

Murder: 2022

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.	KELEKLIO (42) SINAI (33) [2022] NSWSC 62 RA Hulme J	PG (10%) VG	27y NPP 20y 3m 30y NPP 22y 6m		AOABH, robbery, fraud, BES whilst armed - last offending 15y ago Nil in NSW - insignificant NZ: theft, burglary	Shot Intent to kill	SNPP 20 years Joint criminal enterprise - K shot 65y male victim solicitor to back of head three times in busy shopping centre during daytime – K fled scene driven away in S' van – S recruited K and others; carried out surveillance, provided K with gun, provided means for fleeing from scene – planned; premeditation; part of organised criminal activity - no motive established; connected with victim's association with organised crime; killing to serve criminal objective of unknown person(s) – no prior dealings with victim – only known motive was that K carry out task set for him by S on behalf of others – same level of culpability among K and S despite different roles. K: reasonable prospects of rehabilitation - remorse. S: acted at behest of others but still an important hands-on role - reasonable prospects of rehabilitation - unlikelihood of re-offending.

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
2.	BURNS (No.2) (21) [2022] NSWSC 140 McCallum JA	PG (10%) Murder s. 98	<u>Indicative:</u> 19y 9m 6y 9m <u>Aggregate:</u> 21y NPP 14y		Traffic offences only	Stabbing Intent GBH	SNPP 20 years Stabbed victim once in struggle in victim's house during attempted robbery for drugs – robbery of limited planning – stabbing intentional but fleeting and spontaneous intent based on desire to escape struggle – use of weapon aggravating factor – both offences below mid-range Prior good character – <i>Bugmy</i> factors applied – mental health issues – offence reflected immaturity and under-developed self-control – good prospects of rehabilitation – unlikely to re-offender – support of fiancé – harsh conditions in custody due to pandemic
3.	DARCY (No.9) (46) [2022] NSWSC 135 Lonergan J	VG	40y NPP 30y		Breached parole – domestic related offences including poisoning and assaulting previous husband, setting fire to bedroom and fraud offences	Suffocation Intent to kill	SNPP 20 years Female sedated male partner with drugs then used helium and plastic bag to cause suffocation – staged scene to appear as suicide – months of planning and setting of false trail to suggest victim suicidal – motivated by greed – aggravated by use of drugs and committed in victim's home – murder committed in domestic setting attracts particular consideration of general deterrence, denunciation and community protection Personality disorder
4.	CARBONE (23 at offence – 30 at sentence) [2022] NSWSC 373 Garling J	VG	24y NPP 18y		Breached bond for offence of entering building with intent to rob	Stabbing / shooting Joint criminal enterprise to inflict GBH	SNPP 20 years Joint criminal enterprise with co-offender to cause GBH to victim – dispute over money owed to victim's sister – co-offender armed with pistol – meeting arranged with victim in car park – during struggle victim stabbed in back four times then shot three times attempting to flee – some degree of planning – above mid-level – lesser culpability than co-offender – co-offender escaped country Low intelligence and easily led – early drug addiction – mental health issues – reasonable prospects of rehabilitation – difficult custodial conditions due to pandemic

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
5.	BALEINAPUKA (55) [2022] NSWSC 485 Fagan J	VG	26y 8m NPP 20y		nil	Stabbing Intent to kill	SNPP 20 years Sustained and savage attack with two knives on female partner in townhouse home late at night – victim pursued through house – 14 stab wounds including defensive wounds – arrested by police driving away from the scene – spontaneous attack – no apparent motive or reason – mid-range Continued denial of guilt – prior good character – Fijian national – co-operation in efficiency of trial
6.	DELANEY (50) [2022] NSWSC 492 Fagan J	VG	16y NPP12y		Violence offences, drive unlicensed, use vehicle without authority, breach AVOs, destroy property making threats by use of carriage service.	Assault Intent GBH	SNPP 20 years Offender attacked victim with fists and knees – known to each other, offender upset with victim, both intoxicated – cause of death ruptured spleen sustained during attack – victim’s spleen was severely diseased prior to attack – low level of intent to cause grievous bodily harm. Accumulation of recent stressors on background of chronic and serious psychiatric disorders exacerbated mental condition to point where it became a contributing cause of irrational, violent attack. Remorse – great childhood disadvantage and trauma - major depressive disorder; substance abuse disorder; possible borderline personality disorder.
7.	KRIVOSIC (No.7) (27) [2022] NSWSC 507 Johnson J	VG	28y NPP 21y		Significant including violence and firearm offences – breached parole for firearm offence	Shooting Intent GBH	SNPP 20 years Offender advised of an assault committed by victim and another man – attended unit where victim visiting female resident – entered unit wearing gloves and jacket concealing face and shot victim sitting on lounge once in left side of back in lower chest area – pistol whipped victim to head and attempted to kick - left home deliberately armed with pistol and attempts made to conceal identity – very angry at treatment of third man but no immediate provocation at time of shooting – aggravating factors include use of weapon and in company – upper mid-range gravity Experienced trauma during childhood in Croatia and Serbia during war and further difficulties in Australia

