeted assault to heads and faces of victims with hammer-like weapon - attached rope to weapon to maximise degree of force and ensure victims killed with speed and efficiency – planning – possible motive of sexual interest in 15y daughter of victim (not present in house on night of killing) or upset with low status in family - spread and severity of injuries - multiple forms of extreme violence Risk of future violent offending amplified by sexual violence inflicted on victims' daughter after murders
3.	SLOANE (66) [2017] NSWSC 152 Wilson J	VG	24y NPP 18y		Manslaughter of mother in law - other violence offences – breached bond for AVO offences	Stabbing Intent to kill	SNPP 20 years Motive and circumstances of killing unclear –walked uninvited into house and left with adult female victim – infer victim left under compulsion – took victim to nearby reserve and inflicted 16 stab wounds – previous friendship with victim as neighbours developed into acrimonious relationship Suffering bi-polar and other mental health issues – some reduction in culpability – former soldier
4.	ADAMS (31 at offence – 64 at sentence) [2017] NSWSC 179 Button J [2017] NSWCCA 215	VG	20y NPP 15y	Conviction AD	Rape conviction prior to murder – committed in similar circs – nil relevant convictions since murder	Asphyxiation Constructive murder	(1983) gave lift home to female stranger from wine bar – falsely claimed to be police officer – placed fatal pressure on windpipe in attempt to force intercourse – disposed of body Long standing tendency to strangle women who resisted sexual advances – no subjective material placed on sentence – minimal discount for delay

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5.	PROUD (29) [2017] NSWSC 286 Harrison J Co-offenders: EVANS (2014) RAWLINSON (2014) SPICER (2015)	PG (10%)	10y NPP 6y		Nil significant	Arson Accessory (before the fact)	Female introduced partner to friend aware really serious harm could be caused to victim – did not encourage offence – victim murdered in fatal house fire caused by co-offenders – minor and largely passive involvement – low to moderate end of scale Difficult and abusive personal life – mental illness – mother to three children – relationship with partner abusive – prior good character – genuine remorse – prospects of rehabilitation where no drug use Originally convicted and sentenced for murder – conviction quashed on appeal – offence changed from joint criminal enterprise to accessory before fact – reference to difference in criminal culpability at [31]-[32]
6.	FANG (No.4) (35) [2017] NSWSC 323 Johnson J [2018] NSWCCA 210	VG	19y NPP 14y	AD	Alcohol related offences	Stabbing Intent to kill	SNPP 20 years Stabbed male friend twenty times while under ice induced psychosis – victim also consumed ice – believed victim had threatened to kill family – not satisfied threat actually made so no provocation – wrapped body in quilt and abandoned in victim’s car 12kms away near cemetery Confessed to pastor of church and police prior to body being found - visited sick parents in China but returned for arrest when requested – conduct taken into account on sentence - ice addiction resulted from difficult family circumstances and tragedies – remorse – ice addition does not mitigate offence but assists subjective case

