

## Murder

### Home Invasion / Break and Enter

**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.	<b>CALLEJA</b> (17) NSWSC 19.7.1991 Slattery AJ	VG Murder  PG Rob  2 x Obtain by deception	MT 15y AT 5y		long record armed robbery, kidnapping	strangulation  reckless indifference	Robbery - tied elderly lady up in house - took chequebook and withdrew money. Escapee at time of offence.
2.	<b>O'HELLO</b> (23) NSWSC 31.3.1992 Finlay J	VG Murder  Enter dwell w/i and armed	MT 12y AT 4y		steal, malicious damage	shooting	Shotgun robbery at private home
3.	<b>JERRARD</b> (21) NSWSC 21.12.1992 Hunt CJ at CL  Co-offender: LIVERMORE	PG	MT 9y AT 3y		Record for mal damage, assaults, BES, unlawful use of motor vehicles	Assault  Intent GBH	Assaulted male occupant of house while stealing car – extraordinary injuries – left victim tied up Aboriginal

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4.	<b>RYAN</b> (29) NSWSC 7.5.1993 Abadee J  (1995) 90 A Crim R 191	PG Murder  Steal from dwelling  Steal car	MT 14y AT 6y	AD		cut throat	Broke into neighbour's unit and cut his throat with a knife - later stole goods and car Had been drinking heavily.
5.	<b>O'BRIEN</b> (19) NSWCCA 10.6.1993	PG	MT 10y AT 6y	Crown AA MT 12y AT 6y	BES – stealing – AOABH - mal damage	shooting  felony murder	Entered bedroom with loaded rifle and shot victim when challenged. Crown appeal - withdrew offer to assist
6.	<b>LORENZO</b> (33) NSWSC 26.11.1993 Dunford J  NSWCCA 22.5.1995  <a href="#">[2001] NSWCCA 389</a>	VG	MT 17y AT 5y 6m	Conviction AD   Sentence AD	serious	assault / strangulation	Robbery and murder of female in her home Some assistance to authorities.
7.	<b>RICHARDSON</b> (28) NSWSC 28.2.1994 Finlay J	PG (after voir dire)	MT 20y AT Life		lengthy - manslaughter, sexual assault on woman & young boys	assault / burning	Broke into house and raped 29y old female acquaintance in front of her young children, abducted her, bashed her with piece of wood then set fire to her body.
8.	<b>BROUGHTON</b> (29) NSWSC 30.5.1994 Smart J	PG	MT 14y AT 6y		extensive priors including gaol	stabbing	Broke into house believing it to be empty - stabbed 54y female occupant eight times Full admissions - on protection
9.	<b>LIVERMORE</b> (46) NSWCCA 2.3.1995  Co-offender: JERRARD	VG	MT 12y 6m AT 4y 2m	Convict AD	lengthy - property offences, child sex assault, assault	assault	Bashed to death an old man after trying to steal his car. Sentence cumulative to existing sentence for sexual offences

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10.	<b>PREVITERA</b> (1997) 94 A Crim R 76 NSWSC 27.5.1997 Hunt CJ at CL	PG	MT 20y AT 5y		long record, including bag snatch on elderly woman	strangulation	Strangled 81y female neighbour, then robbed her - motive for murder unclear.
11.	<b>LITTLE</b> (30) NSWSC - 17.10.1997 Hidden J	PG	MT 11y AT 5y		minor	stabbed  intent kill	Broke into home of friend's neighbour and stabbed male occupant - no reason for violent outburst – returned some time later to set fire to flat with body inside. Aboriginal offender. Alcohol.
12.	<b>HOOKER</b> (17) <a href="#">[1999] NSWSC 896</a> 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.
13.	<b>D PRIVETT</b> (27)  <b>M PRIVETT</b> (29)  <a href="#">[1999] NSWSC 1076</a> B-Parker AJ  (D Privett) <a href="#">[2001] NSWCCA 518</a>	VG	MT 14y 6m AT 3y 3m  MT 11y AT 3y 8m	AA 17y 9m NPP 13y 4m	minor  long record reflecting trouble childhood	shooting  intent kill  common purpose or joint criminal enterprise	Shot victim during robbery at property - no premeditation - D fired fatal shot at close range and greater culpability

