

## Murder

### Gang 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.	ROSE <a href="#">[1999] NSWCCA 327</a>	PG 5 x murder	Life	AD	not stated	Not stated  Intent to kill	5 gangland / contract murders over ten years - facts not stated in appeal judgment but described as murders of revenge and gangland style and of opportunity No contrition or remorse – no reduction for assistance
2.	TRAN (16 at offence / 22 at sentence) <a href="#">[2002] NSWSC 394</a> Sully J  Co-offenders: PHAM NGUYEN	PG Murder  Unlawfully imprison	14y NPP 9y  FT 12m (concurrent)		no criminal history	shooting  intent to kill	(1996) Involved in gang - agreed to shoot victim for older friend - took victim to oval at night and shot him four times - degree of coercion and manipulation Subsequently assaulted and moved interstate with girlfriend and baby daughter - established new life - 4 year delay - excellent work record - good prospects of rehabilitation - genuine remorse - assistance - protective custody

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3.	<b>P PHAM</b> (18 at offence)  <b>NGUYEN</b> (17 at offence)  <a href="#">[2002] NSWSC 1261</a> Sully J  Co-offender: TRAN	VG  VG	16y NPP 11y  17y 38w NPP 11y 38w (cumulative to existing sentences – see facts)		record unclear - not significant  appalling record for violence - includes murder and manslaughter	shooting  intent to kill	(1996) Execution in context of gang involvement - victim taken to oval by offenders at night and shot four times by co-offender PP - Vietnamese - difficult childhood - refugee - drugs - need for psychiatric care - important co-operation with police N - Traumatized childhood - serious depression - Serving sentences for Murder: 29.10.1998 Kirby J Manslaughter: 20.11.1998 Kirby J Murder: [2000] NSWSC 1177 Total sentence 31y NPP 25y
4.	<b>TNT</b> (16 at offence / 22 at sentence)  <a href="#">[2002] NSWSC 537</a> Hidden J  Co-offender: MHN	PG (combined 50%)	10y NPP 6y  (cumulative to existing sentences – see facts)			stabbing  accessory	(1996) With 2 co-offenders took 18y victim from coffee shop to nearby street and assaulted him – victim tied up in house then taken to garage - further assaults committed in garage - victim stabbed in throat by co-offender in absence of offender Disturbed childhood - at time of killings involved in gang and under influence of co-offender - subsequent to killings left gang and seriously assaulted - moved interstate with pregnant girlfriend - evidence of good character - volunteered guilt - assistance to authorities Sentenced one month earlier for unconnected murder committed 8 days earlier: Tran [2002] NSWSC 394 Total Sentence: 23y 3m NPP 14y 3m
5.	<b>KANAAN</b> (23)  <b>MAWAS</b> (21)  <b>EL ASSAAD</b> (21)  <a href="#">[2002] NSWSC 774</a> Wood CJ at CL  <a href="#">[2006] NSWCCA 109</a>	VG  VG  VG	Life  25y NPP 19y  24y NPP 18y	AD  AD  AA 22y NPP 16y 6m	Serving life sentence for 2 murders - breached bond  lengthy but relatively minor - no violence  lengthy - mostly motor vehicle - no violence	shooting  intent to kill  Accessory before fact	Gangland killing of notorious and vicious principal in extensive criminal organisation involved in drugs and protection by associates – victim gunned down in car by K and M - E acted as lookout, advising shooters of victim's movements - motive was to improve offender's own criminal activities - use of firearms an aggravating circumstance K - Principal - hardened criminal M - Reacted badly to death of mother at 16y - suicidal and drug addiction - follower not initiator E - Close family - exposed to anarchy and violence in Lebanon - prospects of rehabilitation - Immaturity

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6.	<b>MTN</b> (17) <a href="#">[2002] NSWSC 1160</a> O'Keefe J	VG Murder  PG Mal wound  Affray	16y 6m NPP 11y  FT 3y  FT 12m  <u>Total:</u> 17y 6m NPP 12y		not relevant	stabbing  intent GBH	(1997) Gang attack on 2 victims outside amusement centre - mistakenly believed victim belonged to gang responsible for assault on friend – one victim stabbed in shoulder - second victim stabbed in heart - leader of attack Remorse - married with one child - borderline intelligence - good prospects of rehabilitation - disturbed background
7.	<b>GEORGIU</b> (33)  <b>HARRISON</b> (39)  <a href="#">[2003] NSWSC 1240</a> Greg James J  (2005) 153 A Crim R 288 <a href="#">[2005] NSWCCA 189</a>	VG 3 x murder  VG 3 x Murder	33y NPP 28y  33y NPP 28y	Conviction AD	traffic matters  nil	shooting  intent kill	Shooting of four members of Bikie Club by member and ex-member of rival Club in basement of café - close range - deliberate executions but unable to determine if pre-planned. G: father to young child - good character evidence - concurrent sentence for contempt for refusal to answer question in cross-examination. H: father to young daughter - positions of responsibility in gaol Earlier conviction at trial quashed on appeal: <a href="#">[2000] NSWSC 287</a> Dowd J <a href="#">[2001] NSWCCA 464</a>
8.	<b>D.NGUYEN</b> (22) <a href="#">[2006] NSWSC 850</a> Hulme J  (2007) 180 A Crim R 267 <a href="#">[2007] NSWCCA 363</a>	VG Murder  s.33	31y NPP 23y  9y 4m NPP 7y  <u>Total:</u> 33y NPP 25y	AA 27y 4m NPP 20y  9y 4m NPP 7y  <u>Total:</u> 29y 4m NPP 22y	drugs and driving offences	Shooting  Intent to kill	<b>SNPP 20 years</b> Four offenders entered Billiards Hall armed with gun and samurai sword – walked up to group partying and shot dead female and injured male – wrong victim – motivation unclear – cold-blooded execution – brazen offence – substantially above mid-range offence – equal culpability Other offenders conviction quashed on appeal

