

## Murder

### Juvenile Offenders

**Maximum Penalty:** Life (s.19A (NSW) Crimes Act)

**Standard non-parole period** (offences committed on or after 1.2.2003)

20 years

**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

**Standard non-parole period** ceased to apply to juveniles after 1.1.2009

|    | NAME<br>(age if known)  | PLEA  | SENTENCE           | APPEAL                      | RECORD                                      | HOW KILLED  | INVOLVEMENT & SUMMARY  |
|----|---|---|--------------------|-----------------------------|---|---|--|
| 1. | <b>MORGAN</b><br>(17y 3m)<br>NSWSC 15.4.1991<br>B- Parker J<br><br>(1992) 29 NSWLR 242<br><br>Co-offenders:<br>MIHAILOVIC<br>HOWARD | VG  | MT 10y<br>AT 8y    | AD                          | nil   | assault<br><br>intent GBH /<br>joint enterprise<br>to assault | Gang homosexual bashing – victim lured to toilet and attacked - beating and kicking<br>H some assistance to police.                        |
| 2. | <b>CALLEJA</b><br>(17)<br>NSWSC 19.7.1991<br>Slattery AJ  | VG<br>Murder<br><br>PG<br>Rob<br><br>2 x Obtain by<br>deception | MT 15y<br>AT 5y    |                             | long record<br>armed robbery,<br>kidnapping | strangulation<br><br>reckless<br>indifference                 | Robbery - tied elderly lady up in house - took chequebook and withdrew money.<br>Escapee at time of offence.                               |
| 3. | <b>LOWE</b><br>(17y 4m)<br>NSWCCA<br>19.2.1992  | VG  | MT 12y<br>AT 3y 7m | AA<br>MT 10y 3m<br>AT 5y 4m | nil   | assault<br><br>intent GBH                                     | Rammed victim's head into pole - no premeditation - vicious attack by large youth on smaller youth<br>Blamed others until after conviction |

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| 4. | <b>MTD</b><br>(16y 8m)<br><br><b>S McAULIFFE</b><br>(17y 11m)<br><br><b>D McAULIFFE</b><br>(16y 10m)<br><br>NSWSC 7.8.1992<br>Wood J<br><br>NSWCCA<br>(1993) 70 A Crim R<br>303<br><br>HCA<br>(1995) 69 ALJR 621 | PG<br>Murder<br><br>Malicious<br>wounding<br><br>VG<br>Murder<br><br>Rob/wound<br><br>VG<br>Murder<br><br>Mal wound w/i<br>GBH | MT 11y<br>AT 8y<br><br>MT 12y<br>AT 8y<br><br>MT 12y<br>AT 8y | <br><br>Conviction AD<br><br>Conviction AD | lengthy,<br>including assault<br><br>nil<br><br>nil                    | assault /<br>drowning<br><br>common<br>criminal<br>enterprise to<br>assault | Attacked two men with intent to rob at night in park – one man assaulted with hammer, punched and kick - one fell over the cliff in attempt to escape   |
| 5. | <b>ZIDANSEK</b><br>(17y 11m)<br>NSWCCA<br>31.8.1992  | PG   | MT 13y<br>AT 7y   | AD   | minor BES  | assault<br><br>intent GBH   | Sustained attack on homeless man with pipe – victim set alight.   |
| 6. | <b>VERNEY</b><br>(16)<br>NSWCCA<br>23.3.1993   | VG<br>2 x Murder   | MT 13y<br>AT 7y   | AD   | minor  | shooting  | Shot mother and baby sister - claim of mercy killing Diminished responsibility rejected.  |
| 7. | <b>CRAIG</b><br>(16½)<br>NSWSC 14.4.1993<br>Abadee J   | VG<br>Murder<br><br>PG<br>Kidnap<br><br>Use weapon<br>resist arrest  | MT 7y 6m<br>AT 6y   |  | On bail and bond - priors include. kidnap and possess offensive weapon | stabbing<br><br>intent GBH  | Threatened girlfriend the stabbed male with knife when he sought to intervene - abducted pregnant girlfriend - used knife to resist arrest – spontaneous offence - affected by liquor<br>Earlier attempt to PG rejected |