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7.	<p>G STOCCO (56)</p> <p>M STOCCO (34)</p> <p>[2017] NSWSC 304 Davies J</p> <p>[2018] NSWCCA 77</p>	<p>PG (25%) Murder</p> <p>Arson</p> <p>2 x s.33A(2)(a)</p> <p>Sched 5 related offences</p> <p>PG (25%) Murder</p> <p>Arson</p> <p>2 x s.33A(2)(a)</p> <p>Sched 5 related offences</p>	<p><u>Indicative</u> 26y NPP 19y 6m</p> <p>5y 3m</p> <p>9y NPP 6y 9m</p> <p><u>Aggregate</u> 40y NPP 28y</p> <p><u>Indicative</u> 26y NPP 19y 6m</p> <p>5y 3m</p> <p>9y NPP 6y 9m</p> <p><u>Aggregate</u> 40y NPP 30y</p>	AD	<p>Property offences</p> <p>Stealing and robbery offences</p>	<p>Shooting</p> <p>Intent to kill</p>	<p>SNPP 20 years Father and son – entered rural property at night where had previously worked as caretakers – angry at treatment by previous owner – slashed tyres – stole diesel and set fire to outbuildings – substantial damage and financial loss - did not intend to hurt people – upper mid-range One year later living with victim on remote property tending cannabis plantation – at urgings of son father shot victim – no real planning or pre-meditation – in company – use of weapon – at home of victim – disposed of body and burned possessions to cover tracks – high mid-range Picked up driving stolen vehicle – police pursuit over rural roads – shot at three police cars with high powered automatic rifle – not aiming at police officers – upper mid-range Leading itinerant lifestyle after breakdown in marriage between father and wife – developing anti-authoritarian attitudes – no mental illness</p>
8.	<p>BILES (No.2) (24)</p> <p>[2017] NSWSC 525 Fagan J</p> <p>[2019] NSWCCA 55</p>	VG	24y NPP 18y	Conviction AD	Lengthy – personal violence offences against victim – breached bond	<p>Assault</p> <p>Intent GBH</p>	<p>SNPP 20 years Punched and kicked 18y female partner to death – assault of sustained, persistent savagery – history of personal violence against victim Aboriginal – difficult and disadvantaged childhood – poor prospects of rehabilitation</p>
9.	<p>CRICKITT (No.2) (56 at offence – 63 at sentence)</p> <p>[2017] NSWSC 542 Hoeben CJ at CL</p> <p>[2018] NSWCCA 240</p>	VG	27y NPP 20y 3m	Conviction AD	Nil	<p>Injected insulin</p> <p>Intent to kill</p>	<p>SNPP 20 years Doctor deliberately injected lethal overdose of insulin to wife by subterfuge – motivated by increasing dislike for wife and desire to pursue relationship with lover – premeditated and planned offence up to 48 hrs prior to offending – serious breach of trust – well above mid-range Depressive illness did not affect culpability but impacts custodial conditions – poor physical health – some co-operation at trial</p>

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10.	KADDOUR (19 at offence – 23 at sentence) [2017] NSWSC 586 Mathews AJ	VG	20y NPP 15y		Minor	Assault Intent GBH	SNPP 20 years Co-offender AZ pinched on bottom by male friend – probably gesture of friendship but AZ felt very insulted – offender, AZ and another co-offender attacked victim with various objects and a pole – suffered serious blunt force injuries - unprovoked attack – spontaneous rather than premeditated – mid-range Good prospects rehabilitation – youth - no remorse – drug abuse – supportive family and community – employed – well-regarded Co-offender sentenced for manslaughter based on substantial impairment
11.	HAYDAR (No.4) (61) [2017] NSWSC 615 Garling J	VG Murder s.33(1)(a)	22y NPP 16y 6m FT 4y <u>Total:</u> 23y 6m NPP 18y		Nil	Stabbing Intent to kill	SNPP 20 years Stabbed wife in frenzied, sustained and brutal attack – stabbed daughter who tried to intervene – marriage deteriorating although no previous violence – returned from trip to Lebanon and confronted wife in kitchen jealous at perceived infidelity and upset at break down of marriage – stabbed repeatedly in kitchen, lounge and dining room – mild-moderate depressive disorder reduced culpability – use of weapon and offence in home of victim – not planned – below mid-range Remorse – mental illness – good prospects of rehabilitation – assistance in conduct of trial – good character
12.	THOMPSON (52) [2017] NSWSC 628 Hamill J	VG Murder 3 x Breach AVO 2 x Stalking	23y NPP 17y 3m FT 4m / 2m / 12m FT 3m / 12m <u>Total:</u> 23y 4m NPP 17y 7m		Nil – breached AVO	Stabbing Intent to kill	SNPP 20 years Stabbed boyfriend of estranged wife in victim's home – sustained and powerful attack – stalked wife prior to killing – some planning – intent to kill at final moment – genuine attempt to take life – severe depressive illness reduced culpability – somewhat (although not substantially) impaired capacity to control self - mid-range Good prospects of rehabilitation – some assistance in conduct of trial