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9.	<b>DARWICHE</b> (26/28)  <b>EL-ZEYAT</b> (23)  <b>AOUAD</b> (22)  <a href="#">[2006] NSWSC 1167</a> Bell J  (Darwiche) <a href="#">[2011] NSWCCA 62</a>  (El-Zeyat, / Aouad) <a href="#">[2015] NSWCCA 196</a>	VG 2 x Murder  Mal discharge firearm with intent  Shoot with intent to murder  2 x Murder  2 x Murder	2 x Life   2 x Life  2 x Life	Conviction AD   Sentence AD  Sentence AD	Relatively minor – breached bond   Relatively minor   Relatively minor – Breached bond	Shooting   Intent to kill	<b>SNPP 20 years</b> 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)
10.	<b>PERISH</b> (42)   <b>LAWTON</b>  <a href="#">[2012] NSWSC 355</a> Price J  <a href="#">[2016] NSWCCA 89</a>	VG Murder  Conspiracy murder  VG Murder  Conspiracy murder	24y NPP 18y  14y NPP 10y 6m (concurrent)  20y NPP 15y  10y NPP 7y 6m (concurrent)	Conviction AD   Conviction AD	Attempt dissuade witness from giving evidence; no violence   Not significant	Died while in boot of car   Intent to kill	(2001) victim killed and body dismembered - offenders believed victim killed grandparents of Perish brothers and was police informer against Motorcycle Club of which one offender a member - recruited others to abduct victim in vehicle and bring to location where victim would be killed by offenders - victim died en route - sentenced on basis victim already died before arrival at location P - mastermind behind elaborate plan - recruited others – co offenders followed his directions – motivated by revenge for killing of grandparents - lessens need for personal deterrence and protection of community – supportive family L - intention to kill and to participate in dismemberment of body – not engaged in planning of offence – supportive family Co-offender Perish sentenced for conspiracy to murder

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11.	<b>NK (No.3)</b> (27) <a href="#">[2015] NSWSC 1257</a> Hamill J	PG (60% plea and assist) Murder  s.113(3)  Supply drug  2 x s.33  Sched: 9 offences	<u>Indicative</u> 14y NPP 10y 6m  2y 5m  19m NPP 14m  4y 10m NPP 3y 7.5m  <u>Aggregate:</u> 21y NPP 15y 9m		Robbery in company, armed robbery - on parole.	Shooting  Intent to kill	<b>SNPP 20 years</b> Contract killing of victim orders from leaders of Brothers for Life gang – shot victim in his home in front of partner and close proximity to twin 6y daughters – 4 shots to upper body – duress - threatened by leaders partner’s child would be killed if did not carry out execution - well above mid-range but not top of range. Background of deprivation and alienation.
12.	<b>AC (No.7)</b> (34) <a href="#">[2016] NSWSC 404</a> Hamill J	PG (50% combined) Murder  Accessory before s.33A(1)(a)  Sched: Participation in a criminal group - s.93T	8y NPP 5y  4y 6m NPP 3y  <u>Total:</u> 9y 6m NPP 6y 6m		Nil	Accessory before the fact  Shooting	Female – acting under duress - associated with Brothers for Life gang members involved in gangland violence / turf war - worked for solicitor representing various gang members – told FQ she heard LC planned to kill him – drove 3 gang members who intended to kill LC to home where LC was – HM shot dead by mistake - attended cafe location of another intended shooting with gang members - identified proposed target and his car – target later shot - mid-range objective seriousness - carefully planned execution of rival gang member Fearful of FQ who threatened her and family but remained involved with gang knowing they were involved in serious gangland activity - good prospects rehabilitation – assistance - onerous custodial conditions