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14.	<b>HARRIS</b> (30) (2000) 111 A Crim R 415 <a href="#">[2000] NSWSC 285</a> Bell J  (2000) 121 A Crim R 342 <a href="#">[2000] NSWCCA 469</a>	PG 3 x Murder  AR	40y NPP 25y	Crown AA Life	not serious	strangulation  intent kill	Three killings committed in one month - strangled male suffering effects of stroke in victim's home - strangled intellectually disabled woman he befriended in her home - strangled male neighbour and disposed of body in country - second and third killings motivated by desire to kill –elderly, sick, or disadvantaged victims – betrayal of trust – two killings an exercise of power and to exact revenge on society
15.	<b>DARGIN</b> (24) <a href="#">[2000] NSWSC 710</a> Ireland J	PG	19y NPP 14y		long history of dishonesty and violence - on bail at time of offence	assault  intent GBH	Bashed 72y female to death in her home - brutal sexual assault - initial motivation was robbery. Aboriginal offender.
16.	<b>HYLAND</b> (27)   <b>PARRY</b> (35)   <b>YATES</b> (28) <a href="#">[2001] NSWSC 470</a> Ireland AJ  <a href="#">[2002] NSWCCA 520</a>	VG Murder  s.111(3)  Murder  s.111(3)  Murder  s.111(3)	23y NPP 17y 3m  FT 11y (concurrent)  26y NPP 19y  FT 11y (concurrent)  20y NPP 15y  FT 10y (concurrent)	Conviction and sentence AD	prior record   lengthy record including violence   insignificant record	shooting  intent to kill	Group of men forced way into residential house and terrorised occupants inside with baseball bat, revolver and shortened shotgun - occupants assaulted with bat - victim executed at close range with bullet behind ear - other occupants shown body and threatened - worst class of case but level of culpability not so extreme that community interest only met through life imprisonment P shot victim in presence of Y Y a follower with limited intellectual functioning and back injury.
17.	<b>WRIGHT</b> (25) <a href="#">[2001] NSWSC 1050</a> Adams J	PG  Sched: Aggravated Rob with Wounding	22y NPP 15y 6m			Stabbing  Intent to kill	Stabbed middle aged woman in own home - broke into home intending to rob victim - killed victim to prevent identification - previously worked for victim and husband - premeditated, cowardly and brutal attack. Troubled childhood - some prospects of rehabilitation - relative immaturity

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18.	<b>WHITFIELD</b> (17) <a href="#">[2001] NSWSC 876</a> Adams J  <a href="#">[2002] NSWCCA 501</a>	VG	20y NPP 13y	Conviction and sentence AD	lengthy criminal record	stabbing  intent GBH	Went armed with knives to victim's house with three others to commit robbery - stabbed victim three times probably in panic to escape. Disturbed and troubled childhood displaying early signs of behavioural difficulties - aboriginal.
19.	<b>SYMSS</b> (24) <a href="#">[2001] NSWSC 1037</a> Howie J  <a href="#">[2003] NSWCCA 77</a>	VG Murder  Rob w/ wounding  LMV	22y NPP 16y 6m  FT 5y  FT 2y (all concurrent)	Conviction AD	priors including armed robbery	suffocation  intent to kill	Suffocated 73y female in own home during robbery - attempted to stab victim in neck No remorse
20.	<b>SLD</b> (13y 10m) <a href="#">[2002] NSWSC 758</a> Wood CJ at CL  (2003) 142 A Crim R 503 <a href="#">[2003] NSWCCA 310</a>	PG	20y NPP 10y	AD		stabbing  intent to kill	Broke into neighbouring home at night and abducted 3y sleeping girl - removed clothes and stabbed her in chest once - discarded body in long grass - misled police during inquiries - callous and cold-blooded killing - motive unclear Seriously affected by background of upheaval, abuse and lack of emotional support - intellectual and speech disability and dysmorphic appearance - sexually abused by half-brother - disturbed individual - history of aggressive and unacceptable behaviour - significant level of future dangerousness, although difficult to assess at this stage
21.	<b>STONE</b> (31 at offence / 44 at sentence) (2004) 144 A Crim R 568 <a href="#">[2004] NSWSC 224</a> Grove J	PG	21y NPP 15y 9m		Lengthy – breached parole – dealt with for attempt to commit similar offence 5 years later	Strangulation	(1990) Broke into home during day attempting to escape pursuit – intoxicated and drug affected – formed intent to commit sexual assault – stripped female occupant and tied her to bed – strangled with football sock – gratuitous violence - 5 years later threatened 26y daughter of de facto with similar violence – subsequent DNA match to murder Deprived childhood as ward of state – serious health problems – future dangerousness – more lenient sentence pattern for murder at time of offence
22.	<b>LOEBER</b> (33) <a href="#">[2004] NSWSC 293</a> Wood CJ at CL	PG (combined 25%)	18y NPP 13y		No relevant priors	Stabbing	Broke into home of female friend and stabbed her over 40 times – disguised with pillowcase upon entering house – no memory of offence - use of knife and attack in complainant's home aggravating features Prior good character