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
8.	ZT (16 at offence – 28 at sentence) [2022] NSWSC 511 Walton J Co-offender: WATSON	VG	12y NPP 8y		Nil	Unknown Accessory	(2010) – extended joint criminal enterprise – agreed to assault victim and foresaw possibility of death – victim killed by adult co-offender who instigated offence – little evidence as to circumstances of killing – assisted in burning and burying body – both victim and offender staying with co-offender – some non-exculpatory duress – co-offender had history of violence and abuse – little or no planning Vulnerable youth at time of offence manipulated by co-offender – lived with co-offender after being forced to leave home – social disadvantage, developmental disability and substance abuse reduced moral culpability – no remorse – good prospects of rehabilitation – low risk of re-offending – special circumstances
9.	MALETSAS (28) [2022] NSWSC 712 Fagan J	VG	19y NPP 14y 3m		Record including AR	Assault Intent GBH	SNPP 20 years Offender and victim lived in same housing complex –offender called victim out from unit and threw him to ground - punched victim several times to head, smashed head on concrete path and struck to back of head with metal pole once – brutal and merciless attack – both intoxicated – irrational rage - no immediate provocation but victim’s behaviour had caused problems with other residents and ongoing verbal altercations with offender – absence of planning or pre-meditation – serious offence Violent childhood – early substance abuse – longstanding psychiatric problems
10.	PAPANICOLAOU (38) [2022] NSWSC 728 Wright J	VG	22y NPP 15y		Nil	Assault, stabbed Intent to kill	SNPP 20 years Female – worked as cleaner for 92y old female victim-attended victim’s home with intention of stealing from victim due to gambling losses – victim saw accused – accused stabbed and bashed victim - used three different weapons over extended period of time; beat victim with walking sticks and plates; knife wounds to lower chest and abdomen – switched off victim’s alarm and took cordless telephone away leaving victim to die without assistance - impulsive attack, but prolonged – vulnerable victim - middle of range of relative seriousness. Remorse – good rehabilitation prospects – mother to two children

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
11.	LLOYD [2022] NSWSC 906 Bellew J	PG (25%)	25y 6m NPP 19y 1m		Previous domestic violence, stalking, AOABH. In breach of AVO.	Assault (baseball bat); stabbed Intent to kill	SNPP 20 years Killed ex-partner at front door of victim's premises - long history of domestic violence – used two weapons - struck with baseball bat to head and arms – stabbed multiple times to face and neck - above mid-range objective seriousness. Difficult upbringing - disadvantage - background supporting slight reduction in moral culpability - subjective case otherwise limited.
12.	NB (45) [2022] NSWSC 1013 Cavanagh J	VG	26y 6m NPP 18y (s.22A CSPA - 5%)		Nil	Assault Intent GBH	SNPP 25 years Female – Foster carer - caring for deceased, child / baby aged 20 months – violent assault – loss of control - forceful blow to stomach –fracture of left femur, stomach perforation, bruising, scratch marks. Unusual case - no pattern of mistreatment leading up to child's death / no violence over lengthy period. Prior good character - unlikely to reoffend - reduction for facilitating administration of justice - special circumstances.
13.	WEAVER (No.13) (39) [2022] NSWSC 1140 Campbell J	VG Murder PG (10%) s.166 Certificate: Resist arrest Carry cutting weapon	24y 8m NPP 18y 6m 6m (concurrent) s.10A		Poor record including personal violence in domestic setting – breached parole	Stabbing Intent GBH	SNPP 20 years Living with partner in home of victim – became obsessed with suspected relationship between victim and partner – stabbed victim six times in confrontation – drug affected – determined and unprovoked attack – not wholly spontaneous – offence committed in home of victim – bottom of mid-range Facilitation of administration of justice in conduct of trial – extra-curial punishment when stabbed in gaol by victim's daughter's partner
14.	COSKUN (No.5) (28) [2022] NSWSC 1216 RA Hulme J Co-offender: BATAK	VG Murder Att s.97(2)	<u>Indicative</u> 32y NPP 24y 5y <u>Aggregate:</u> 34y NPP 25y 6m		Lengthy record	Shooting Constructive murder	SNPP 20 years One of two men who entered unit in early hours of morning, both armed and intent to rob drug dealer of money or drugs – offender fired ten shots – one occupant fatally shot in head and second occupant shot twice in arm – female occupant threatened with gun to head by second assailant – intent to cause GBH or at least high degree of recklessness – both offences above mid-range Born in Turkey – difficult childhood including physical and sexual abuse and early substance abuse – suffering PTSD and other mental health disorders