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13.	MORRIS (57) [2017] NSWSC 637 Fagan J	VG	17y NPP 12y		Nil	Assault Intent GBH	SNPP 20 years Single blow to throat of 36y male with hammer in course of struggle – victim supplied cannabis to offender - upset that victim had been secretly taking share of drugs - no premeditation – low range offending Schizophrenia / mental illness operative cause of offence - remorse – low risk re-offending – special circumstances
14.	SINCLAIR (a pseudonym) (22) [2017] NSWSC 686 RA Hulme J [2020] NSWCCA 108 Co-offender: EVANS	PG (15% plea and assist) Murder s.112(3) PG (35% assist and plea) s.112(3) 2 x s.86(2) s.86(2)	<u>Indicative:</u> 30y NPP 22y 6m 13y 6m NPP 10y 12y NPP 9y 8y 6m 9y <u>Aggregate</u> 38y NPP 28y 6m	AD	Minor	Assault Accessory	SNPP 20 years Broke into home of co-offender's former employer at night planning to steal from occupants – forced male occupant to show them safe – co-offender bashed male occupant to death with pick handle – also assaulted female occupant causing serious injuries – offender did not intend death but aware co-offender violent and armed with weapon One month earlier broke into family home of offender's ex-girlfriend with co-offender and third offender at night – sleeping male occupant severely assaulted around head by co-offender with pick handle causing serious and probably long-term injuries – all four occupants of house threatened and tied up with duct tape and rope All offences well above mid-range in seriousness Young offender with long term drug addiction – genuine remorse – some good prospects of rehabilitation On appeal: finding of objective gravity open to sentencing judge
15.	BORG (23) [2017] NSWSC 746 Schmidt J [2019] NSWCCA 129 Co-offender: GATT (2018)	PG (40% combined)	16y 2m NPP 12y 2m	AA 15y NPP 11y 3m	minor drug – breached bail	Shooting Accessory	SNPP 20 years One of two men who approached 18y victim in parked car – co-offender shot victim seven times – offender armed but did not shoot – joint criminal enterprise to cause really serious injury – evidence did not establish motive - above mid-range Out of character – difficult childhood resulting in mental health issues and drug abuse – remorse - assistance

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16.	RHODES (35) [2017] NSWSC 694 Campbell J	PG (25%) Murder Murder Assault Assault police Sched: 2 offences	<u>Indicative</u> 24y NPP 18y 30y NPP 22y 6m 14m 2y <u>Aggregate:</u> 40y NPP 30y		Violence against mother	Assault and stabbing Intent to kill	SNPP 20 years / SNPP 25 years Returned home after drinking and using drugs during day – ice-induced psychosis – chased mother out of house stabbing her multiple times then crushing skull with concrete statue – returned to house and stabbed young male relative in chest with knife – threw him against wall and chased him outside smashing his head with sandstone paver – sustained and persistent although spontaneous assaults – approached and threatened female stranger in her car – threatened male police officer with fibro-cement meter cover – offences conducted in presence of other young children – home of victims – abuse of trust – well above midrange offences Aboriginal with abusive father – long history of drug addictions – suffering ADHD and dyslexia resulting in easy recourse to violence when angry – some remorse
17.	LOCK (TL) (27) [2017] NSWSC 715 Latham J [2020] NSWCCA 265	VG	36y NPP 27y	AD	Minor	Assault Intent GBH	SNPP 25 years Bashed 2y child of de facto partner - blunt force trauma caused massive internal bleeding leading to death – history of assaults on victim - more than moderately above mid-range
18.	PO (16 at offence, 19 at sentence) [2017] NSWSC 757 Fullerton J	VG	15y NPP 9y		Having knife in public place, assault w/ intent rob in company	Stabbing Intent GBH	Fight with male on street at night – stabbed victim in abdomen – engaged victim in physical fight by punching him first or physically challenging him to fight Youth – mental health – rehabilitation - remorse – special circumstances
19.	BROOKS (19) [2017] NSWSC 824 Hamill J	VG Murder s.33	20y NPP 14y 6m 7y 6m NPP 5y <u>Total:</u> 22y NPP 14y 6m		Nil	Stabbing Intent GBH	SNPP 20 years Stabbed male stranger once to chest in altercation outside pizza place late at night – stabbed second male in chest twice – spontaneous offence – protective of brother who had been pushed to ground but no self-defence – carrying knife in public place – below mid-range Good prospects of rehabilitation – prior good character – some reduction for conduct of trial