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23.	<b>EM</b> (19) <a href="#">[2005] NSWSC 212</a> James J	VG: Murder  s 97(2)  s 93G(1)(c)  PG 5 x s 97(2)	25y NPP 16y  FT 10y  FT 2y  FT 12y  <u>Total:</u> 36y NPP 27y	AD	Driving offences	Shooting  Constructive murder	Home invasion with co-offender – 5 occupants forced to lie on floor – victim shot and killed in struggle – victim's wife shot in thumb – 10 days later, similar offence with 2 co-offenders - robbery completed and 5 occupants left tied up in house Cambodian – poly substance abuse – mood disorder
24.	<b>VILLA</b> (36) <a href="#">[2005] NSWCCA 4</a>	VG 2 x Murder  3 x Attempt murder	Life	AD	Minor	Shooting / Stabbing / Strangulation  Intent to kill	Entered home to collect debt – tied up adults – shot male – shot, stabbed and strangled female – shot child in head twice – set fire to house to kill three children – attempt to avoid detection
25.	<b>HILLSLEY</b> (53) <a href="#">[2005] NSWSC 652</a> Hidden J  (2006) 164 A Crim R 252 <a href="#">[2006] NSWCCA 312</a>	PG (25%) Murder  4 x Agg sexual ass  Kidnapping	16y NPP 12y  <u>Total:</u> 30y NPP 25y	Crown AA Life	Paedophile offences	Hammer  Intent to inflict GBH	<b>SNPP 20 years</b> Broke into house of male acquaintance and killed sleeping victim – earlier argument over money - sexually abused victim's 10y step-daughter and abducted her 'as payback' – sexually abused her a few days earlier – offences part of single act of terrible vengeance Unfortunate upbringing – irresistible impulses for young girls – risk to community – gambling problem – escaped from custody though at large for only one day
26.	<b>WHITE</b> (34) <a href="#">[2005] NSWSC 667</a> Studdert J	PG (10%)  Sched: 5 Break and enter offences	24y NPP 18y		Dishonesty and violence – breached bail	Assault / asphyxiation  Reckless indifference	<b>SNPP 20 years</b> Broke into home of 82y widow – victim assaulted, bound and gagged – believed victim would die if not found Aboriginal with disrupted childhood and drug addiction

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27.	<b>CB</b> (22)  <b>IM</b> (23)  <a href="#">[2006] NSWSC 261</a> 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	<b>SNPP 20 years</b> 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
28.	<b>APPS</b> <a href="#">[2006] NSWCCA 290</a>	PG (25%)  Sched: BE&S	27y NPP 20y 9m	AA 18y NPP 13y 6m	Dishonesty, possess knives, assault	Shooting  Intent to kill	<b>SNPP 20 years</b> Acquainted with victim – broke into nearby farm stealing four guns – shot victim at victim's home. Personality disorder
29.	<b>STEER</b> (40) <a href="#">[2006] NSWSC 1198</a> Whealy J  (2008) 191 A Crim R 435 <a href="#">[2008] NSWCCA 295</a>	VG Murder  AR	29y 4m NPP 22y  FT 4y  <u>Total</u> 31y 4m NPP 24y	AD	Lengthy	Stabbing  Intent to kill	<b>SNPP 20 years</b> Broke into home and stabbed male occupant in neck – set fire to house with body inside – angered at relationship between deceased and ex-girlfriend – above mid-range offences – intent formed after entry to house – on separate occasion robbed bank Single parent with 4 children
30.	<b>JOHNSON</b> (53) <a href="#">[2007] NSWSC 274</a> Whealy J  <a href="#">[2010] NSWCCA 86</a>	VG 2 x Murder  Dishonesty offences	Life	Conviction AD	Minor traffic	Strangulation  Intent to kill	<b>SNPP 20 years</b> Tied up and strangled retired couple in their own home – trusted handyman – stole money from bank accounts – financial difficulties – well planned offence - cold, calculated killings with element of mental torture, fear and distress