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| 8.  | <b>FJD</b><br>(17y 1m)<br>NSWSC 8.4.1994<br>Wood J   | VG                                       | MT 10y<br>AT 8y  |   | minor<br>dishonesty,<br>minor drug       | stabbing<br><br>intent GBH                          | Female - stabbed taxi driver in neck<br>Disturbed and under stress, angry, and had desire to strike out at others – diminished responsibility rejected.  |
| 9.  | <b>GIESELMANN</b><br>(15)<br>NSWSC 3.11.1995<br>Studdert J<br><br>NSWCCA<br>12.11.1996<br><br>NSWCCA<br>13.7.1998<br><br><b>SHERWOOD</b><br>(17)<br>NSWSC 3.11.1995<br>Studdert J<br><br>NSWCCA<br>24.7.1998 | VG<br><br><br><br>VG                     | MT 12y 6m<br>AT 5y 6m<br><br><br>MT 12y 6m<br>AT 5y 6m | Conviction AD<br>Sentence AD<br><br><br>Conviction AD | Nil<br><br><br>assault and<br>dishonesty | stabbing<br><br>intent kill                         | Stabbing of female youth worker at youth refuge – robbery -<br>savage attack - fourteen stab wounds. Although both<br>involved equally in stabbing, G played a more primary role in<br>planning.<br>G: tragic background left her with no “moral control” and “an<br>uncaring attitude”. |
| 10. | <b>DAR</b><br>(16y 11m)<br>NSWSC 29.9.1994<br>B-Parker J<br><br>NSWCCA<br>8.11.1995  | VG                                       | MT 9y<br>AT 6y   | AD  |  | stabbing  | Deliberate stabbing of another youth at dance party with a<br>knife  |
| 11. | <b>GAC</b><br>(15)<br>NSWSC 24.4.1996<br>Ireland J<br><br>NSWCCA<br>1.4.1997<br><br>Co-offender:<br>JOHNSON  | VG<br>Murder<br><br>Rob with<br>wounding | MT 6y<br>AT 4y   | Conviction AD   |  | assault<br><br>felony murder /<br>common<br>purpose | Group of young persons assaulted elderly vagrant in park.  |

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| 12. | <b>JB</b><br>(15y 11m)<br>NSWSC 20.11.1997<br>Hunt CJ at CL<br><br><b>RJH</b><br>(17y 10m)<br>NSWSC 25.11.1997<br>Hunt CJ at CL<br><br><a href="#">[1999] NSWCCA 93</a> | PG<br><br>PG              | MT 11y<br>AT 5y<br>(20%<br>assistance)<br><br>MT 12y<br>AT 6y | AD<br><br>AD                | appalling,<br>including<br>violence<br><br>bad record,<br>including<br>violence | assault<br><br>felony murder                | Cousins robbed commuter walking home from train station - struck head with rock.<br>H less culpable.  |
| 13. | <b>HAS</b><br>(17y 7m)<br>NSWCCA<br>13.8.1998   | PG                        | MT 12y<br>AT 5y   | AA<br>MT 10y 6m<br>AT 6y 6m | nil   | stabbing<br><br>intent kill                 | Stabbed and assaulted 69y acquaintance - no pre-meditation.<br>Aboriginal with deprived childhood - suffering significant brain damage and alcohol abuse - good rehabilitation.   |
| 14. | <b>RT</b><br>(17)<br>NSWSC 25.9.1998<br>Barr J<br><br>Co-offenders:<br>GRAFF<br>LEAITUALES  | PG<br>Murder<br>Rob in Co | MT 11y<br>AT 6y   | AD                          | no significant<br>history   | assault                                     | Punched and kicked taxi driver in the head and body - stripped and whipped him with his belt - drove off in taxi - no reason for attack - equal culpability.<br>Robbery of taxi driver nine days earlier - took taxi and money.   |
| 15. | <b>MHN</b><br>(17y 10m at offence –<br>20 at sentence)<br>NSWSC 29.10.1998<br>Kirby J<br><br>Co-offender:<br>TNT  | PG                        | MT 16y<br>AT 6y   |                             | Breached<br>probation for<br>AOABH –<br>subsequent<br>offences for<br>violence  | Cut throat with<br>knife<br><br>Intent kill | Part of group of four youths who took 17y male acquaintance to park area and assaulted causing serious injury –strangled, stabbed and throat cut – body dumped at building site – brutal crime – seeking to eliminate witness to earlier offence<br>Vietnamese – suffering depression – Evidence of explosive temper<br>Subsequently sentenced to concurrent sentence for manslaughter ( <i>MHN</i> NSWSC 20.11.1998) |