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
15.	BATAK (No. 5) (26) [2022] NSWSC 1217 RA Hulme J Co-offender: COSKUN	VG Accessory before fact to murder Accessory before fact to att s.97(2)	14y NPP 10y 6m FT 2y (concurrent)		Nil	Shooting Accessory before fact to murder Constructive murder	Provided handgun and “hi vis work shirt” to principal offender C for use in “drug-rip” style home invasion – C fatally shot male occupant and injured second male occupant - offender would have realised at time he supplied gun that it would be used to overcome resistance by victim - no actual intention by offender that gun be fired – above mid-range seriousness Special circumstances – first time custody
16.	MILLER (No.2) (20) [2022] NSWSC 1347 Cavanagh J	VG	20y NPP 13y		Nil	Strangulation Intent to kill	SNPP 20 years Assaulted and strangled 18y female partner while suffering delusion he was being attacked by a demon – not intoxicated but suffering temporary effect of LSD taken 11 days prior – spontaneous offence well below mid-range and towards lower end – moral culpability reduced Prior good character – remorse – good prospects of rehabilitation – assistance with administration of justice – no history of psychotic episodes
17.	JUNG (56) [2022] NSWSC 1262 Harrison J	PG (25%)	18y NPP 13y 6m		Nil	Strangulation Intent to kill	SNPP 20 years Strangled female victim with whom having an affair – strangled with telephone charger cord in vehicle – buried victim in park - stated motive was to prevent victim from exposing affair to offender’s wife – impulsive state of anger – cause of anger not capable of demonstration beyond reasonable doubt. Remorse - risk of reoffending small - prospects of rehabilitation good
18.	DELANEY (30) [2022] NSWSC 1327 Garling J	PG (25%)	21y NPP 15y 9m		Nil	Assault Intent to kill	SNPP 20 years Fatally assaulted sister with hammer in flat shared with victim – wrapped body in blanket and concealed on bed with arm chair – over several days withdrew money from victim’s account and denied knowledge of her whereabouts to family – body discovered several days later by family member – vicious, brutal and very violent assault committed while in drug induced psychosis – no reason for attack – no planning - mid-range Difficult childhood including sexual abuse and exposure to violence – continuing mental illness (schizophrenia) – prior good character limited by drug abuse

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
19.	KENNEDY (a pseudonym) (34) [2022] NSWSC 1499 N Adams J	PG (25%)	27y NPP 19y		Breached ADVO – nil record	Axe Intent to kill	SNPP 20 years Female killed estranged husband with axe – ten ‘chop style’ injuries to head – volatile relationship marred by domestic violence – killed while victim resting or sleeping in early hours of morning in his home – motivated by jealousy and revenge for leaving relationship – offender subject to ADVO in relation to victim – made searches for methods of killing months prior to offence – above mid-range Born in Samoa – remorse – good prospects of rehabilitation – unlikely to re-offend
20.	CRANE, C (55 at sentence) CRANE, J (57 at sentence) SYMONS (36 at offence, 42 at sentence) McDONALD (25 at offence, 30 at sentence) ROBERTSON (28 at offence, 34 at sentence) [2022] NSWSC 1545 Fagan J	VG Accessory before fact VG Accessory before fact VG VG VG	16y NPP 10y 9m 6y NPP 4y 18y NPP 12y 17y 6m NPP 11y 6m 19y NPP 13y		Nil relevant. off behaviour, assaults, mal injury, AOABH. driving, cultivate proh plant nil significant assault hinder police, fail to leave premises, agg B&E	Assault Intent GBH	SNPP 20 years 2017 - C Crane and brother J Crane accessories before fact - assisted three principals Symons, McDonald and Robertson (and offender McDonough convicted of manslaughter) who participated in severe, targeted bashing of male deceased at request of C Crane who had animosity with deceased – concerted kicking and stomping attack - all members of Rebels outlaw motorcycle gang - joint criminal enterprise. C Crane: accessory before fact - wanted deceased beaten – communicated to principals who did not act of their own spontaneous volition – provocation by threats by deceased – special circumstances – poor health – mental health issues – no risk reoffending. J Crane: accessory before fact - minimal contribution – informed others of whereabouts of deceased – low probability of reoffending. Symons: Drug use, ADHD – excellent rehabilitation prospects. McDonald: excellent rehabilitation prospects – continuous employment – poor health. Robertson: disadvantaged upbringing – lack of employment skills.

