

Murder

Drug Related

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	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	DAVIS (18y 3d) WIGGINS (24) NSWSC 28.10.1993 Campbell J	PG PG	MT 13y AT 7y MT 15y AT 6y		mainly dishonesty mainly dishonesty	shooting intent kill	Victim lured to isolated area and shot - offenders believed he was ripping them off over drug crop they all involved in.
2.	MURRAY (40) NSWCCA 1.6.1995	VG	MT 16y AT 5y	Conviction AD	dishonesty offences	shooting	Shot partner in drug venture
3.	ION (1996) 89 A Crim R 81 NSWCCA 6.9.1996	VG 2 x murder	MT 13y 6m AT 4y 6m	Conviction AD		shooting	Shooting during drug transaction.

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4.	HEARNE (19) [1999] NSWSC 605 Wood CJ at CL (2001) 124 A Crim R 451 [2001] NSWCCA 37	PG Murder Mal wound W/I to do GBH	MT 20y AT 7y FT 6y (concurrent)	AA 18y NPP 13y FT 6y <u>Total:</u> 21y NPP 16y		insignificant	stabbing intent GBH	Stabbed two off-duty police after offering them illegal drugs and they asked for identification - seeking to prevent apprehension - impulsive - not aware police officers. Remorse - surrendered self to police - youth.
5.	HOKKER (17) [1999] NSWSC 896 Barr J	PG Murder Rob with violence Rob with violence	MT 7y AT 6y FT 3y MT 3y AT 2y <u>Total:</u> MT 10y AT 6y		drug related offences	stabbing	Went to flat to purchase heroin with six friends – victim stabbed in chest three times with knife found at flat. Prospects of rehabilitation.	
6.	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 <u>Total:</u> 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	
7.	NAISMITH (31) [2000] NSWSC 1024 Dunford J	VG 2 x murder	33y NPP 25y (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.	

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8.	<p>MCNELLEE</p> <p>TUCKER (33)</p> <p>DALLEY (16)</p> <p>[2000] NSWSC 1154 Bell J</p> <p>(Dalley) (2002) 132 A Crim R 169 [2002] NSWCCA 284</p> <p>Co-offender: BREWER</p>	<p>PG (25%)</p> <p>VG</p> <p>VG</p>	<p>14y NPP 10y 6m</p> <p>13y NPP 9y</p> <p>10y NPP 6y</p>	Conviction AD	<p>minor</p> <p>nil</p> <p>nil</p>	<p>stabbing</p> <p>common purpose robbery</p>	<p>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.</p>
9.	<p>BREWER (24)</p> <p>[2001] NSWSC 99 Bell J</p> <p>Co-offenders: MCNELLEE TUCKER DALLEY</p>	PG (4 th day of trial)	20y 6m NPP 15y 4m		some prior offences	<p>stabbing</p> <p>intent to kill</p>	<p>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.</p>
10.	<p>EBNER (29)</p> <p>[2001] NSWSC 421 Adams J</p>	<p>PG (15%)</p> <p>Sched: 2 offences</p>	18y NPP 13y		prior record - on bail for stealing at time of offence	<p>Strangulation</p> <p>intent to kill</p>	<p>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.</p>
11.	<p>PHAM (17)</p> <p>[2002] NSWSC 567 Hulme J</p> <p>[2005] NSWCCA 9</p>	VG	25y NPP 20y	AA 20y NPP 16y	record not serious but displayed contempt for law	shooting	<p>Shot drug dealer in car three times - motive unclear - not satisfied offender entered car with weapons - satisfied offender and friend agreed to kill if circumstances warranted course - cold-blooded execution of business associate</p>

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12.	TA'ALA NSWSC Davidson AJ 30.7.2004 [2008] NSWCCA 132	PG (just over 13%) Murder Murder	26y NPP 19y 6m 35y NPP 26y 6m <u>Total:</u> 47y NPP 38y 6m	AA 26y NPP 19y 6m 35y NPP 23y 3m <u>Total:</u> 47y NPP 35y 3m		Bashing and stabbing Intent to kill	Beat first victim with cricket bat over head – argument as to drug dealing – bashed and stabbed second female victim who had witnessed the attack. On appeal corrected SJ's intention to set NPP at 75% of total sentence
13.	DERBAS RUSTOM [2005] NSWSC 244 Dunford J [2007] NSWCCA 118	VG Murder Assault VG Murder Assault	24y NPP 17y FT 2y (concurrent) 24y NPP 17y FT 2y (concurrent)	Conviction AD	Criminal history – serving time for drug offences	Stabbing Intent to kill	Gaol execution - prisoner stabbed in assault by group of prisoners – cousin also assaulted but escaped to guards – deliberate and planned assault – motive unclear – possibly drug related Young men – evidence of rehabilitation

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14.	DARWICHE (26/28)	VG 2 x Murder Mal discharge firearm w/i Shoot w/i to murder	2 x Life	Conviction AD	Relatively minor – breached bond	Shooting Intent to kill	SNPP 20 years Ongoing dispute between two families originally over drug business – ongoing violence June 2001 – D entered bedroom with co-offender - fired five shots at male – intent to kneecap not kill – serious injuries Aug 2003 – D and co-offender fired 55 round from SKS semi- automatic rifles at house after luring out occupants – no one injured Oct 2003 – D, E and A fired at house using SKS rifles and pistols –sleeping female and male killed (NB – E and A sentenced to life for unrelated third murder – conviction quashed on appeal [2011] NSWCCA 61 – no further proceedings taken)
	EL-ZEYAT (23)	2 x Murder	2 x Life	Sentence AD	Relatively minor		
	AOUAD (22)	2 x Murder	2 x Life	Sentence AD	Relatively minor – Breached bond		
	[2006] NSWSC 1167 Bell J (Darwiche) [2011] NSWCCA 62 (El-Zeyat, Aouad) [2015] NSWCCA 196						