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| 16. | <b>HOOKER</b><br>(17)<br><a href="#">[1999] NSWSC 896</a><br>Barr J  | PG<br>Murder<br><br>Rob with violence<br><br>Rob with violence | MT 7y<br>AT 6y<br><br>FT 3y<br><br>MT 3y<br>AT 2y<br><br><u>Total:</u><br>MT 10y<br>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.  |
| 17. | <b>ROBINSON</b><br>(17)<br><a href="#">[2000] NSWSC 972</a><br>Adams J<br><br><a href="#">[2002] NSWCCA 359</a>  | PG   | 45y<br>NPP 35y  | AA<br>45y<br>NPP 27y |                       | assault with bowling pin<br><br>intent kill | Accompanied stranger home with intention to at least assault and rob - bashed victim with bowling pin then stabbed and mutilated body. Boasted of killing to friends - extremely dangerous and disturbed person.   |
| 18. | <b>KANE</b><br>(16 at offence - 26 at sentence)<br><a href="#">[2000] NSWSC 1061</a><br>Barr J<br><br><a href="#">[2001] NSWCCA 150</a>  | VG   | 10y 6m<br>NPP 8y 8m   | Crown AD             | minor                 | suffocation<br><br>intent kill              | (1990) With co-offender bashed male school teacher in his home with baseball bat - victim suffocated after being tied up with plastic bag taped over head - believed co-offender had been raped by victim<br>Retrial - return to prison particularly stressful |
| 19. | <b>DALLEY</b><br>(16)<br><a href="#">[2000] NSWSC 1154</a><br>Bell J<br><br>(2002) 132 A Crim R 169<br><a href="#">[2002] NSWCCA 284</a><br><br>Co-offender:<br>McNELLEE<br>TUCKER<br>BREWER | VG   | 10y<br>NPP 6y   | Conviction AD        | nil                   | stabbing<br><br>common purpose robbery      | 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<br>Good prospects of rehabilitation.                    |