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
21.	CAMELO-GOMEZ (48 at sentence) [2022] NSWSC 1559 Wilson J	VG	20y NPP 14y		Nil	Strangulation / stabbing Intent to kill Joint criminal enterprise	(2001) – Female - joint criminal enterprise with boyfriend CC to kill offender’s mother – financial motive – also motivated by wanting CC’s love - plan to kill victim to take control of victim’s assets for money to start business - offence committed in home of victim – not established whether offender or CC was assailant or whether both had role in inflicting fatal injuries - death by ligature strangulation from behind - when victim lay on floor, stabbed to neck – premeditated. Vulnerable to manipulation by CC – unstable personality – obsessed with CC - delay - special circumstances – separation from children
22.	KILINCER [2022] NSWSC 1625 Wilson J	VG	22y NPP 16y 6m		Dishonesty offences before and after offence – offence breached conditional liberty	Assault Intent to kill	(1995) – fatally assaulted employer at workshop – spontaneous and brutal assault using tools and machinery – continued assault after victim fell to ground - victim planned to terminate offender’s employment due to continual theft of money – stole money from wallet and cash register – covered involvement resulting in lengthy delay – grave breach of trust – extreme violence Delay meant some measure of rehabilitation and lesser sentencing range – no remorse – gambling addiction placed offender in precarious financial position
23.	DAWSON (34 at offence - 74 at sentence) [2022] NSWCCA 1632 Harrison J	VG	24y NPP 18y		Nil	Intent to kill Unknown	(1982) - Killed spouse to be free to continue relationship with teenage lover – made plans to kill victim at home – arranged for daughters to be cared for so could dispose of victim’s body without interruption – victim’s body never found - evidence does not reveal how victim killed - delay 36 years. Good prospects rehabilitation – unlikely to reoffend - deteriorating physical and cognitive health – significant likelihood offender will not survive to become eligible for parole.

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
24.	SHERIDAN (No.2) (24) [2022] NSWSC 1634 Garling J	VG	25y NPP 17y		Drugs, driving, common assault, affray	Intent to kill Strangled	SNPP 25 years Strangled 16y male - no motive - victim vulnerable with autism and intellectual disability, alone in apartment – offender impaired such that he did not know that act morally wrong - suffering from drug-induced psychosis result of self-induced acute intoxication - impairment caused solely by temporary effect of ingesting ice – experiencing command hallucinations, in form of voices directing or he would suffer certain consequences - smothering, manual strangulation with bare hands, and strangulation with cord. History of chronic mental illness, drug abuse and addiction (ice) – remorse – PTSD – special circumstances.
25.	TRAN (No.3) (75) [2022] NSWSC 1661 Button J	VG	20y NPP 15y		Nil	Assault with car and axe Intent to kill	SNPP 20 years Parked outside home of former wife – deliberately struck wife's new partner with car as he approached house on foot – took axe from car boot and fatally assaulted victim lying on ground – extremely grave Extremely deprived background in Cambodia and Vietnam resulting in extreme loss and requirement to re-establish life several times – loss of wife and family resulted in loneliness and isolation – depression and PTSD justifies some mitigation in moral culpability although substantial impairment rejected at trial Out of character – excellent prospects of rehabilitation – no remorse – credit for conduct of trial
26.	WATSON (No.3) (40 at offence – 52 at sentence) [2022] NSWSC 1693 Walton J	VG	24y NPP 16y 9m (partially concurrent with existing sentence)		Reckless wounding and serious child sex offences committed after murder	Unknown Intent to kill	SNPP 20 years (2010) – little evidence as to circumstances of death – inflicted fatal injury on male staying with family – no evidence as to motive or pre-meditation – burned and buried body out back of property – unprovoked assault – mid-range – old sentencing patterns applied No remorse – low prospects of rehabilitation – evidence of propensity to violence – difficult and isolating custodial conditions NOTE: ZT [2022] NSWSC 511 sentenced as an accessory - no evidence at trial of this offender of involvement of ZT

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

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