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15.	CB (22) IM (23) [2006] NSWSC 261 Buddin J	PG (See facts) Murder s.33 Sched: 3 offences	18y NPP 13y FT 7y <u>Total</u> 20y NPP 15y 21y 6m NPP 15y 6m FT 8y <u>Total</u> 24y NPP 18y		Priors for violence Priors for violence – breached conditional liberty	Assault Intent GBH	SNPP 20 years Two offenders assaulted male acquaintance in own unit – planned attempt to rob – victim suffered brain damage – fatal assault on second male who arrived unexpectedly at unit CB – history of sexual assault resulting in drug addiction – suffering drug induced psychotic illness – assistance in relation to perpetrator of sexual assault IM – disturbed childhood – sexually assaulted resulting in drug addiction Discount for guilty plea at or slightly above mid-point of range – CB combined discount – not specified – at least 15% for future assistance
16.	SAALFELD (44) [2007] NSWSC 376 Howie J	VG	22y NPP 16y 6m		Minor	Stabbing Intent to GBH	SNPP 20 years Female stabbed female acquaintance during street confrontation – single stab wound – deteriorating relationship with victim over drugs – spontaneous offence – principal aggressor – offence slightly below mid-range Remorse – drug user
17.	BURNES (22) [2007] NSWSC 298 Fullerton J	PG (50% combined)	18y NPP 13y 6m		Priors – no violence	Shooting Intent to kill	SNPP 20 years Shot male at point blank range at request of co-offender – argument between co-offender and deceased over drug business – received \$4,000 reward Early drug abuse – mental illness of marginal mitigation – genuine remorse – assistance
18.	WILSON (32) [2008] NSWSC 238 Howie J [2015] NSWCCA 128	VG	26y 6m NPP 20y	AA 21y 4m NPP 16y	Minor	Shooting Intent to kill	SNPP 20 years Attempted armed robbery on co-offender's flatmate – flatmate recently obtained large amount of money from armed robbery – also a drug dealer - shot victim in head at close range – lost temper – killing not planned Aboriginal with violent and deprived childhood Co-offenders Fraser and Spencer dealt with for manslaughter [2007] NSWSC 1449

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19.	WICKS (47) [2009] NSWSC 266 James J	PG	20y NPP 15y		Minor offences – drugs and assault	Stabbing Intent to kill	SNPP 20 years Multiple stab wounds to female acquaintance – argument over drugs – spontaneous offence – element of provocation – sustained attack – judgment affected by alcohol – loss of self-control – a little below mid-range Long term substance abuse – attempted suicide after viewing autopsy report – remorse – good prospects of rehabilitation
20.	WILLETTS (37) GURNEY (29) [2009] NSWSC 1201 Latham J [2011] NSWCCA 48	PG (15%) Murder Arson PG (20%)	25y 6m NPP 19y FT 2y (concurrent) 24y NPP 18y	AD	Conditional liberty – drug related record Conditional liberty – drug related record	Stabbing Intent to kill	SNPP 20 years Joint criminal agreement to kill formed immediately before the fatal assault – attacked male acquaintance in his home – stab wound to the chest – assault commenced in yard and victim taken inside – penis amputated and numerous wounds to body - set alight – steps taken to conceal weapons – markedly higher than mid-range G had been sexually assaulted by victim as a child and was dissatisfied with drugs supplied by victim – offer of assistance – suffering drug abuse and mental disturbances at time of offence W no motive for attack but not involved in mutilation of body – drug abuse
21.	SULLIVAN (51) [2010] NSWSC 755 Fullerton J [2012] NSWCCA 41	VG	25y NPP 18y 9m	AD	Manslaughter - possess drugs - dishonesty	Stabbing Intent to kill	SNPP 20 years Supplied drugs to victim – believed victim had stolen his wallet – stabbed victim to chest - not premeditated in sense of being planned in advance, but intended to confront victim – Mid-range offence. Mental health - brain damage had some causal connection with offence - behavioural and personality dysfunction - tendency to violence and unrestrained hostility when crossed – previously convicted of manslaughter diminished responsibility (where victim stabbed over unpaid rent).
22.	BELDON (34) [2011] NSWSC 112 Barr AJ [2012] NSWCCA 194	PG	24y NPP 16y	AD	lengthy	Stabbed Intent GBH	SNPP 20 years Stabbed male occupier of upstairs flat during argument over drugs – both affected by drugs at time of killing – spontaneous offence with no premeditation – below mid-range Pleaded on day of trial – long history of drug abuse and mental instability