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20.	F. QAUMI (31) [2017] NSWSC 774 Hamill J [2019] NSWCCA 60 (conviction appeal against murder dismissed) [2020] NSWCCA 163 (conviction appeal against two counts allowed – sentence appeal allowed)	VG Murder 2 x s.33(1)(b) (GBH/GBH) Consp murder 2 x Solicit murder Attempt murder s.93GA(1B) – fire at dwelling 3 x unauth poss firearm Supply lge comm qty drugs s.93T(4A) direct criminal group (10% for offer) Manslaughter Unauth poss firearm	<u>Indicative</u> 45y NPP 33y 9m 10y NPP 7y 6m 12y NPP 9y 12y NPP 9y 12y NPP 9y 6y NPP 4y 6m 4y NPP 3y 6y NPP 4y 6m 8y 14y 6y NPP 4y 6m	AA <u>Indicative</u> 45y NPP 33y 9m 10y NPP 7y 6m 12y NPP 9y 12y NPP 9y 12y NPP 9y Conviction AA 4y NPP 3y 6y NPP 4y 6m 8y 14y 6y NPP 4y 6m	Lengthy record	Shooting Joint criminal enterprise Intent to kill	SNPP 20 years Leader of criminal gang - directed multiple shooting incidents over one month – premeditated and planned incidents in context of violent gangland war – co-offenders included brothers Murder committed for contract payment of substantial amount of money – gave orders and supplied weapons Manslaughter act of excessive self-defence after hearing about contract put out on life by rival gang – shooters opened fire on garage of suburban house killing one occupant and seriously injuring second - shooting of several rival gang members at their homes - teenage girl suffered serious and permanent injuries - ordered drive by shooting at home of mother of intended victim – on arrival shooter hesitated due to presence of women and children and shot at group of gang members nearby injuring one Found in possession of 1,894.4g relatively new psychoactive substance Refugee from Afghanistan – suffered extreme and traumatic violence as a child – continued to suffer trauma in India and later in Australia under father and as witness to school killing – early drug abuse – PTSD, substance abuse disorder and anti-social personality disorder – some reduction in moral culpability but also dangerousness – harsh custodial conditions No life sentence because of subjective features On appeal: conviction appeal for s.93GA(1B) allowed – error in SNPP for several offences
	Co-offender: M.QAUMI NK		<u>Aggregate</u> 60y NPP 43y	<u>Aggregate</u> 58y NPP 42y			

