

## Murder: 2023

**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.	<b>CONWAY</b> (45) <a href="#">[2023] NSWSC 55</a> Wilson J	VG	16y NPP 12y		Long – mostly dishonesty	Stabbing  Intent GBH	<b>SNPP 20 years</b> Stabbed friend once to abdomen after minor argument over victim's refusal to play fight with knives – both under influence of ice – fled house Difficult personal life – sexual abuse, homelessness and early drug abuse – remorse – guarded prospects of rehabilitation
2.	<b>STEFANATO</b> (75) <a href="#">[2023] NSWSC 73</a> RA Hulme AJ	PG (25%) Murder  Possess rifle without permit	18y 2m NPP 13y 7m  Conviction without penalty		Nil significant	Shot  Intent to kill	<b>SNPP 20 years</b> Shot female victim to head when she came to ask offender for money - people the area, including intravenous drug users, harassed offender for money before and after murder – offender would pay people money – offender said that victim “didn't deserve to be killed, she was the victim of me killing her because of all the other people” – angry and stressed by constant demands of people for money - threatened victim that he would shoot - hid body. Good character – genuinely remorseful – success with business.

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3.	<b>AHMED (No 2)</b> <a href="#">[2023] NSWSC 105</a> N Adams J	VG	24y NPP 18y		Nil	Stabbed  Intent to kill	<b>SNPP 20 years</b> Stabbed wife with knife in home – multiple stab wounds to chest and abdomen - jealous, enraged that victim wanted to leave marriage for another man – victim feared for her life as to what offender would do to her if she left him - holding knife, demanded to see deceased's phone - jealous rage when saw text messages between deceased and man - already enraged before saw text messages and already had a knife with him - not premeditated – sat while deceased lay dying – by time telephoned police, deceased had died. Adjustment disorder – remorse
4.	<b>ERDOGAN</b> (19 at offence; 23 at sentence) <a href="#">[2023] NSWSC 101</a> Ierace J	VG	35y NPP 24y		Larceny, common assault, driving, contravening ADVO. On bail.	Assault and stabbing  Intent to kill	<b>SNPP 25 years</b> With 2 co-offenders - instigated murder of 17y male - assaulted over approximately two hours - motive for assaults, until time of intention to kill, was anger towards victim since earlier argument - tortured over extended period and repeatedly stabbed – hit to head with cricket bat or wrench and kicking or stomping - stabbed in neck area 22 times, snapping blade of knife – degree of premeditation. No remorse - guarded prospects rehabilitation - violence and fact and mode of killing of remain essentially unexplained behaviour – ADHD - long-standing mental health issues sufficiently serious to destabilise education and functioning in society.
5.	<b>MUSA</b> (44) <a href="#">[2023] NSWSC 198</a> Button J	VG	20y NPP 14y		Nil	Motor vehicle  Intent to inflict serious physical injury	<b>SNPP 20 years</b> Female – drove into former male partner crushing with car - discovery of former partner with another woman – spontaneous formation of intent to inflict really serious physical injury - intention lasted a few seconds - did not render assistance to victim – called emergency services after short time. Traumatic upbringing in war torn country – PTSD caused by experiences in war – no remorse or acceptance of responsibility.