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23.	CHRISTIANSEN (42) [2011] NSWSC 840 Latham J Co-offender: TRAN	PG (30%) Murder PG (45%) Poss shortened firearm Supply lge comm qty Supply comm qty Sched: 21 offences	21y NPP 15y 3m FT 1y 8m 6y 7m NPP 5y 4y 5m NPP 2y 2m <u>Total:</u> 22y 3m NPP 16y 6m		Nil relevant	Shooting Intent to kill	SNPP 20 years Shot dead male during discussion over drug debt – attended house to provide protection for drug dealer aware may be required to kill victim – made preparations for storage of body – disposed of body at sea – stored 2985g methylamphetamines in storage unit – also in possession of numerous guns and 327.58g of cocaine – murder in upper range of severity Remorse - assistance
24.	THOMPSON [2011] NSWSC 1130 Rothman J	PG (discount at highest level)	20y NPP 14y		Nil relevant	Shooting Felony murder	SNPP 20 years Shot dead drug dealer during robbery – arranged meeting in secluded area armed with loaded and shortened shotgun – planned robbery – stole drugs, money and mobile phone – disposed of body and gun. Drug addiction
25.	TRAN [2011] NSWSC 1480 Rothman J Co-offender: CHRISTIANSEN	PG (7.5%)	20y NPP 15y		Not lengthy	Shooting Joint criminal enterprise	SNPP 20 years Arranged for co-offender to provide protection during discussion over drug debt – contemplated possibility of killing – aware of violent reputation of victim who produced gun at meeting – helped move body and arranged clean-up of scene – slightly above mid-range – less than co-offender Good prospects of rehabilitation - remorse
26.	AMOS (20) [2012] NSWSC 1021 Hall J [2014] NSWCCA 302	VG	28y NPP 21y	Conviction AD	Nil	Shooting Intent to kill	SNPP 20 years Involved in armed robbery with co-offender of male drug dealer who owed money – formed intent to kill and shot victim eight times – returned to house with co-offender and stole property – victim shot in own home – only robbery planned – high level of culpability – committed for financial gain Deprived and neglected childhood

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27.	GALL (34) [2012] NSWSC 1432 Adamson J [2015] NSWCCA 69	VG Murder Discharge firearm w/l Pervert course of justice Possess firearms	27y NPP 18y FT 8y FT 1y 10m 3y 7m NPP 2y 8m <u>Total</u> 33y NPP 24y	AD	Nil	Shot Intent to kill	SNPP 20 years Shot victim three times at close range – friendship deteriorated badly over drug matter – victim had some involvement with bikie gang – offender planned shooting to get rid of adversary – buried body in bush – mid-range
28.	PURTILL (39) [2012] NSWSC 1475 Harrison J [2016] NSWCCA 80	VG	28y NPP 21y	AD		Throat cut Intent to kill	SNPP 20 years Cut throat of victim following argument – businessman with whom offender acquainted – with brother drove body to remote location and buried in grave – unexplained crime – possibly drug transaction gone wrong Difficult childhood – drug and alcohol addiction – rehabilitation. Brother sentenced for accessory after fact
29.	WHITE (42) [2012] NSWSC 1573 RA Hulme J	VG	32y NPP 24y		Lengthy, violence, previous custody.	Bashing Intent to kill	SNPP 20 years Planned killing of drug dealer – lured victim to caravan then bashed him, tied him with cable ties and taped mouth and nose – oversaw other persons in taking of drugs from car and dumping body in bush – fled to Victoria with girlfriend and lived off proceeds of stolen drugs Difficult childhood – drug abuse.

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30.	SMITH [2012] NSWSC 1565 Rothman J	VG Murder Destroy dwelling by fire	14y NPP 10y FT 2y <u>Total:</u> 14y 6m NPP 10y 6m		Domestic violence – breached conditional liberty	Assault Extended joint criminal enterprise	SNPP 20 years Suggested known drug dealer to co-offenders as subject for robbery – victim viciously kicked and assaulted and run over by car - present during offence but not involved in assault - contemplated co-offenders could form intention to inflict GBH – no agreement to kill or inflict GBH – provided jerry can for co-offenders who returned to scene and set fire to home incinerating body - objective criminality in lowest possible category - no intention, initially, of obtaining financial gain - motives not totally clear, but most probably included revenge for victim's treatment of offender's mother Drug abuse – difficult upbringing including sexual abuse – mental health issues and probably brain damage – some assistance Three co-offenders pleaded guilty to manslaughter - McCulloch, Biffen and Biffen [2013] NSWSC 894

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31.	MA (17)	PG (25%) Murder	20y NPP 14y		on bond. Stalking, intimidation, assault w.i rob in co.	Joint criminal enterprise. Wounded with meat cleaver / machete	SNPP 20 years Home invasions committed over three-day period with number of other young males - armed with meat cleavers - occupant at one home seriously injured - occupant of another house killed while resisting offenders. MA – did not strike victim but present - remorse, rehabilitation, maturity B – struck victim - drug / alcohol abuse - remorse R – outside house assisting – remorse, rehabilitation
		Sp Agg BES	5y 6m NPP 4y				
		AR	5y 6m NPP 4y				
	BYQUAR (18)	Sched: Conspire rob AR	<u>Total:</u> 23y NPP 17y		AOABH, Rob in co.		
		PG (25%) Murder	23y NPP 16y				
		AR	8y NPP 6y				
	RAMOS (18) [2012] NSWSC 1527 Johnson J (Ramos) [2015] NSWCCA 313 Co-Accused: NATUBA TAMAPUA KHOURY KARIMI MIR	Sched: AR	<u>Total:</u> 25y NPP 18y		AA 14y 3m NPP 10y 4y NPP 3y 5y 6m NPP 4y <u>Total:</u> 16y 3m NPP 12y	Nil	
		PG (25%) Murder	17y NPP 12y				
		Sp Agg BES	4y NPP 3y				
		AR	5y 6m NPP 4y				
	Sched: Conspire rob AR	<u>Total:</u> 19y NPP 14y					