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31.	<b>DAVIS</b> (26) <a href="#">[2008] NSWSC 55</a> Mathews AJ  <a href="#">[2015] NSWCCA 90</a>	VG	24y NPP 18y	AA 22y NPP 16y 6m	Lengthy – mal wounding under similar circumstances	Stabbing  Intent GBH	<b>SNPP 20 years</b> Broke into apartment to steal property – stabbed male occupant in attempt to escape – victim died 3 days later from heart failure Disturbed and abusive childhood
32.	<b>WILSON</b> (32) <a href="#">[2008] NSWSC 238</a> Howie J  <a href="#">[2015] NSWCCA 128</a>	VG	26y 6m NPP 20y	AA 21y 4m NPP 16y	Minor	Shooting  Intent to kill	<b>SNPP 20 years</b> 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
33.	<b>PEARCE</b> (25) <a href="#">[2008] NSWSC 1434</a> Latham J	PG (no discount)	20y NPP 15y		Lengthy – no major violence	Stabbing  Intent to kill	<b>SNPP 20 years</b> Arrived at friend's unit armed with knife - became involved in fight with male victim and stabbed in back – spontaneous offence – no assistance to victim – paranoid and highly aroused state from amphetamines – slightly below mid-range Appalling childhood marked by domestic violence – both parents heroin addicts – no education – early drug abuse
34.	<b>MCGUREN</b> <a href="#">[2010] NSWSC 744</a> Fullerton J	PG	34y NPP 25y 6m		Lengthy. - attempt strangle, AOABH, breach AVO	Shooting and assault  Intent to kill	<b>SNPP 20 years</b> Broke into home of ex-partner's new partner – shot victim in neck – bashed victim in head with rifle butt number of times causing death - premeditated – upper end of upper range of objective seriousness Tendency to uncontrolled violence.
35.	<b>DENNISON</b> (28) <a href="#">[2010] NSWSC 780</a> Fullerton J	PG (20%) Murder  8 x s.61J 2 x s.61K(b) 4 x s.86(1)(b) s.35(2) s.113(2) 2 x s.97(1)  Sched: 8 offences	18y NPP 11y  <u>Total:</u> 28y NPP 21y		AOABH, possess knife, driving, resist police.	Fall  No intent to kill	<b>SNPP 20 years</b> Followed four persons into security apartment – threatened with knife – forced sexual acts with three victims – murder victim escaped through balcony door and fell from balcony - died from injuries – another victim also sustained serious injuries after falling from balcony - lower end of mid-range – no intent to kill Aboriginal background – troubled background. drug dependent ("ice") - capacity for exercising judgment was probably severely compromised by being in the grips of "ice" on the day of offence

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36.	<b>DB</b> (16) <a href="#">[2010] NSWSC 812</a> Barr AJ	PG Murder  Wound w/ murder  Sched Assault	20y NPP 12y  FT 12y  <u>Total:</u> 24y NPP 16y		nil	Stabbing  Intent to kill	Broke into home of ex-girlfriend armed with carving knife at night – fatally stabbed father of ex-girlfriend in confrontation – stabbed mother in bedroom then pursued her outside and stabbed in back and continued to stab – taunted ex-girlfriend about killings, pushed her up against wall, slapped her face and forcefully kissed her on lips – disabled telephones Vindictively jealous and made numerous threats against various people before incident – otherwise prior good character – no mental illness – remarkable progress in gaol
37.	<b>ATAI</b> (18) <a href="#">[2011] NSWSC 1617</a> Grove J  <a href="#">[2014] NSWCCA 210</a>	VG	24y NPP 18y	AD	Custodial record	Shooting  Recklessness	<b>SNPP 20 years</b> Approached house with group of men – fired shots into front window of house killing occupant after being advised had wrong house – motive for approach to house and shooting unclear Afghani refugee with links to bikie gang
38.	<b>COTTERILL</b> <a href="#">[2012] NSWSC 89</a> McCallum J	PG (15%) Murder  Escape	22y NPP 16y  FT 6m  <u>Total:</u> 22y NPP 16y 6m		Offences of violence	Stabbing  Intent to kill	<b>SNPP 20 years</b> Stabbed 19y female in her own home during day– prolonged attack - 27 stab wounds – confronted by victim after entering house with intention to steal – not premeditated Escaped from prison van several days after arrest by faking self-harm – ran six metres before shot in pelvic region and leg Dysfunctional childhood – severely disturbed as child and adolescent – violent and poor impulse control
39.	<b>SHAMOUN</b> (24) <a href="#">[2012] NSWSC 716</a> Bellew J  <a href="#">[2015] NSWCCA 256</a>	VG Murder  Mal wound	27y NPP 20y  12m NPP 9m  <u>Total:</u> 27y NPP 20y 3m	AD	Nil significant	Stabbing  Intent GBH	<b>SNPP 20 years</b> Broke into home at night and assaulted male victim in bed – wife injured in escape – victim stabbed in struggle – offence committed in response to request by co-offender to inflict serious injury on victim because of falling out over employment – not satisfied act committed for reward Iraqi – suffering brain injury

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40.	<b>AMOS</b> (20) <a href="#">[2012] NSWSC 1021</a> Hall J  <a href="#">[2014] NSWCCA 302</a>	VG	28y NPP 21y	Conviction AD	Nil	Shooting  Intent to kill	<b>SNPP 20 years</b> 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
41.	<b>NATUBA</b> (19)       <b>TAMAPUA</b> (20) <a href="#">[2012] NSWSC 1569</a> 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	<b>SNPP 20 years</b> 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