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| 20. | <b>O'GRADY</b><br>(16y 9m)<br><a href="#">[2000] NSWSC 1255</a><br>Hulme J  | VG   | 15y<br>NPP 10y   |                            | no significant record              | shooting                       | Led 15y male acquaintance into bush area and shot with rifle and silencer 9 times - voluntarily surrendered to police - no rational explanation for offence.<br>Displayed genuine remorse and shame - long history of drug abuse - desensitised to violence but no actual history of violence - impulsive - degree of depersonalisation at time of offence - general deterrence limited value                          |
| 21. | <b>PHUNG</b><br>(17)<br><a href="#">[2001] NSWSC 357</a><br>Wood CJ at CL   | PG<br>(25%)<br>Murder<br><br>s.97(2)<br><br>Sched:<br>3 offences | 13y<br>NPP 8y<br><br>FT 3y<br><br><u>Total:</u><br>14y<br>NPP 9y |                            | some prior and subsequent offences | shooting<br><br>felony murder  | With co-offender robbed two males at entertainment arcade of various personal property - used .32 calibre weapon wrapped in towel – shooting occurred during second robbery committed five hours later – shot male attempting to aid victim of robbery in chest<br>Deprived childhood resulting in living on streets and drug addiction at early age - no contact with any family - good rehabilitation since custody. |
| 22. | <b>WHITFIELD</b><br>(17)<br><a href="#">[2001] NSWSC 876</a><br>Adams J<br><br><a href="#">[2002] NSWCCA 501</a>                      | VG   | 20y<br>NPP 13y   | Conviction and sentence AD | lengthy criminal record            | stabbing<br><br>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.<br>Disturbed and troubled childhood displaying early signs of behavioural difficulties - aboriginal.  |
| 23. | <b>TRAN</b><br>(16 at offence / 22 at sentence)<br><a href="#">[2002] NSWSC 394</a><br>Sully J<br><br>Co-offenders:<br>PHAM<br>NGUYEN | PG<br>Murder<br><br>Unlawfully<br>imprison                       | 14y<br>NPP 9y<br><br>FT 12m<br>(concurrent)                      |                            | no criminal history                | shooting<br><br>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<br>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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| 24. | <b>TNT</b><br>(16 at offence / 22 at sentence)<br><a href="#">[2002] NSWSC 537</a><br>Hidden J<br><br>Co-offender:<br>MHN                           | PG<br>(combined<br>50%)                           | 10y<br>NPP 6y<br><br>(cumulative to<br>existing<br>sentences – see<br>facts)           |                      |  | stabbing<br><br>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<br>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<br>Sentenced one month earlier for unconnected murder committed 8 days earlier:<br>Tran [2002] NSWSC 394<br>Total Sentence: 23y 3m NPP 14y 3m |
| 25. | <b>PHAM</b><br>(17)<br><a href="#">[2002] NSWSC 567</a><br>Hulme J<br><br><a href="#">[2005] NSWCCA 9</a>   | VG  | 25y<br>NPP 20y   | AA<br>20y<br>NPP 16y | record not<br>serious but<br>displayed<br>contempt for law | shooting                       | 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   |
| 26. | <b>MTN</b><br>(17)<br><a href="#">[2002] NSWSC 1160</a><br>O'Keefe J  | VG<br>Murder<br><br>PG<br>Mal wound<br><br>Affray | 16y 6m<br>NPP 11y<br><br>FT 3y<br><br>FT 12m<br><br><u>Total:</u><br>17y 6m<br>NPP 12y |                      | not relevant   | stabbing<br><br>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<br>Remorse - married with one child - borderline intelligence - good prospects of rehabilitation - disturbed background  |
| 27. | <b>SLD</b><br>(13y 10m)<br><a href="#">[2002] NSWSC 758</a><br>Wood CJ at CL<br><br>(2003) 142 A Crim R<br>503<br><a href="#">[2003] NSWCCA 310</a> | PG  | 20y<br>NPP 10y   | AD                   |  | stabbing<br><br>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<br>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  |

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| 28. | <b>SJB</b><br>(15)<br><a href="#">[2002] NSWSC 1042</a><br>Wood CJ at CL<br><br>Co-offender:<br>MCLEAN                               | PG<br>(25%)                      | 15y<br>NPP 10y   |                            | nil  | stabbing<br><br>intent to kill        | McL angered by sexual affair between SJB (female) and victim -agreed to stab victim - multiple stab wounds in car - equal involvement in killing<br>Both suffered limited intellectual resources, impulsiveness and ADHD - offence out of character - offenders involved in destructive relationship                               |
| 29. | <b>NGUYEN</b><br>(17 at offence)<br><a href="#">[2002] NSWSC 1261</a><br>Sully J<br><br>Co-offender:<br>PHAM<br>TRAN                 | VG                               | 17y 38w<br>NPP 11y 38w<br>(cumulative to existing sentences – see facts) |                            | appalling record for violence - includes murder and manslaughter | shooting<br><br>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<br>Traumatised childhood - serious depression - Serving sentences for<br>Murder: 29.10.1998 Kirby J<br>Manslaughter: 20.11.1998 Kirby J<br>Murder: [2000] NSWSC 1177<br>Total sentence 31y NPP 25y |
| 30. | <b>M.A.</b><br>(17)<br><a href="#">[2003] NSWSC 978</a><br>Shaw J<br><br>(2004) 145 A Crim R 434<br><a href="#">[2004] NSWCCA 92</a> | PG<br>(reduced to 15% on appeal) | 13y 6m<br>NPP 8y 6m  | Crown AA<br>16y<br>NPP 11y | Nil  | Shooting<br><br>Reckless indifference | During altercation with 18y male on street shot victim in chest at close range – unplanned and unpremeditated  |
| 31. | <b>JSK</b><br>(16y)<br><a href="#">[2004] NSWSC 470</a><br>Buddin J<br><br>Co-offender:<br>MAH                                       | PG                               | 11y<br>NPP 7y  |                            | Nil  | Assault<br><br>Intent to kill         | Fatal assault on 17y friend at instigation of co-offender – friend taken to remote area and body buried – pre-meditation – element of duress.<br>Voluntary admission of guilt three years later - significant discount for assistance – extreme remorse – emotionally immature – excellent prospects of rehabilitation             |
| 32. | <b>TJA</b><br>(17)<br><a href="#">[2004] NSWSC 1308</a><br>Howie J<br><br>Co-offender<br>WILLARD<br>WILKINSON                        | PG                               | 22y 6m<br>NPP 16y 6m   |                            | Nil for violence – breached bail and bond                        | Shooting<br><br>Intent to kill        | <b>SNPP 20 years</b><br>Involved in killing of male on behalf of wife - shooter – victim shot in back of head while asleep on lounge – premeditated offence for financial reward – seeking to impress older girlfriend<br>Remorse – severely deprived childhood resulting in early drug abuse                                      |