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32.	NATUBA (19) TAMAPUA (20) [2012] NSWSC 1569 Johnson J Co-Offenders: MA BYQUAR RAMOS KHOURY KARIMI MIR	PG (50%) Murder AR Sched: Robbery	14y NPP 10y 5y NPP 3y 9m <u>Total:</u> 15y NPP 11y		Agg robbery – breached bond. Robbery, assault, breach AVO - on bond	Assault with meat cleaver / machete Joint criminal enterprise	SNPP 20 years Home invasions committed over three-day period with number of other young males - armed with meat cleavers - occupant at one home seriously injured - occupant of another house killed while resisting offenders N – threatened victim with cleaver T - organisational role – did not enter homes Each received discount for assistance to authorities - undertaking to give evidence against co-accused - youth – drug and alcohol abuse
33.	DEAN (37) [2013] NSWSC 1027 Latham J [2015] NSWCCA 307	PG 11 x Murder 8 x s.35(2) Larceny as a clerk	Life 8y NPP 6y FT 5y	AD	Nil	Arson Reckless indifference	SNPP 20 years Nurse lit two fires in aged care nursing home – lit fires to cover theft of painkiller medication to feed long-term drug addiction – while fire burning retrieved drug log books and destroyed them – deliberate actions in not alerting fire brigade to second fire or assisting residents to escape Personality disorder – poly substance abuse disorder.

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34.	KARIMI (22) [2013] NSWSC 1761 Johnson J Co-offenders: KHOURY MIR NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder Conspiracy AR s.112(3) 2 x AR Consp murder Possess firearm	24y NPP 17y 6y NPP 4y 8y NPP 6y 10y NPP 7y 12y NPP 9y 4y NPP 3y <u>Total:</u> 37y NPP 30y		Limited	Assault with meat cleavers Joint criminal enterprise Intent to kill	SNPP 20 years Home invasions committed over three-day period by young males armed with meat cleavers linked to drug dealing - occupant at one home seriously injured - occupant of another house killed with meat cleaver while resisting offenders – planned to engage subsequent fight to death Karimi significant role in organisation -Afghani
35.	KHOURY (29) [2013] NSWSC 1761 Johnson J Co-offenders: KARIMI MIR NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder Consp AR Possess firearm s.112(3) Recruit to commit AR AR AR x 2 Conspiracy to murder	26y NPP 18y 6y NPP 4y 4y NPP 3y 10y NPP 7y FT 3y 10y NPP 7y 11y NPP 7y 12y NPP 9y <u>Total:</u> 40y NPP 32y		Minor	Assault with meat cleavers Joint criminal enterprise Intent to kill	SNPP 20 years Home invasions committed over three-day period by young males armed with meat cleavers linked to drug dealing - occupant at one home seriously injured - occupant of another house killed with meat cleaver while resisting offenders – planned to engage subsequent fight to death Khoury effective leader of organisation involved in drug dealing – continued to plan criminal activity after murder - Lebanese

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36.	MIR (20) [2013] NSWSC 1761 Johnson J [2022] NSWCCA 132 Co-offenders: KARIMI KHOURY NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder AR AR	26y NPP 19y 10y NPP 7y 11y NPP 7y <u>Total:</u> 31y NPP 24y	AD Appeal against armed robbery sentences only	Minor	Assault with meat cleavers Joint criminal enterprise Intent to kill	SNPP 20 years Home invasions committed over three-day period by young males armed with meat cleavers linked to drug dealing - occupant at one home seriously injured - occupant of another house killed with meat cleaver while resisting offenders – planned to engage subsequent fight to death Mir – foot soldiers - Afghani
37.	E McKELLAR (18) B McKELLAR (28) [2014] NSWSC 1243 RA Hulme J	VG Murder Wound with intent Att AR	20y NPP 14y 8y NPP 6y 5y NPP 3y 9m <u>Total:</u> 24y NPP 18y		Lengthy – breached parole	Stabbing Intent GBH Extended joint criminal enterprise	SNPP 20 years Four males attended home of victim with intent to rob – victim sold small amounts of cannabis on regular occasions – group brought machete and knife to scene - victim assaulted by BMcr at door to house – BMc pursued by victim and 17y son – son stabbed by EMc twice at request of BMc to 'kill the cunt' – victim surrounded and assaulted by four offenders – stabbed four times by EMc – spontaneous assault Aboriginal brothers with difficult background including domestic violence E McKellar very low intellectual functioning B McKellar suffering brain damage from accident
		VG Murder Wound with intent Att AR	20y NPP 14y 8y NPP 6y 5y NPP 3y 9m <u>Total:</u> 24y NPP 18y		Lengthy – breached bail for assault offence		

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38.	FARROW (No.3) [2015] NSWSC 323 Rothman J	VG	22y NPP 15y			Stabbing	SNPP 20 years Purchased drugs from victim – relationship soured – broke into victim’s unit, stabbed victim and stole drugs, money and jewellery – put body in car boot with intention of burying - above mid-range - planned offence – significant number of knife wounds. Significant psychoses - paranoia, schizophrenia and drug induced psychoses
39.	MOORE (No.2) (24) [2015] NSWSC 214 Garling J [2016] NSWCCA 185 Co-offenders: MOORE PRICE	VG	24y NPP 18y	AD	Lengthy record involving violence – breached bond	Assault Intent GBH	SNPP 20 years Assaulted male acquaintance on head with mattock handle during argument outside victim’s house – argument over supply of cannabis commenced several hours previously by phone texts – threats made by victim – mother of offender planned and encouraged confrontation – all participants armed – slightly above mid-range Some prospects of rehabilitation – remorse – some co-operation in conduct of trial – chaotic, tragic and dysfunctional personal history
40.	ALKANAAN (No.7) (27) [2015] NSWSC 904 Garling J [2017] NSWCCA 56	VG Murder PG (10%) Consp to tamper with witness	28y NPP 21y FT 1y 10m <u>Total:</u> 28y 9m NPP 21y 9m	AD	Record including violence – breached bond	Shooting Intent to kill	SNPP 20 years Shot dead drug dealer at point blank range with shot gun outside house of offender – unplanned offence – angered that victim came to house to collect drug debt – victim’s wife and 18m child in car – had called in associate as backup - fled scene and attempted to leave country – attempted to influence victim’s wife against giving evidence – murder above mid-range Exposed to war and conflict in during childhood in Iraq – mental health issues needing treatment in custody