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6.	<b>WHITE</b> (40) <a href="#">[2023] NSWSC 193</a> lerace J	VG Murder  2 x Discharge firearm w/intent GBH  4 x Fire firearm into dwelling house, reckless  s.166 Certificate: 6 offences	<u>Indicative</u> 34y NPP 24y  14y NPP 10y  9y NPP 6y 6m  <u>Aggregate</u> 42y NPP 30y		Assault, behaving offensive manner, stalking / intimidation	Shot  Intent to kill	<b>SNPP 20 years</b> Shooting in suburban neighbourhood – offender’s relationship with neighbours deteriorated - 226 bullets fired from two rifles over approximately one hour – one victim killed and multiple injured - offender could not have seen victim inside residence and did not specifically target victim - intended to kill another person (S) by firing repeatedly into house Cognitive impairment consequent to brain injury - relevant to assessment of moral culpability – <i>Bugmy</i> ; disturbed childhood involving violence, sexual abuse and neglect - little insight into offences - qualified remorse – uncertain prospects of rehabilitation - special circumstances based on cognitive impairment.
7.	<b>DEMPSEY</b> (42 at offence - 53 at sentence) <a href="#">[2023] NSWSC 205</a> Hamill J	PG (10%)	19y 9m NPP 14y 6m		Possess drugs, produce etc child abuse material.	Drowning or bashed with weapon  Intent to kill	<b>SNPP 20 years</b> (2012) Brutal sustained attack on former partner – hard blow with hammer or similar weapon to back of head – victim left naked in bathtub, extensive injuries - precise cause of death not determined: either drowning or direct result of severe head injury - not planned or pre-meditated. Dysfunctional childhood – special circumstances - reasonable prospects of rehabilitation - unlikely to reoffend.
8.	<b>BOWIE</b> (72) <a href="#">[2023] NSWSC 207</a> Yehia J	VG	24y NPP 18y		Shoot at with intent to murder, sexual offences, forgery, property destruction.	Unknown  Intent to kill	(1982) Killed wife - delay of 40 years between offence and sentence - motive to have relationship with another woman – offender “coerced” victim to write letters to create impression victim had left home voluntarily - disposal of body to elude detection – body never found – no valid conclusions can be reached about nature of act that caused death - degree of planning and premeditation, although not extensive or sophisticated Guarded prospects rehabilitation – no remorse - medical conditions that can be treated in custody

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9.	<b>KOVALEFF</b> (19) <a href="#">[2023] NSWSC 302</a> Rothman J	PG (15%)  Murder  Wound with intent cause GBH	34y NPP 24y  6y 9m NPP 4y 9m  <u>Total:</u> 36y NPP 26y			Stabbed  Intent to kill	<b>SNPP 25y</b> Stabbed 17y female and wounded 17y girlfriend – previously told girlfriend he wanted to kill her – attended hotel room with both victims intending to kill girlfriend – premeditated and planned two murders – wrapped girlfriend with her clothing and duct tape to keep her alive so as to have sex with her – rang and told father he had stabbed victims Motive elusive - feigned psychiatric illness for two years - impossible to find offender suffers personality disorder - no psychosis or sexual disorder – pathological interest in Ted Bundy, serial killer - borderline intellectual capacity
10.	<b>HAMDACH</b> (31) <a href="#">[2023] NSWSC 298</a> Campbell J	PG (10%)	16y 2m NPP 14y		Nil relevant	Bashed / assault  Constructive  Accessorial liability	<b>SNPP 20y</b> Victim defrauded offender through sale of fake airpods – offender recruited co-offender to use violence upon victim in order to obtain refund – with co-offender met victim at shopping centre carpark where co-offender assaulted victim - walked victim to another location – co-offender continued assault: bashed and kicked victim to head - victim suffered catastrophic brain injury - offence planned 24 hours prior – premeditated - constructive murder – not part of agreement that GBH would be intentionally inflicted - joint criminal enterprise - specially aggravated kidnapping – offender instigator of foundational offence. Domestic violence in childhood - schizoaffective disorder with symptoms of mania involving over-confidence and assertiveness at time of offending - prior good character - pro-social life - unlikely re-offend – remorse.
11.	<b>KNIGHT</b> (52) <a href="#">[2023] NSWSC 321</a> Yehia J	PG (25%)  Schedule: Contravene ADVO	17y 6m NPP 12y 6m		AOABH	Single stabbing  Intent GBH	<b>SNPP 20y</b> Stabbed female partner from whom separated following argument - single stab wound to victim's back - committed in presence of one of their children at victim's home – other children asleep in bedroom - heavily intoxicated – domestic violence. Aboriginal background - considerable remorse – <i>Bugmy</i> , dysfunctional childhood – special circumstances.