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42.	<b>MA</b> (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	<b>SNPP 20 years</b> 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				
	Sched: Consp rob AR	<u>Total:</u> 23y NPP 17y					
	<b>BYQUAR</b> (18)	PG (25%) Murder	23y NPP 16y		AOABH, Rob in co.		
		AR	8y NPP 6y				
		Sched: AR	<u>Total:</u> 25y NPP 18y				
	<b>RAMOS</b> (18)  <a href="#">[2012] NSWSC 1527</a> Johnson J  (Ramos) <a href="#">[2015] NSWCCA 313</a>  Co-Accused: NATUBA TAMAPUA KHOURY KARIMI MIR	PG (25%) Murder	17y NPP 12y	AA 14y 3m NPP 10y	Nil		
		Sp Agg BES	4y NPP 3y	4y NPP 3y			
		AR	5y 6m NPP 4y	5y 6m NPP 4y			
Sched: Conspire rob AR		<u>Total:</u> 19y NPP 14y	<u>Total:</u> 16y 3m NPP 12y				

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43.	<b>SMITH</b> (27) <a href="#">[2013] NSWSC 1159</a> Schmidt J  Co-offenders: SMITH KENNEDY	PG (18%)	22y 11m NPP 17y 2m		Considerable record	Assault  Intent GBH  Joint criminal enterprise	<b>SNPP 20 years</b> Three men broke into home of 75y male occupant – severely assaulted in attempt to obtain access to safe – active participant in assault - left for nearly a day – joint criminal enterprise – moral culpability high Evidence of remorse - drug addicted – aboriginal – low intelligence – poor schooling
44.	<b>LOCKETT</b> (27) <a href="#">[2013] NSWSC 1555</a> Price J  Co-offender: BROWN	VG	18y NPP 13y		Drugs and weapons – breached conditional liberty – no violence	Shooting  Intent GBH	<b>SNPP 20 years</b> Part of group of males who assaulted victim outside his home - given gun by B but thought it was a pole - struck victim on head with gun and it discharged killing victim – cowardly attack by group – no intent to kill – spontaneous offence – did not know weapon was a gun and did not know gun loaded – below middle of range – equal culpability to B Remorse – special circumstances: need for drug counselling – some prospects of rehabilitation. Co-offenders <i>Tuivaga</i> and <i>Barnes</i> sentenced for manslaughter
45.	<b>BROWN</b> (27) <a href="#">[2013] NSWSC 1557</a> Price J  <a href="#">[2015] NSWCCA 11</a>  Co-offender: LOCKETT	VG	19y NPP 13y 9m	AD	Reckless wounding in company – murder committed on bail for these offences	Shooting  Joint criminal enterprise	<b>SNPP 20 years</b> Initiator of confrontation - gave loaded shotgun to L – with four offenders confronted male next door over sale of pistol – encouraged and participated in assault – threatened female - male struck over head with gun by L – L unaware loaded shotgun - gun discharged killing victim – cowardly attack by group – no intent to kill – spontaneous offence – equal culpability to L – below middle of range No remorse and no finding as to rehabilitation prospects – difficult family background Co-offenders <i>Tuivaga</i> and <i>Barnes</i> sentenced for manslaughter
46.	<b>SMITH</b> (26) <a href="#">[2013] NSWSC 1723</a> Barr AJ  Co-offenders: SMITH KENNEDY	PG Murder  2 x AR	20y NPP 14y  8y NPP 6y  <u>Total:</u> 23y NPP 17y		Property offences related to drug problem – breached parole	Assault  Joint criminal enterprise	<b>SNPP 20 years</b> Involved in breaking into home of elderly victim - sustained assault on male occupant by co-offender – acted as lookout - left victim to die - on earlier occasion broke into home with two co-offenders and assaulted male occupant – forced female occupant to ATM to withdraw money – threats made Aboriginal with difficult childhood – early drug and alcohol abuse Discount for guilty plea at bottom of range

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47.	<b>BELL</b> (27) <a href="#">[2013] NSWSC 1838</a> Hall J	PG (10%) Murder  s97(2)  s33(1)(a)	25y 4m NPP 19y  5y NPP 3y 9m  10y NPP 7y 6m  <u>Total:</u> 27y NPP 21y 6m		Rob in co, AOABH, drugs	Shooting  Constructive murder	<b>SNPP 20 years</b> Home invasion with co-offender to obtain money and drugs – armed with firearms – during struggle accidentally shot in face by co-offender – offender discharged his firearm killing male aged 17y – co-offender shot and injured second male - intent to inflict injury for purpose of effecting escape - did not form intent to shoot until very shortly before fatal shot fired Left school Year 8 – learning difficulties - long standing personal problems including drug use and anti-social personality characteristics - no link established between anti-social personality disorder and any abusive or deprived upbringing
48.	<b>KARIMI</b> (22) <a href="#">[2013] NSWSC 1761</a> Johnson J  Co-offenders: KHOURY MIR NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder  Conspiracy AR  s.112(3)  2 x AR  Conspiracy to 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	<b>SNPP 20 years</b> 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