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41.	MOORE (51) PRICE (44) [2015] NSWSC 1101 Garling J (Moore) [2016] NSWCCA 300 Co-accused: MOORE	VG VG	22y NPP 15y 18y NPP 12y	AD	Not significant Nil - driving offence only.	Assault Accessory Intent GBH	SNPP 20 years Female offender (M) and her partner (P) accessory to murder by son JM - JM struck 47y male with wooden mattock handle in dispute over drug deal - offenders encouraged and assisted JM – M armed with hobby hammer – P struck victim with fishing rod – victim armed with knives Moore: upper end of mid-range of seriousness of objective criminality - good prospects of rehabilitation, remorse – special circumstances Price: lower end of mid-range of seriousness – played a lesser role - good character - good prospects of rehabilitation – special circumstances
42.	ROGERSON (75) MCNAMARA (57) [2016] NSWSC 1207 Bellew J [2021] NSWCCA 160	VG Murder Supply lge comm qty ice VG Murder Supply lge comm qty ice	Life 12y NPP 9y Life 12y NPP 9y	Conviction AD Conviction and Sentence AD	Dishonesty offences Nil	Shooting Intent to kill Joint criminal enterprise	SNPP 20 years Joint criminal enterprise to kill 20y male drug dealer and take 2.78kg ice – extensive planning weeks prior to shooting – arrangements made to source and prepare suitable place for killing as well as car and boat used for disposal of body – victim lured to storage unit and shot dead by one offender – body dumped at sea – drugs repackaged for disposal – brutal execution – no material distinction in roles Both offenders former police officers – importance of sentence to deter police officers misusing knowledge gained through profession – objective gravity so grave ignore small number of mitigating factors On sentence appeal: 2 stage approach correct approach for life sentence

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
43.	HAINES (31) LEE (37) [2016] NSWSC 1333 Harrison J	PG (20% - comb) Murder AR PG (15%) Murder AR	14y 8m NPP 11y 5y Total: 15y 8m NPP 12y 17y 6m NPP 13y 6m 5y Total: 18y 6m NPP 14y 6m		Moderate record Significant record	Stabbing Constructive / joint criminal enterprise	SNPP 20 years Three offenders approach unit of known drug dealers with intention to rob occupants of drugs and money – during violent struggle one occupant fatally stabbed by L – second occupant assaulted by H and stabbed by L – planned robbery shortly before arriving at unit – constructive murder based on armed robbery with wounding - H did not foresee possibility knife would be used with relevant intent – below mid-range for both offences Lifelong drug addicts – difficult family backgrounds - remorse H - borderline intelligence – reasonable prospects of rehabilitation L – limited prospects of rehabilitation
44.	CAMERON (62) FORWARD (21) [2016] NSWSC 1342 Fagan J (Cameron) [2017] NSWCCA 229 Co-offender: ZANKER	PG (40% comb) Murder Cultivate lge comm qty (25% plea) PG (30% comb) Murder (25% plea) Cultivate lge comm qty	24y NPP 18y 10y NPP 7y 6m Total: 28y NPP 22y 21y NPP 15y 5m 3y NPP 2y 3m (concurrent)	AD	Persistent offender in relation to cannabis – breached parole for cannabis offence Nil	Stabbing Intent to kill	SNPP 20 years C one of two principals in hydroponic cannabis plantation in shed at rear of property – F and victim two of several workers – concerns developed as to violence and instability of victim – plan developed to kill victim – grave dug in remote area one week prior to killing – Victim fatally stabbed by F in sustained assault in cannabis shed in presence of C and two others – body buried in grave – pre-meditated - killed to protect planation and financial gain for C – brutal killing – in company – disposal of body Planation involved 664 plants – highly organised and high volume commercial planation – involved some supply C – Principal in both offences F – willing participant – drug user probably impaired by substance intoxication at time of killing