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13.	<p><b>F. QAUMI</b> (31) <a href="#">[2017] NSWSC 774</a> Hamill J</p> <p><a href="#">[2019] NSWCCA 60</a> (conviction appeal against murder dismissed)</p> <p><a href="#">[2020] NSWCCA 163</a> (conviction appeal against two counts allowed – sentence appeal allowed)</p> <p>Co-offender: M.QAUMI NK</p>	<p>VG Murder</p> <p>2 x s.33(1)(b) (GBH/GBH)</p> <p>Consp to murder</p> <p>2 x Solicit murder</p> <p>Attempt murder</p> <p>s.93GA(1B) – fire at dwelling</p> <p>3 x unauth poss firearm</p> <p>Supply lge comm qty drugs</p> <p>s.93T(4A) direct criminal group</p> <p>(10% for offer) Manslaughter</p> <p>Unauth poss firearm</p>	<p><u>Indicative</u> 45y NPP 33y 9m</p> <p>10y NPP 7y 6m (each)</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>6y NPP 4y 6m</p> <p>4y NPP 3y</p> <p>6y NPP 4y 6m</p> <p>8y</p> <p>14y</p> <p>6y NPP 4y 6m</p> <p><u>Aggregate</u> 60y NPP 43y</p>	<p>AA <u>Indicative</u> 45y NPP 33y 9m</p> <p>10y NPP 7y 6m (each)</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>Conviction AA</p> <p>4y NPP 3y</p> <p>6y NPP 4y 6m</p> <p>8y</p> <p>14y</p> <p>6y NPP 4y 6m</p> <p><u>Aggregate</u> 58y NPP 42y</p>	Lengthy record	Shooting	<p>Joint criminal enterprise</p> <p>Intent to kill</p>	<p><b>SNPP 20 years</b> 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</p> <p>Murder committed for contract payment of substantial amount of money – gave orders and supplied weapons</p> <p>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</p> <p>Found in possession of 1,894.4g relatively new psychoactive substance</p> <p>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</p> <p>No life sentence because of subjective features</p> <p>On appeal: conviction appeal for s.93GA(1B) allowed – error in SNPP for several offences</p>

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14.	<p><b>M. QAUMI</b> (29) <a href="#">[2017] NSWSC 774</a> Hamill J</p> <p><a href="#">[2019] NSWCCA 60</a> (conviction appeal against murder dismissed)</p> <p><a href="#">[2020] NSWCCA 163</a> (conviction appeal against two counts allowed – sentence appeal allowed)</p> <p>Co-offender: F.QAUMI NK</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>PG Contempt</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><b>SNPP 20 years</b> 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>

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15.	<b>WESTERN</b> <a href="#">[2017] NSWSC 1385</a> Rothman J  Co-offender: ROLFE	VG	34y NPP 25y 6m		Significant	Shooting  Intent GBH	<b>SNPP 20 years</b> Sergeant at arms of Bikie 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
16.	<b>ROLFE</b> <a href="#">[2017] NSWSC 1393</a> 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	<b>SNPP 20 years</b> 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

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17.	LUO (31)	VG Murder	<u>Indicative</u> 24y NPP 17y		Record for drugs and violence – breached bail	Shooting	<b>SNPP 20y</b> 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	5y 6m NPP 3y					
		Supply	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)  <a href="#">[2021] NSWSC 1500</a> 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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18.	<p><b>SULTANI</b> (27)</p> <p><b>MUNSHIZADA</b> (27-28) <a href="#">[2021] NSWSC 1654</a> 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><b>SNPP 20y</b> Three unrelated killings over nine month period – shot dead 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 shot dead second drug dealer standing by his car with finance waiting inside – victim lured to trap - S fired from car then alighted and pursued victim to fire additional shots – M drove car - possible contract killing – final victim shot dead 9 weeks later – S believed victim, an underworld figure, involved in killing of offender’s close friend – S and co-offender B shot victim while M drove – D aware of plan to kill and drove second getaway car - each killing carefully planned, merciless and committed in residential streets – all 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>
19.	<p><b>BAINES</b> (23-24)</p> <p><b>DANISHYAR</b> (23) <a href="#">[2021] NSWSC 1654</a> Fagan J</p> <p>Co-offenders: SULTANI MUNSHIZADA</p>	<p>VG Murder</p> <p>VG Accessory before the fact to murder</p> <p>Accessory after the 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><b>SNPP 20y (Baines only)</b> 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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20.	<b>CRANE, C</b> (55 at sentence)  <b>CRANE, J</b> (57 at sentence)  <b>SYMONS</b> (36 at offence, 42 at sentence)  <b>McDONALD</b> (25 at offence, 30 at sentence)  <b>ROBERTSON</b> (28 at offence, 34 at sentence)  <a href="#">[2022] NSWSC 1545</a> Fagan J	VG Acc before fact  VG Acc 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, malicious injury, AOABH  driving, cultivate proh plant  nil significant  assault hinder police, fail to leave premises, agg B&E	Assault  Intent GBH	<b>SNPP 20 years</b> 2017 - C Crane and brother J Crane accessories before fact - assisted 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.

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