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21.	<p>M. QAUMI (29) [2017] NSWSC 774 Hamill J</p> <p>[2019] NSWCCA 60 (conviction appeal against murder dismissed)</p> <p>[2020] NSWCCA 163 (conviction appeal against two counts allowed – sentence appeal allowed)</p>	<p>VG Murder</p> <p>s.33(1)(b)</p> <p>s.33(1)(b)</p> <p>Consp / Solicit / Attempt murder</p> <p>Solicit murder</p> <p>3 x shoot with intent to murder</p> <p>s.93GA(1B) – fire at dwelling</p> <p>2 x unauth poss firearm</p> <p>Supply lge comm qty drugs</p> <p>s.93T(4A) direct criminal group</p> <p>VG Manslaughter</p>	<p><u>Indicative</u> 38y NPP 26y</p> <p>8y NPP 6y</p> <p>8y NPP 6y</p> <p>10y NPP 7y 6m</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>6y NPP 4y 6m</p> <p>4y NPP 3y</p> <p>4y NPP 3y</p> <p>3y</p> <p>12y</p> <p><u>Aggregate</u> 50y NPP 36y</p> <p>10m (accumulated)</p>	<p>AA <u>Indicative:</u> 38y NPP 26y</p> <p>8y NPP 6y</p> <p>Conviction AA</p> <p>10y NPP 7y 6m</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>Conviction AA</p> <p>4y NPP 3y</p> <p>4y NPP 3y</p> <p>3y</p> <p>12y</p> <p><u>Aggregate</u> 46y NPP 33y</p> <p>10m (accumulated)</p>	<p>Early record – seven year gap prior to these offences</p>	<p>Shooting</p> <p>Joint criminal enterprise</p> <p>Intent to kill</p>	<p>SNPP 20 years Member of criminal gang – brother to leader - murder committed for contract payment of substantial amount of money – involved in arranging shooters and weapons Involved in arranging 5 shooting incidents over one month – premeditated and planned incidents in the context of violent gangland war - manslaughter act of excessive self-defence after hearing about contract put out on life of brother by rival gang – shooters opened fire on garage of suburban house killing one occupant killed and seriously injuring second – shooting of several rival gang member at their homes – teenage girl suffered serious and permanent injuries - arranged shooting of rival gang member without knowledge of brother – two males shot and injured waiting in car outside café - involved in arranging drive by shooting at home of mother of intended victim – on arrival shooter hesitated due to presence of women and children and shot at group of gang members nearby injuring one. Found in possession of 1,894.4g relatively new psychoactive substance Contempt committed by violent attack on co-accused in court Refugee from Afghanistan – suffered extreme and traumatic violence as a child – suffering anxiety disorder and depressive illness – reasonable prospects of rehabilitation – harsh custodial conditions On appeal: conviction appeal for s.93GA(1B) and s.33(1) allowed – error in SNPP for several offences</p>
	Co-offender: F.QAUMI NK	PG Contempt					

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22.	PARK (28) [2017] NSWSC 873 Latham J [2019] NSWCCA 105	PG (10%)	36y NPP 27y	AA 28y 9m NPP 21y 6m	Nil	Assault Intent to kill	SNPP 20 years South Korean assaulted housemate with sledgehammer – sustained and vicious assault throughout house – pre-meditated to gain access to victim’s car and money – wrapped body in plastic and placed in suitcase in rubbish bin – took steps to cover offence – above mid-range Difficult childhood – remorse – moderate prospects of rehabilitation
23.	RAJAB (22) [2017] NSWSC 975 Fullerton J	PG (15%)	21y NPP 15y 6m		Driving offences	Shooting Intent to kill	SNPP 20 years Aware victim standover man and feared for safety of family and self after intervening on behalf of friend in relation to drug debt – arranged meeting between victim and friends in park – ‘warning shot’ from car striking victim in leg – approached victim on ground and shot in neck after victim made further threats – not premeditated – meeting in park not arranged with purpose of killing – culpability reduced by low intelligence and dissociative state – element of provocation – aggravating factors were use of firearm and shots fired in public place Out of character – remorse
24.	ZANKER [2017] NSWSC 1254 Fagan J Co-offenders: FORWARD [2016] CAMERON [2016]	VG	12y NPP 6y 8m		Comparatively minor	Stabbing Accessory before the fact	Worker on cannabis cultivation – with co-offenders became concerned about violent and unpredictable co-worker – knowingly travelled north to assist in digging grave in bush – not present at time of killing but assisted in clean up and burial of body Born with spina bifida resulting in serious physical disabilities – difficult and chaotic childhood – mental health issues – long-term cannabis use – good prospects of rehabilitation – extremely difficult custodial conditions due to vulnerability Sentenced on earlier occasion for involvement in cannabis plantation – 3y 9m NPP 2y 6m
25.	SIALE (24) [2017] NSWSC 1298 Garling J [2019] NSWCCA 80	VG	24y NPP 17y	AD	aggravated robbery and intentional damage to property, affray	Glass Intent GBH	SNPP 20 years Severely intoxicated – approached and began argument with 45y male neighbour – broke bottle and attacked victim twice with glass – victim died from extensive blood loss due to severing of carotid and jugular arteries in neck – unprovoked attack - mid-range objective seriousness Good prospects rehabilitation – remorse.