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
45.	A. CHARBAJI (26) H. CHARBAJI [2016] NSWSC 1867 Rothman J [2019] NSWCCA 28	VG VG	32y NPP 24y 36y NPP 27y	AD AA 34y NPP 25y 6m	Rob in company – AOABH - possess proh weapon Robbery – assault - steal from person - AOABH in company – stalking - assault police officer - breach ADVO - dishonesty	Stabbing – assault - force- fed drugs Joint criminal enterprise Intent GBH	SNPP 20 years Brothers – male victim beaten by hand and ratchet, stabbed and force-fed lethal amount of drugs (Xanax) – dispute over money victim owed for drugs – bought suitcase and placed body inside – took body to remote area and poured kerosene over body - well-above mid-range in objective seriousness AC: inflicted knife wound – inflicted beating (either by hand or ratchet) that caused further, unnecessary pain - involvement in “torture” greater than co-offender HC: instigator – “owed” debt - lured victim to pub and brought him to apartment where murder took place AC: psychiatric disorders including schizophrenia – difficult background – drug abuse – poor rehabilitation prospects HC: difficult background – drug abuse – poor rehabilitation prospects HC’s Appeal - disparity
46.	G STOCCO (56) M STOCCO (34) [2017] NSWSC 304 Davies J [2018] NSWCCA 77	PG (25%) Murder Arson 2 x s.33A(2) Sched 5 related offences PG (25%) Murder Arson 2 x s.33A(2) Sched 5 related offences	<u>Indicative</u> 26y NPP 19y 6m 5y 3m 9y NPP 6y 9m <u>Aggregate</u> 40y NPP 28y <u>Indicative</u> 26y NPP 19y 6m 5y 3m 9y NPP 6y 9m <u>Aggregate</u> 40y NPP 30y	AD	Property offences Stealing and robbery offences	Shooting Intent to kill	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

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47.	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
48.	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 Friends who met victim in park sentenced for accessory after the fact and conceal serious offence
49.	ZANKER [2017] NSWSC 1254 Fagan J Co-offenders: FORWARD CAMERON	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

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50.	EVANS [2017] NSWSC 1440 RA Hulme J [2023] NSWCCA 11	PG (25% comb) 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
51.	PETRYK (23) [2018] NSWSC 119 Wilson J [2020] NSWCCA 157	VG Murder s.97(2)	<u>Indicative:</u> 26y 8y <u>Aggregate</u> 26y NPP 19y 6m	Conviction AD	Lengthy record – breached conditional liberty	Shooting Constructive murder	SNPP 20 years Broke into home with two co-offenders and shot male occupant during confrontation – threatened second, elderly occupant - intended to steal money and drugs targeting drug dealer - borrowed gun from friend prior to robbery – spontaneous shooting – robbery pre-meditated – mid-range seriousness
52.	BORG (23) [2018] NSWSC 746 Schmidt J Co-offender: GATT	PG (40% combined)	16y 2m NPP 12y 2m		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
53.	GATT (No.11) (23) [2018] NSWSC 991 Schmidt J Co-offender: BORG	VG	28y NPP 21y		breached conditional liberty – violence and drug offences	Shooting Accessory	SNPP 20 years One of two men who approached 18y victim in parked car – victim shot seven times – evidence of co-offender not reliable enough to establish who fired fatal shots – both offenders involved in drug dealing business - joint criminal enterprise – above mid-range – greater culpability than co-offender Totality to existing sentences

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
54.	RUSSELL (No.3) (54) [2018] NSWSC 1673 Rothman J	VG Murder	24y NPP 14y			Stabbing Intent GBH	SNPP 20 years Killed male victim with single stab wound – almost no force used – picked up knife from table – homeless and at house of victim either for drugs or short-term stay – more intoxicated than friends had ever seen him before – spontaneous offence – upset over payment for drugs Aboriginal – started drinking aged 5y – dysfunctional and violent childhood - drug addiction – offered plea to manslaughter - only issue at trial was intent and intoxication – requirement of significant supervision and support upon release – remorse
55.	POYNTON (No.4) (21) [2018] NSWSC 1693 Schmidt J	PG (25%) Murder Murder	13y 6m NPP 10y 1m 19y 6m NPP 14y 6m <u>Aggregate:</u> 24y 9m NPP 18y 6m		Yes but no details	Shot Intent to kill	SNPP 20 years Shot male at close range through car window after arguing over drugs – shot victim’s girlfriend in upper body as she tried to flee – hit her to head as she defended herself then shot her in head and left her to die – first shooting in mid-range – premeditated – second shooting significantly above mid-range - horrific and painful murder – victim running for her life after witnessing boyfriend’s death – mental impairment reduce moral culpability Previously found unfit to be tried due to mental illness – dysfunctional childhood -psychotic illnesses, drug addiction, and schizophrenia - using drug ice - remorse - acceptance of responsibility - not good prospects of rehabilitation
56.	DUNSTALL (45) [2018] NSWSC 1923 Button J	VG Sched 2 dishonesty offences	32y NPP 24y		lengthy record for dishonesty offences	Shooting Intent to kill	SNPP 20 years Offered to source large amount of cannabis for criminal associates – paid some money in advance – arranged to meet up with victim to deliver drugs – had lied about existence of cannabis so drove victim to isolated area and shot him in head – blamed victim for loss of cannabis – premeditated – cold-blooded and merciless