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| 33. | <b>MS</b><br>(17)<br><a href="#">[2004] NSWSC 730</a><br>Dunford J  | VG  | 17y<br>NPP 11y  |  | Lengthy record<br>including<br>common assault<br>and mal<br>wounding | Strangulation<br><br>Intent to kill     | Killed 15y girlfriend by strangling her with shoelaces – relationship marked by violence towards victim<br>Aboriginal – physically abused and dislocated throughout childhood – alcohol and drug addiction – good prospects of rehabilitation  |
| 34. | <b>AB</b><br>(17)<br><a href="#">[2005] NSWSC 521</a><br>Adams J<br><br>(2005) 156 A Crim R<br>577<br><a href="#">[2005] NSWCCA 360</a>                         | PG<br>(15%)<br>Murder<br><br>Mal inflict GBH    | 14y<br>NPP 9y 6m<br><br>5y 6m<br>NPP 2y 10m<br>(concurrent) | Crown AA<br>14y<br>NPP 9y 6m<br><br>5y 6m<br>NPP 2y 10m<br><br><u>Total:</u><br>15y<br>NPP 10y | Not stated   | Shooting<br><br>Intent to kill          | <b>SNPP 20 years</b><br>Argument initiated by co-offender with group of men on street - AB came to assistance, shooting two of them - one killed – one permanently injured – intoxicated – impulsive act<br>Aboriginal though family does not identify as such – heavy drug and alcohol use from early age, encouraged and facilitated by father – remorse – good prospects for rehabilitation – 20 month old daughter |
| 35. | <b>MAH</b><br>(17y 10m - 22 at<br>sentence)<br><a href="#">[2005] NSWSC 871</a><br>Hislop J<br><br><a href="#">[2006] NSWCCA 226</a><br><br>Co-offender:<br>JSK | VG  | 22y<br>NPP 16y 6m   | Crown AD<br>AD   | 1 x neg driving  | Assault<br><br>Intent to kill           | Fatal assault on 17y friend - principal - friend taken to remote area and body buried – pre-meditation<br>Good employment history – supportive family – denies all involvement   |
| 36. | <b>A</b><br>(16)<br><a href="#">[2006] NSWSC 1035</a><br>Buddin J<br><br>Co-offender:<br>HOURI  | PG<br>(combined<br>discount – not<br>specified) | 12y 8m<br>NPP 9y 6m   |  | Priors   | Stabbing<br><br>Felony murder           | <b>SNPP 20 years</b><br>Involved in armed robbery of service station – after robbery co-offender suddenly and without provocation stabbed operator four times<br>Remorse – prospects of rehabilitation – discount for assistance – protective custody  |
| 37. | <b>MB</b><br>(16)<br><a href="#">[2006] NSWSC 1164</a><br>Howie J<br><br><a href="#">[2013] NSWCCA 254</a>  | VG  | 22y<br>NPP 15y 6m   | AA<br>17y 6m<br>NPP 12y 6m   | Nil  | Assault /<br>stabbing<br><br>Intent GBH | <b>SNPP 20 years</b><br>Unprovoked confrontation on street between group of intoxicated youths and two intoxicated males – fist fight between offender and victim – stabbed victim in neck with broken bottle – unplanned offence – midrange seriousness<br>Born in PNG – positive evidence of rehabilitation – youth  |