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
49.	<b>KHOURY</b> (29) <a href="#">[2013] NSWSC 1761</a> 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	<b>SNPP 20 years</b> 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
50.	<b>MIR</b> (20) <a href="#">[2013] NSWSC 1761</a> Johnson J  <a href="#">[2022] NSWCCA 132</a>  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	Minor	Assault with meat cleavers  Joint criminal enterprise  Intent to kill	<b>SNPP 20 years</b> 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

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
51.	<b>KAYE</b> (33) <a href="#">[2013] NSWSC 1812</a> Price J	PG (12.5%) Murder	21y NPP 14y 6m		AOABH, resist police, steal mv	Stabbing / assault  Intent GBH	<b>SNPP 20 years</b> Entered home of elderly male stranger living alone - armed self with 2 steak knives - stabbed victim in neck and assaulted him – cause of death was combined effects of blunt force injury and pre-existing medical conditions - injuries inflicted by offender a substantial cause of death - stole various items Alcohol abuse – difficult upbringing – rehabilitation prospects remain uncertain – long term need for psychiatric and alcohol counselling
52.	<b>JUBRAEEL</b> <a href="#">[2014] NSWSC 838</a> Rothman J  <a href="#">[2015] NSWCCA 131</a>  Co-offender: SAFAR	VG	17y NPP 12y	Conviction AD	AR	Shooting  Joint criminal enterprise	<b>SNPP 20 years</b> Approached home of victim at night with two co-offenders – victim pulled back curtain to investigate and shot dead by co- offender –intended BES with no violence - first aware of gun when gun drawn by shooter shortly before shooting - lowest end of range of seriousness – shooting based on reckless indifference to life Traumatic childhood upbringing in Iraq – personal drug use – testing revealed to be in ‘intellectual disabled’ range
53.	<b>SAFAR</b> <a href="#">[2014] NSWSC 376</a> Rothman J  Co-offender: JUBRAEEL	PG (12.5%)	15y 9m NPP 11y		No history of violence of dishonesty	Shooting  Joint criminal enterprise	<b>SNPP 20 years</b> Approached home of victim at night with two co-offenders – victim pulled back curtain to investigate and shot dead by co- offender –intended BES with no violence - first aware of gun when alighted car – lowest end of range of seriousness – affected by drugs and fear of co-offender prevented withdrawal Drug addiction motive for robbery – genuine remorse – good prospects of rehabilitation

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
54.	<b>E McKELLAR</b> (18)	VG Murder	20y NPP 14y		Lengthy – breached parole	Stabbing  Intent GBH  Extended joint criminal enterprise	<b>SNPP 20 years</b> 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
		Wound with intent	8y NPP 6y				
	<b>B McKELLAR</b> (28) <a href="#">[2014] NSWSC 1243</a> RA Hulme J	VG Murder	20y NPP 14y		Lengthy – breached bail for assault offence		
		Wound with intent	8y NPP 6y				
		Att AR	5y NPP 3y 9m				
			<u>Total:</u> 24y NPP 18y				
55.	<b>TIRAKI</b> (21) <a href="#">[2014] NSWSC 1764</a> Schmidt J	VG	28y NPP 20y			Shot  Intent kill	<b>SNPP 20 years</b> Shot victim at close range in chest at night through window – joint criminal enterprise to commit robbery at victim's home – planned offence – gun loaded – firearm discharged deliberately not in panic – above mid-range objective seriousness Mental health issue – drug abuse Co-offender Tabbah sentence for manslaughter

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
56.	<b>KENNEDY</b> (18) <a href="#">[2015] NSWSC 327</a> Wilson J  <a href="#">[2016] NSWCCA 114</a>  Co-offenders: SMITH SMITH	PG (5% on appeal)	21y NPP 15y 9m	AA 20y NPP 15y	Not as serious as co-offenders	Assault  Joint criminal enterprise / intent GBH	<b>SNPP 20 years</b> Three men broke into home of 75y male occupant – victim severely assaulted in attempt to obtain access to safe – left for nearly a day – moral culpability high but lower than co-offenders Drug addicted – aboriginal – exposed to drugs early - low intelligence – poor schooling
57.	<b>FARROW (No.3)</b> <a href="#">[2015] NSWSC 323</a> Rothman J	VG	22y NPP 15y			Stabbing	<b>SNPP 20 years</b> 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
58.	<b>MAAKA</b> (18) <a href="#">[2015] NSWSC 358</a> RA Hulme J	PG (20%)  Sched: 16 offences	20y NPP 15y		BES, AOABH, Larceny	Assault  Intent GBH	<b>SNPP 20 years</b> Severe and violent attack upon 53y male homeowner during break in– struck victim and smashed drawer on victim’s head - unbridled, gratuitous and extreme violence – acted with 2 co-offenders - affected by drugs - not planned or premeditated Disrupted upbringing – drug abuse
59.	<b>KELSALL</b> (20) <a href="#">[2015] NSWSC 480</a> RA Hulme J  <a href="#">[2017] NSWCCA 240</a>	VG Murder  Indecent assault	40y NPP 30y  FT 1y  <u>Total:</u> 40y 3m NPP 30y 3m	AD	nil	Stabbing  Intent to kill	<b>SNPP 20 years</b> Followed male stranger home late at night – entered through unlocked door – found male stranger in bedroom asleep or intoxicated – touched penis and stabbed multiple times (more than 20 wounds) – no motive although had previously reported thoughts of killing random stranger No remorse – questionable prospects of rehabilitation
60.	<b>KATSIS</b> (17 – 44 at sentence) <a href="#">[2015] NSWSC 1890</a> Fagan J	VG Murder  s.61D(1)	20y NPP 15y  FT 6y (concurrent)	AD	Subsequent record for petty offences involving dishonesty and assault	Strangulation  Intent to kill	(1988) – forced entry into neighbouring unit – sexually assaulted and strangled 66y female occupant - set fire to contents of unit Abusing drugs and alcohol at time of offence – subsequent 27y demonstrates no risk of re-offending