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57.	<p>HO (38)</p> <p>HOANG (34) [2020] NSWSC 341 Hamill J</p>	<p>VG Murder</p> <p>s.166 Cert: Poss replica firearms</p> <p>VG</p>	<p>20y NPP 15y</p> <p>FT 3m (concurrent)</p> <p>22y NPP 16y 6m</p>		<p>old violence offences – drug offences</p> <p>serious drug and firearms offences – minor violence</p>	<p>Stabbed</p> <p>Intent GBH</p> <p>Joint criminal enterprise</p>	<p>SNPP 20 years</p> <p>Ho arranged meeting with victim in suburban street in broad daylight after victim failed to pay for drugs – victim assaulted by group of men then fatally stabbed in chest - unclear who inflicted fatal chest stab wound</p> <p>All offenders entitled to benefit for facilitation of trial under s.22A and delay</p> <p>Ho – instrumental in setting up meeting – prepared knife but not aware taken to scene and would be used – went to meeting intent to cause harm but joined joint criminal enterprise to inflict GBH during assault – struck victim three times with iron rod knowing he had been stabbed – below mid-range due to short period of intent – Vietnamese with difficult childhood</p> <p>Hoang – stabbed victim twice but not established he had inflicted fatal wound – long standing drug problem – reasonable prospects of rehabilitation</p> <p>Co-offenders LK (2019) and Feroz, Nguyen and Trinh (2020) dealt with for manslaughter</p>
58.	<p>FLETCHER (19 at offence / 21 at sentence)</p> <p>[2020] NSWSC 1478 RA Hulme J</p> <p>Co-Offender: GARVEY JONES</p>	<p>PG (35% combined)</p>	<p>15y NPP 11y 3m</p>		<p>Children's Court offences – affray</p>	<p>Machete / assault</p> <p>Accessory</p>	<p>SNPP 20 years</p> <p>Joint criminal enterprise – with two co-offenders targeted home invasion to steal drugs – co-offenders attacked victim with machete, knife and baseball bat – sustained vicious attack</p> <p>Reasonably good prospects of rehabilitation and of not reoffending – assistance – youth, immature, remorseful</p>

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59.	CLOSE (No.2) (31) [2020] NSWSC 1565 Button J	VG Murder s.166 Cert: Reckless damage Assault	21y NPP 14y 3m 6m (concurrent)		Violence – breached bail	Stabbing Intent to kill	SNPP 20 years Attended home of victim in agitated and angry state seeking drugs – trusted associate – victim old, sick and weak man – when no drugs found ransacked house and stabbed victim 50 times – spontaneous, unplanned and irrational - left home and wandered streets damaging car and assaulting bystander – no memory of offence because of substance intoxication – very serious example of offence Offered to plead to manslaughter – Aboriginal male with disadvantaged upbringing – family domestic violence – frequent relocation – disrupted education – financial and emotional hardship – introduced to cannabis by mother at early age – substance addiction – father by 15y – significant impact on mental health – causative factor in offending – some remorse – some prospects of rehabilitation
60.	PHAM [2021] NSWSC 528 Wilson J	VG (assistance 10%)	30y 7m NPP 22y 11m		AOABH, affray, violence, BES, larceny, supply drugs, dishonesty - on conditional release order	Stabbed Intent to kill	SNPP 20 years Victim purchased drugs from offender – stabbed victim in back – victim ran and fell, stabbed further three times to heart, chest and back – knife lodged in victim's spine and snapped – with co-offender dragged body back inside apartment - offender mutilated and partially dismembered body for disposal – stole victim's car and wallet – not possible to state why killed victim - possible argument. Early drug use – adverse childhood – assistance.

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
61.	<p>CAVANAGH</p> <p>McIVOR (39)</p> <p>O'KEEFE</p> <p>[2021] NSWSC 746 Davies J</p>	VG	<p>21y NPP 15y 9m</p> <p>20y NPP 15y</p> <p>21y NPP 15y 9m</p>		<p>Multiple armed robberies. On parole.</p> <p>Multiple armed robberies.</p> <p>Property offences, large number of break and enters, common assault, custody of a knife in a public place, aggravated break, enter. On parole and bonds.</p>	<p>Single stabbing Accessory</p>	<p>SNPP 20 years Joint criminal enterprise - victim died of one stab wound - evidence of blunt force injuries – co-accused and victim at premises of drug dealer – intention of one or more offenders to take either money or drugs from the victim – victim not known to offenders – not conclusive who stabbed victim but on balance of probabilities it was not McIvor - victim's body dumped on side of road– joint criminal enterprise to assault victim where parties contemplated possibility GBH would be inflicted – evidence not sufficient to prove beyond reasonable doubt offenders agreed to inflict GBH - just below mid-range objective seriousness. Cavanagh: background of drugs, violence and neglect - risk of reoffending high - prospects of rehabilitation poor – no remorse McIvor: sexually abused as a child – early drug use – family support – remorse O'Keefe: ADHD - traumatic injuries to head as a result of physical violence - heavy drug use from early adolescence – genuine remorse</p>
62.	<p>DION (41)</p> <p>[2021] NSWSC 1043 Beech-Jones J</p>	VG	<p>25y NPP 18y 9m</p>		<p>Nil Australia – minor offences in USA</p>	<p>Assault Intent to kill</p>	<p>SNPP 20y Lured drug dealer to car park with intent to use violence to steal drugs – during assault developed intent to kill and used weapon – victim died of head injuries – body dumped at side of road aggravating offence – attempted to cover up offence – mid-range Difficult childhood in Lebanon including sexual assault as a child – good character – unlikely to re-offend – prospects of rehabilitation – co-operation in trial process</p>