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| 38. | SSA<br>(17)<br><a href="#">[2007] NSWSC 1202</a><br>Hidden J   | VG  | 18y<br>NPP 13y                    |  | Brief  | Stabbing<br><br>Intent GBH   | <b>SNPP 20 years</b><br>Stabbed young stranger during fight in amusement arcade – in company – carrying knives for protection – single stab to chest – spontaneous offence<br>Disturbed childhood – Philippino – became involved in gang culture and early drug abuse – evidence of rehabilitation and remorse<br>Co-offender dealt with for manslaughter – SIOSE            |
| 39. | DL<br>(16)<br><a href="#">[2008] NSWSC 1199</a><br>Hulme J<br><br><a href="#">[2017] NSWCCA 58</a><br><br><a href="#">[2018] HCA 32</a><br><br><a href="#">[2018] NSWCCA 302</a> | VG  | 22y<br>NPP 17y                    | AD<br><br><br>Sentence AA<br><br>Re-sentence<br>18y<br>NPP 13y | Nil  | Stabbing<br><br>Intent GBH   | <b>SNPP 25 years</b><br>Stabbed 15y school girl walking home from school 48 times – frenzied killing – no explanation for attack – irrational – premeditation not established – intent to kill not established – uncharacteristic – possible psychotic episode – little below mid-range<br>Suffering anxiety and depression – declined to discuss offence claiming innocence |
| 40. | BH<br>(17)<br><a href="#">[2009] NSWSC 358</a><br>Hidden J   | PG<br>(25%)   | 17y<br>NPP 13y                    |  | Disturbing record – includes AR and Rob in Co – breached probation | Assault<br><br>Felony murder | <b>SNPP 20 years</b><br>Assaulted 23y homeless male with garden stake outside Town Hall – intended to rob victim of poker winnings – below mid-range<br>Troubled childhood – sexual abuse – early substance abuse – remorse – gaining insight – reasonable prospects of rehabilitation   |
| 41. | LR<br>(16)<br><a href="#">[2010] NSWSC 22</a><br>Howie J<br><br>Co-offender:<br>KR   | PG<br>(20%)<br>Murder<br><br>Assault w/l to rob in co | 14y 3m<br>NPP 10y 6m<br><br>FT 6m |  | nil  | Assault<br><br>Intent GBH    | Agreed with co-offender to find person to rob - assaulted male stranger and stole mobile phone – assault initiated by co-offender who stomped on head of victim – offender joined assault and kicked victim once to head - assaulted male bike rider with intent to rob shortly before killing<br>Aboriginal – some evidence of rehabilitation in custody and remorse        |

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|-----|---|---|--|--------|---------------|--------------------------------|---|
| 42. | <b>KR</b><br>(17)<br><a href="#">[2010] NSWSC 188</a><br>Howie J<br><br><a href="#">[2012] NSWCCA 32</a><br><br>Co-offender:<br>LR          | PG<br>(15%)<br>Murder<br><br>2 x Ass w/i<br>Rob                 | 18y 9m<br>NPP 12y<br><br>12m / 6m<br><br><u>Total:</u><br>19y 6m<br>NPP 12y 9m | AD     | nil           | Assault<br><br>Intent GBH      | Agreed with co-offender to rob someone – kicked male victim to death in driveway of house – assault included stomping on head – subsequently attempted to rob cyclist - pushed female from behind, punched her twice to head and kicked in cheekbone<br>Aboriginal – drug and alcohol abuse - remorse   |
| 43. | <b>MJR</b><br>(17)<br><a href="#">[2010] NSWSC 653</a><br>Johnson J   | PG<br>(15%)   | 16y 2m<br>NPP 11y 1m   |        |               | Shooting<br><br>Intent to kill | Shot father whilst asleep at close range to back of head – no real evidence of abuse by father - bottom of middle range of objective seriousness<br>Mental health - juvenile bipolar disorder and depression, affected judgment and contributed to commission of offence - recommendation offender be detained in Forensic Hospital for as long as reasonably possible  |
| 44. | <b>DB</b><br>(16)<br><a href="#">[2010] NSWSC 812</a><br>Barr AJ  | PG<br>Murder<br><br>Wound w/l<br>murder<br><br>Sched<br>Assault | 20y<br>NPP 12y<br><br>FT 12y<br><br><u>Total:</u><br>24y<br>NPP 16y            |        | nil           | Stabbing<br><br>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<br>Vindictively jealous and made numerous threats against various people before incident – otherwise prior good character – no mental illness – remarkable progress in gaol |
| 45. | <b>MILAT</b><br>(17)<br><a href="#">[2012] NSWSC 634</a><br>Mathews AJ<br><br><a href="#">[2014] NSWCCA 29</a><br><br>Co-offender:<br>KLEIN | PG<br>(No discount)   | 43y<br>NPP 30y   | AD     | Mid-range PCA | Axe<br><br>Intent to kill      | Offenders and another friend invited victim to accompany them to Belanglo Forest – M took double sided axe from vehicle and struck victim in torso and to back of head – killing recorded by K on mobile phone - “thrill kill” – planned and premeditated - in company - gratuitous cruelty.<br>M - personality dysfunctions and lack of empathy - poses substantial risk of violent re-offending - serious potential danger to community – no remorse – worst case category murder   |