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
61.	<b>HAINES</b> (31)  <b>LEE</b> (37)  <a href="#">[2016] NSWSC 1333</a> Harrison J	PG (20% - comb) Murder  AR	14y 8m NPP 11y  5y  <u>Total:</u> 15y 8m NPP 12y		Moderate record        Significant record	Stabbing   Constructive / joint criminal enterprise	<b>SNPP 20 years</b> 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
62.	<b>SWAN</b> (31)  <b>KIMURA</b> (50)  <a href="#">[2016] NSWSC 1819</a> N.Adams J	VG	26y 6m NPP 19y 6m  23y NPP 17y		Breached conditional liberty – assault offences   Minor	Assault  Intent GBH	<b>SNPP 20 years</b> Two males broke into unit and stole property – agreement reached in unit to assault elderly male occupant – victim assaulted by S – died of injuries 8mths later – just above mid-range – S more culpable than K – aggravating factors: in company – in victim's home – vulnerable victim – S armed with large knife S – Aboriginal with derived childhood K – Maori – assaulted in gaol because gave evidence on sentence and in protection – fearful for life – facilitated trial

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
63.	<b>SINCLAIR</b> (a pseudonym) (22) <a href="#">[2017] NSWSC 686</a> RA Hulme JA  <a href="#">[2020] NSWCCA 108</a>	PG (15% plea and assist) Murder  s.112(3)  PG (35% assist and plea) s.112(3)  2 x s.86(2)  s.86(2)	<u>Indicative:</u> 30y NPP 22y 6m  13y 6m NPP 10y  12y NPP 9y  8y 6m  9y  <u>Aggregate</u> 38y NPP 28y 6m	AD	Minor	Assault  Accessory	<b>SNPP 20 years</b> Broke into home of co-offender's former employer at night planning to steal from occupants – forced male occupant to show them safe – co-offender bashed male occupant to death with pick handle – also assaulted female occupant causing serious injuries – offender did not intend death but aware co-offender violent and armed with weapon One month earlier broke into family home of offender's ex-girlfriend with co-offender and third offender at night – sleeping male occupant severely assaulted around head by co-offender with pick handle causing serious and probably long-term injuries – all four occupants of house threatened and tied up with duct tape and rope All offences well above mid-range in seriousness Young offender with long term drug addiction – genuine remorse – some good prospects of rehabilitation On appeal: finding of objective gravity open to sentencing judge
64.	<b>EVANS</b> <a href="#">[2017] NSWSC 1440</a> RA Hulme J	PG (25% plea and assist)  Sched: 2 offences	24y NPP 18y		Assault - recklessly cause GBH – stalking / intimidate - BES	Assault  Accessory	<b>SNPP 20 years</b> 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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
65.	<b>EVANS (No.3)</b> (25) <a href="#">[2017] NSWSC 1523</a> RA Hulme J  Co-offender: SINCLAIR	VG Murder  s.112(3)  s.112(3)  2 x s.86(2)(a)  s.86(3)	<u>Indicative</u> 42y NPP 31y 6m  18y NPP 13y 6m  20y NPP 15y  13y  14y  <u>Aggregate:</u> 48y NPP 36y		Assault, AOABH, damage property	Assault  intent to kill	<b>SNPP 20 years</b> Offences committed during series of home invasions with co-offenders in rural area – male murder victim attacked by offender while bound and defenceless – pick axe used to inflict severe blunt head injury – female occupant also assaulted causing serious injuries – murder well above mid-range One month earlier broke into home with co-offender and third offender at night – sleeping male occupant severely assaulted around head with pick handle causing serious and probably long-term injuries – all four occupants of house threatened and tied up with duct tape and rope Offences committed to obtain money for drug (ice) addiction - ADHD – drug use from young age.
66.	<b>PETRYK</b> (23) <a href="#">[2018] NSWSC 119</a> Wilson J	VG Murder  s.97(2)	<u>Indicative:</u> 26y  8y  <u>Aggregate</u> 26y NPP 19y 6m		Lengthy record – breached conditional liberty	Shooting  Constructive murder	<b>SNPP 20 years</b> 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
67.	<b>AFU</b> (23 at offence – 51 at sentence) <a href="#">[2018] NSWSC 1127</a> RA Hulme JA	VG	20y NPP 15y		significant record at time of offending	Stabbing  intent to kill	(1990) paid \$10,000 by co-offender to kill wife in staged break in – entered house through balcony left unlocked by co-offender and stabbed victim 23 times – high range – co-offender Caleo convicted of solicitor to murder Born in Tonga – difficult childhood in poverty – substance abuser since teenage years – at time of offending immersed in criminal world – subsequently returned to Tonga, married and has six children – good prospects of rehabilitation – isolation from family
68.	<b>FLETCHER</b> (19) <a href="#">[2020] NSWSC 1478</a> RA Hulme J  Co-Offenders: GARVEY JONES	PG (35% combined)	15y NPP 11y 3m		Children’s Court offences – affray	Machete / assault  Accessory	<b>SNPP 20 years</b> 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 Reasonably good prospects of rehabilitation and of not reoffending – assistance – youth, immature, remorseful