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26.	WESTERN [2017] NSWSC 1385 Rothman J Co-offender: ROLFE	VG	34y NPP 25y 6m		Significant	Shooting Intent GBH	SNPP 20 years Sergeant at arms of Biekie Club – with two others attended workshop of victim with intent to cause GBH – dispute over bike belonging to victim and seized by Club – shot victim twice in stomach and groin – not contract killing but assertion of authority – well above mid-range Disturbed and abusive childhood – significant psychological issues
27.	LN (40) AW (45) [2017] NSWSC 1387 Johnson J (LN) [2020] NSWCCA 131	VG VG	44y NPP 33y 40y NPP 30y	AA 38y NPP 28y 6m	Nil limited	Assault Intent to kill (LN) Accessory (AW)	SNPP 25 years LN mother of 3y male victim - AW stepfather and LN's partner - LN killed child – AW guilty by extended joint criminal enterprise – victim assaulted over 51-day period before murder – extensive emotional and physical abuse – fatal injuries committed by LN attacking victim - substantial acceleration/deceleration forces - pattern of assaults taken into consideration in assessing objective seriousness LN: objective seriousness very significantly above mid-range – mental illness - troubled background - drug and alcohol abuse – no insight into offence – no remorse or contrition AW: objective seriousness significantly above mid-range - no remorse or contrition CCA (LN): error in relation to effect of offender's mental illness on moral culpability
28.	VILLALUNA (45) [2017] NSWSC 1390 Beech-Jones J	PG (15%) Murder Wound with intent GBH	34y NPP 24y 12y NPP 9y <u>Total:</u> 40y NPP 30y		Nil	Stabbing Intent to kill	SNPP 20 years Stalked, abused and tormented female ex-partner – had been very possessive and jealous in relationship – followed ex-partner to dinner date with male victim – stabbed victim 11 times - wounded ex-partner – murder planned – victim complete stranger - had planned for some time to kill any man in presence of ex-partner No remorse - significant prospects of reoffending in unlikely event forms another relationship Comparative cases

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29.	ROLFE [2017] NSWSC 1393 Rothman J Co-offender: WESTERN	PG (slightly above 50% plea and assist) Murder Possess firearm Sched: Possess ammo	13y NPP 8y 6m 7y 4m NPP 5y 6m <u>Total:</u> 13y NPP 5y 8m		Includes inflicting grievous boldly harm	Shooting Intent GBH Joint criminal enterprise	SNPP 20 years New member recruited by Sergeant at arms of Bikie Club to 'touch up' victim – arranged cars to travel to victim's workshop - attended workshop with intent to cause GBH – dispute over bike belonging to victim and seized by Club – co-offender shot victim twice in stomach and groin – not contract killing but assertion of authority – offender carried gun but did not intend to use it – less culpable than shooter – offence well above mid-range Believed would be subjected to discipline if did not accompany co-offender – significant assistance resulting in protective custody and witness protection - remorse
30.	EVANS [2017] NSWSC 1440 RA Hulme J [2023] NSWCCA 11	PG (25% plea and assist) Murder Sched: 2 offences	24y NPP 18y	Conviction AD	Assault - recklessly cause GBH – stalking / intimidate - BES	Assault Accessory	SNPP 20 years With female co-offender targeted home under mistaken belief drug dealer was living there –objective of threatening any occupants and using violence if necessary to steal – offender tied up 65y male with tape – forceful and sustained assault causing death – not known who inflicted fatal violence – assault possibly with impromptu use of items found in vicinity as weapons - victim left bound and gagged but died some short period of time after - joint criminal enterprise to detain victim with intention of stealing property in company and actual bodily harm being inflicted - premeditated invasion - mid-range Background of significant abuse - assistance