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12.	SMITH (No 2) (46) <a href="#">[2023] NSWSC 435</a> Ierace J	VG	24y NPP 15y		Assault, use weapon with intent to assault, reckless wounding, violence. On conditional liberty.	Bashed  Intent to kill	<b>SNPP 20y</b> Female - struck elderly 77y male friend repeatedly with frying pan whilst heavily intoxicated – explosive and sustained fit of anger - victim may have triggered memory of offenders' past abusers - nexus between psychological disorders and commission of offence <i>Bugmy</i> principles applied – disadvantaged upbringing - PTSD and Borderline Personality Disorder- requires intensive psychiatric and drug and alcohol abuse therapy – no acceptance of responsibility
13.	SHILLINGSWORTH (21) <a href="#">[2023] NSWSC 453</a> Wright J  Co-offender: DPD	PG (25%)	13y 6m NPP 9y 6m		Not stated. On conditional liberty.	Stabbed  Constructive murder  Accessorial liability	<b>SNPP 20y</b> Male victim known to offenders – joint criminal enterprise to commit assault with intent to rob in company while armed with dangerous weapon – with four co-offenders forced themselves into victim's home, one co-offender armed with shortened rifle – victim assaulted and stabbed multiple times – unable to establish identity of killer – offender had substantial role - provided vehicle in which offenders travelled to victim's residence, pushed victim and present during assault and stabbing – some degree of planning and organisation – co-offender took money from victim's flatmate part of motivation was to obtain money - lower part of mid-range of objective seriousness Aboriginal background – <i>Bugmy</i> principles applied, traumatic upbringing – mental health conditions - substance abuse – anxiety disorder – genuine remorse – reasonable prospects of rehabilitation – youth - special circumstances - need for significant mental health and drug/alcohol treatment

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14.	DPD (17y 6m) <a href="#">[2023] NSWSC 477</a> Wright J  Co-offender: SHILLINGSWORTH	PG (17.5%) Murder  Sched: Poss shorted firearm Assault	15y 3m NPP 10y 3m			Stabbed  Constructive murder  Accessorial liability	Male victim known to offenders – joint criminal enterprise to commit assault with intent to rob in company while armed with dangerous weapon – with four co-offenders forced themselves into victim’s home - offender armed with shortened rifle – victim assaulted and stabbed multiple times – unable to establish identity of killer – offender had significant role – knew victim – carried firearm – first to reach front door - provided vehicle in which offenders travelled to victim’s residence, pushed victim and present during assault and stabbing – some degree of planning and organisation – stayed behind and attempted to obtain keys to quad bike from victim whilst still alive having been stabbed and assaulted flatmate – mid-range <i>Bugmy</i> applied, dysfunctional upbringing – significant mental health conditions causally related to offending – drug abuse - remorse – youth – some significant prospects of rehabilitation – special circumstances.
15.	DOUGLASS (No.2) (26 at offences – 32 at sentence) <a href="#">[2023] NSWSC 465</a> Ierace J	VG	26y NPP 19y 6m		Driving and firearms offences	Stabbed  Intent to kill	<b>SNPP 20y</b> With male partner broke into home of 69y victim to steal cash – stabbed victim twice during struggle – took cash and left victim to die – returned at least once in month before victim found to steal further cash – callous indifference to victim – aggravating factors included in company, vulnerable victim and in home of victim – not originator – mid-range Female – difficult childhood – <i>Bugmy</i> applied – PTSD – subsequent abusive relationships – moral culpability somewhat reduced – good prospects of rehabilitation – third trial
16.	HACHEM (32) <a href="#">[2023] NSWSC 535</a> Wright J	VG Murder  Sched: 2 x Obt financial adv by deception	24y NPP 18y		nil	Unknown  Intent GBH	<b>SNPP 20y</b> Met up with girlfriend in early hours of morning – angry at seeing victim kissing another man and lying to offender – victim killed in unknown manner – killing not planned – relationship difficult involving degree of violence, separations and reconciliation – attempted to conceal offence including disposal of body never found – fraud offences involved use of stolen credit cards – below mid-point in mid-range – domestic violence offence Unlikely to re-offend – good prospects of rehabilitation – facilitation of administration of justice

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