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69.	<b>JAGHBIR (No.4)</b> (28) <a href="#">[2020] NSWSC 1704</a> Davies J	VG Procure, aid and counsel murder	11y NPP 6y 6m		Subsequent offences of pervert course of justice and dishonesty	Shooting  Accessory	Replaced front door of victim's unit at request of victim – kept duplicate key – intruders obtained access to unit at night and fatally shot victim in bed – assistance involved passing on duplicate key allowing assailants easy access to bedroom and some phone calls – aware offenders had accessed building two nights earlier – opportunistic offence – took advantage of position of trust – just below mid-range Married with young children – protective custody
70.	<b>CC</b> [2020] NSWSC 946 Harrison J  <a href="#">[2021] NSWCCA 71</a>	PG (20% combined with assistance)	40y NPP 30y	AD Crown AD	Record but no details	Shot  Intent to kill	<b>SNPP 20 years</b> Contract killing – paid \$20k by AM to shoot 15y male victim to avenge death of AM's nephew - AM provided gun – offender kicked open front door of victim's home where victim lived with his mother, her partner and other children – shot sleeping victim in head in bedroom - above right ear Aboriginal background - social and economic disadvantage - underlying paranoid schizophrenia - undertaking to give assistance On appeal: failure to specify discount for undertaking to give assistance did not invalidate sentence Crown appeal: despite breach of undertaking Crown able to use statement in judge alone trial and obtain utilitarian benefit
71.	<b>DUKAGJINI (No.2)</b> (30 at offence – 65 at sentence) <a href="#">[2021] NSWSC 1668</a> Fagan J	VG	20y NPP 13y		Record for housebreaking – no other violence	Strangled and assaulted	(1986) Broke into residential house and surprised by female occupant – panicked and killed victim with electrical cord and piece of wood – killing aggravated by being in home of victim Albanian – no risk of violent re-offending – long period of no offending

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
72.	<b>GARVEY</b> (24)	PG (10%) Murder	<u>Indicative</u> 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	<b>SNPP 20y</b> 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			Extended joint criminal enterprise (J)	
	<b>JONES</b> (23)	VG Murder	<u>Indicative:</u> 28y NPP 21y 6m		Lengthy – includes domestic violence, robbery and driving offences – breached bond and parole		
	<a href="#">[2021] NSWSC 1147</a> RA Hulme J	PG Steal from person	13m				
		Impersonate police	9m				
		Driving offence	9m				
	Co-offender: FLETCHER		<u>Aggregate:</u> 28y 9m NPP 22y 3m				

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73.	<b>BURNS (No.2)</b> (21) <a href="#">[2022] NSWSC 140</a> 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	<b>SNPP 20 years</b> 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
74.	<b>COSKUN (No.5)</b> (28) <a href="#">[2022] NSWSC 1216</a> RA Hulme JA  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	<b>SNPP 20 years</b> 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
75.	<b>BATAK (No. 5)</b> (26) <a href="#">[2022] NSWSC 1217</a> RA Hulme J  Co-offender: COSKUN	VG Acc before fact to murder  Acc before fact to att agg AR	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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76.	DOUGLASS (No.2) (26 at offences – 32 at sentence) <a href="#">[2023] NSWSC 465</a> lerace 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

Last Updated: May 2023