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| 46. | <b>JK</b><br>(juvenile)<br><a href="#">[2012] NSWSC 710</a><br>Harrison J   | PG<br>(17.5%)<br>Murder<br><br>Attempted Agg<br>BES<br><br>Sched:<br>6 offences                           | 15y<br>NPP 10y<br><br>FT 2y<br><br><u>Total:</u><br>15y 9m<br>NPP 10y 9m                      |        | Breached parole<br>– record for<br>dishonesty and<br>car theft                             | Car<br><br>Constructive<br>murder   | With group of young men stole cars – attempted to break into service station – attacked male victim and his adult son standing near car – stole car and drove out of service station – struck male victim on road who was attempting to escape on foot – no intent to run over or inflict harm – affected by alcohol<br><br>Difficult and traumatic childhood – low intelligence – limited education - early drug and alcohol abuse – mental illness – aboriginal - youth  |
| 47. | <b>MA</b><br>(17)<br><a href="#">[2012] NSWSC 1527</a><br>Johnson J<br><br>Co-Accused:<br>BYQUAR<br>RAMOS<br>NATUBA<br>TAMAPUA<br>KHOURY<br>KARIMI<br>MIR | PG<br>(25%)<br>Murder<br><br>Sp Agg BES<br><br>AR<br><br>Sched:<br>Conspire rob<br>AR                     | 20y<br>NPP 14y<br><br>5y 6m NPP 4y<br><br>5y 6m NPP 4y<br><br><u>Total:</u><br>23y<br>NPP 17y |        | on bond.<br>Stalking,<br>intimidation,<br>assault w.i rob in<br>co.                        | Joint criminal<br>enterprise<br><br>Wounded with<br>meat cleaver /<br>machete | 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 - did not strike victim but present<br><br>Remorse, rehabilitation, maturity  |
| 48. | <b>AB</b><br>(17)<br><a href="#">[2013] NSWSC 1591</a><br>Adams J<br><br><a href="#">[2014] NSWCCA 339</a><br><br>Co-offender:<br>LOVERIDGE               | PG<br>Murder<br><br>s.112(2)<br><br>Intimidate<br><br>Sched:<br>Use postal<br>service to<br>threaten harm | 45y<br>NPP 30y<br><br>7y 6m<br>NPP 5y 6m<br><br>FT 2y<br><br>(concurrent)                     | AD     | Lengthy and<br>violent record –<br>breached<br>probation –<br>violent record in<br>custody | Stabbing<br><br>Intent to kill  | Broke into neighbouring house at night – assaulted 87y female occupant with walking stick – made threats – stole property<br><br>Premeditated and unprovoked attack on three male strangers walking down the street – L slashed knife against neck of one male – knocked second male to ground – ‘cowardly, sadistic, pitiless, deadly attack, stabbing and cutting him repeatedly’ – left scene then returned to continue assault – attack included intent to torture – both represent danger to community – worst case<br><br>AB threatened girlfriend – L threatened witness<br>AB – severely deprived childhood including violence – limited education – drug and alcohol abuse – no discount for guilty plea for murder offence |