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31.	EVANS (No.3) (25) [2017] NSWSC 1523 RA Hulme J Co-offender: SINCLAIR	VG Murder s.112(3) s.112(3) 2 x s.86(2)(a) s.86(3)	<u>Indicative</u> 42y NPP 31y 6m 18y NPP 13y 6m 20y NPP 15y 13y 14y <u>Aggregate:</u> 48y NPP 36y		Assault, AOABH, damage property	Assault Intent to kill	SNPP 20 years Offences committed during series of home invasions with co-offenders in rural area – male murder victim attacked by offender while bound and defenceless – pick axe used to inflict severe blunt head injury – female occupant also assaulted causing serious injuries – murder well above mid-range One month earlier broke into home with co-offender and third offender at night – sleeping male occupant severely assaulted around head with pick handle causing serious and probably long-term injuries – all four occupants of house threatened and tied up with duct tape and rope Offences committed to obtain money for drug (ice) addiction - ADHD – drug use from young age.
32.	TERKMANI (21) [2017] NSWSC 1567 McCallum J	VG Murder s.61J	<u>Indicative</u> 40y NPP 30y 20y NPP 15y <u>Aggregate</u> 45y NPP 33y		Numerous offences involving unprovoked violence – breached strict bail conditions for serious drug offences	Assault Intent to kill	SNPP 25 years Bashed to death 16y male friend in abandoned house – sustained, brutal and horrific attack using variety of household items as weapons – strangled victim – repeatedly thrust handle of squeegee into anus as far as stomach wall – offences appear spontaneous – motive impossible to discern Offences extreme enough to warrant maximum penalty but declined to impose life sentence due to youth
33.	RUTTLEY (45) [2017] NSWSC 1582 Payne J	VG	24y NPP 18y		Includes personal violence offences – aggravating factor	Unknown Intent GBH	SNPP 20 years Killed girlfriend in her own home during argument after day of drinking – disposed of body in location unknown – details of murder unknown – destroyed by fire car used to transport body – spontaneous offence - mid-range Aboriginal with difficult childhood – some co-operation in conduct of trial

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
34.	DE BEYER (50) [2017] NSWSC 1700 Hidden AJ	VG	25y NPP 19y		Sporadic – several breaches of AVO and stalking offences – murder breached AVO	Stabbing Intent GBH	SNPP 20 years Single stab wound to abdomen of wife during argument – circumstances of stabbing unknown – attempted to cover up act Troubled although lengthy relationship with alcohol and drug abuse – domestic violence – troubled and violent childhood
35.	BARRETT (27) [2017] NSWSC 1802 Wilson J [2020] NSWCCA 11	PG (no discount) Murder Kidnapping s.86 3 x s.61N - act of indecenty Sched: 21 offences	40y 6m 9y 13m <u>Total:</u> 46y NPP 34y 6m	AD	Nil	Stabbing Intent to kill	SNPP 20 years Stabbed 25y niece of de facto living in same home – perverted sexual obsession – secretly filmed victim in shower and masturbated while victim slept – tied victim with tape, filmed her naked, stabbed her multiple times then threw body off cliff into ocean - extreme brutality – sexually motivated - sadistic act - position of trust - relatively spontaneous Age - willingness to undergo rehabilitative programmes - acknowledged responsibility - former productive life and good character (subsequently sentenced for additional sexual offences against victim)

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.