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63.	GARVEY (24)	PG (10%) Murder	28y 9m NPP 20y 3m		Lengthy – commenced at 11y – includes violence and robbery – breached parole and bail – shocking record of custodial breaches – existing sentence for dangerous driving causing death	Multiple incision wounds with machete during robbery Extended joint criminal enterprise (J)	SNPP 20y Offenders attended home of 60y male victim impersonating police officers – grabbed victim’s wallet containing \$1000 – later that day recruited co-offender – returned to victim’s house during night disguised and armed with baseball bat and machete – in confrontation with two of three male occupants victim cut multiple times with machete by G – fatal wound to upper arm – targeted home invasion for robbery – brutal assault – G primary offender – J involved in planning and aware of machete – more culpable than third offender – murder slightly above mid-range for J – more serious for G G – Aboriginal heritage – Bugmy principles applied – poor education – behavioural issues as a child – exposure to drug abuse and violence – foster care and homelessness – long history of personal substance abuse commencing at 11y – sexual abuse – never employed – possibly institutionalised – relevance of totality in light of existing sentence J – difficult childhood – drug user – mental health issue – some discount for assistance at trial
		Steal from person	13m				
		Impersonate police	9m <u>Aggregate:</u> 29y 3m NPP 20y 9m <u>Total including existing sent:</u> 34y 3m NPP 25y 9m				
	JONES (23) [2021] NSWSC 1147 RA Hulme J	VG Murder	28y NPP 21y 6m		Lengthy – includes domestic violence, robbery and driving offences – breached bond and parole		
		PG Steal from person	13m				
		Impersonate police	9m				
		Driving offence	9m <u>Aggregate:</u> 28y 9m NPP 22y 3m				
	Co-offender: FLETCHER						

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY	
64.	LUO (31)	VG Murder	<u>Indicative</u> 24y NPP 17y		Record for drugs and violence – breached bail	Shooting	SNPP 20y Offences took place in context of organised crime involving drug dealing – offenders involved in supply of 56g ice prior to shooting – lower range - offenders approached Buddhist ‘temple’ with intent to use firearm to intimidate male acquaintance in relation to drug debt – Luo and Liu entered premises – in subsequent argument formed intent to kill and Liu fatally shot bystander then shot at fleeing acquaintance – Fan present outside temple as part of joint criminal enterprise to intimate – poorly executed plan that escalated LUO – planned but unexplained shooting at house three days prior to killing – mid range - murder and attempted murder towards upper end of mid-range – difficult childhood with neglect and early drug abuse – limited reduction to culpability LIU – actual shooter for murder and attempt murder but similar culpability to LUO – upper end of mid-range – less substantial record and some prospects of rehabilitation FAN – significantly lesser criminality for offences although still serious – lower mid-range – good prospects of rehabilitation and unlikely to re-offend – health issues – isolation in custody	
		Att murder	12y NPP 8y					
		PG (5%) s.93GA Supply	5y 6m NPP 3y 9.5m					
			<u>Aggregate:</u> 30y NPP 20y					
	LIU (33)	VG Murder	<u>Indicative</u> 24y NPP 17y		Lesser sentence – minor drug and violence	Joint criminal enterprise to intimidate – intent to kill		
		Att murder	12y NPP 8y					
		PG (10%) Supply	9m					
			<u>Aggregate:</u> 28y NPP 19y					
	FAN (45) [2021] NSWSC 1500 Hamill J	VG Murder	<u>Indicative</u> 20y NPP 15y		Limited record	Extended joint criminal enterprise to intimidate		
Att murder		10y NPP 7y						
PG (5%) Supply		9.5m						
		<u>Aggregate:</u> 22y NPP 16y 6m						

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65.	<p>SULTANI (27)</p> <p>MUNSHIZADA (27-28)</p> <p>[2021] NSWSC 1654 Fagan J</p> <p>Co-offenders: BAINES DANISHYAR</p>	<p>PG 3 x Murder</p> <p>VG 3 x Murder</p>	<p>Life</p> <p>Life</p>		<p>Drug and violence offences</p>	<p>Shooting</p> <p>Intent to kill</p>	<p>SNPP 20y Three unrelated killings over nine months – fatal shooting of drug dealer outside his home on street late at night after arranging drug deal – S and M both fired shots – motive unclear but linked to organised criminal activity 7 months later fatal shooting of drug dealer standing by his car with finance inside – victim lured to trap - S fired from car then alighted and pursued victim to fire additional shots – M drove car - possible contract killing Shot third male 9 weeks later – S believed victim, an underworld figure, involved in killing of offender’s close friend – S and third co-offender shot victim while M drove Each killing carefully planned and merciless - committed in residential street – offenders part of inner circle of criminal organisation S – principal planner - dangerous to community – ‘demonstrated readiness to kill for no cause’ – no remorse – no positive prospects of rehabilitation M – similar culpability to S – willing participant with knowledge of intended offences – dysfunctional childhood – no remorse and no positive prospects of rehabilitation</p>
66.	<p>BAINES (23-24)</p> <p>DANISHYAR (23)</p> <p>[2021] NSWSC 1654 Fagan J</p> <p>Co-offenders: SULTANI MUNSHIZADA</p>	<p>VG</p> <p>VG Accessory before fact to murder</p> <p>Accessory after fact to murder</p>	<p>36y NPP 27y</p> <p>15y NPP 11y</p> <p>FT 2y</p>		<p>One prior offence of violence – prison offences</p>	<p>Shot</p> <p>Intent to kill</p>	<p>SNPP 20y (Baines only) Involved in last of three killings committed by co-offenders - all offenders part of inner circle of criminal organisation – co-offender S believed victim, an underworld figure, involved in killing of close friend – S and B shot victim while co-offender M drove – D aware of plan to kill and drove second getaway car - killing carefully planned, merciless and committed in residential street B – motivated by desire to ingratiate with co-offenders – subordinate to co-offenders and influenced by them – dysfunctional childhood although no link to offending D – knew about plan to kill when accepted role of second getaway driver – M’s cousin – no remorse – no positive prospects of rehabilitation – risk of re-offending</p>

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67.	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
68.	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
69.	BATAK (No. 5) (26) [2022] NSWSC 1217 RA Hulme J Co-offender: COSKUN	VG Accessory before fact to murder Accessory before fact to attempted 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

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