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| 49. | <b>TNV</b><br>(17)<br><a href="#">[2014] NSWSC 1510</a><br>Fullerton J<br><br>Co-offenders:<br>NGUYEN<br>LUONG                                | PG<br>(15%)<br>Murder<br><br>Murder | 13y 7m<br>NPP 8y 10m<br><br>15y 3m<br>NPP 9y 11m<br><br><u>Total</u><br>19y 3m<br>NPP 13y 11m |               |   | Stabbing<br><br>Joint enterprise         | Victims stabbed during attack by four males outside bar during argument – TVN inflicted non-fatal stab wound on one victim during fight - attack response to earlier attack on co-offender by one victim and friends – delay between incidents and degree of planning – disregard for public safety – under influence of 26y co-offender – above mid-range<br>Spent three years in Vietnam with father after murder – voluntarily returned – difficult childhood – evidence of rehabilitation |
| 50. | <b>SB</b><br>(16)<br><br><b>AE</b><br>(16)<br><br><a href="#">[2015] NSWSC 659</a><br>Hall J<br><br><a href="#">[2016] NSWCCA 228</a><br>(AE) | VG<br><br>VG                        | 12y<br>NPP 8y<br><br>12y<br>NPP 8y  | Conviction AD | Nil<br><br>Nil  | Assault<br><br>Joint criminal enterprise | Part of group of males involved in bashing and fatal assault of 17y male at party – group kicked and bashed victim – struck on head by co-offender JP with wine bottle causing death.<br>Each offender had favourable rehabilitation and strong subjective circumstances.   |
| 51. | <b>KATSIS</b><br>(17 at offence – 44 at sentence)<br><a href="#">[2015] NSWSC 1890</a><br>Fagan J<br><br><a href="#">[2018] NSWCCA 9</a>      | VG<br>Murder<br><br>s.61D(1)        | 20y<br>NPP 15y<br><br>FT 6y<br>(concurrent)   | AD            | Subsequent record for petty offences involving dishonesty and assault | Strangulation<br><br>Intent to kill      | (1988) – forced entry into neighbouring unit – sexually assaulted and strangled 66y female occupant - set fire to contents of unit<br>Abusing drugs and alcohol at time of offence – subsequent 27y demonstrates no risk of re-offending  |
| 52. | <b>PO</b><br>(16 at offence, 19 at sentence)<br><a href="#">[2017] NSWSC 757</a><br>Fullerton J   | VG                                  | 15y<br>NPP 9y   |               | Having knife in public place, assault w/ intent rob in company        | Stabbing<br><br>Intent GBH               | Fight with male on street at night – stabbed victim in abdomen – engaged victim in physical fight by punching him first or physically challenging him to fight<br>Youth – mental health – rehabilitation - remorse – special circumstances  |

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| 53. | <b>DS</b><br>(15)                            | PG<br>(10%)<br>Murder                          | 15y 4m<br>NPP 10y 9m                  | AA<br>13y 6m                       |  | dishonesty offences – carrying knife in public place | ‘Violent and uncontrolled criminal rampage’ over one evening and early morning - group approached male acquaintance sitting on bench – DM struck victim to head with bottle causing nose fracture and lacerations – with third male attended home of different male acquaintance with intent to steal – during struggle victim struck to head – two offenders then attended service station – DM fatally stabbed attendant multiple times in cowardly and unexpected attack – wrote letters on window using blood of victim – DS stole till and cigarettes – offenders left service station and waved down passing car – DM stabbed occupant and DS threatened him with wheel brace - offenders drove off in car – both victims vulnerable.   |
|     |  | Agg take and drive MV                          | 6y 4m                                 | 3y                                 |  |  |   |
|     |  | Sched:<br>Agg enter dwelling to steal          | <u>Total:</u><br>18y 4m<br>NPP 13y 9m | <u>Total:</u><br>14y 6m<br>NPP 10m |  | Constructive murder                                  |   |
|     | <b>DM</b><br>(16)                            | PG<br>(10%)<br>Murder                          | 31y 6m<br>NPP 23y 6m                  | 20y 8m                             | lengthy record for minor violence; assault law enforcement officer, inflict ABH. | Accessory  | DM – intent to kill prior to entering service station – cold-blooded murder – primary offender - exposed to family violence causing PTSD – early substance abuse – mild intellectual disability – schizophrenia – some acceptance of responsibility – substantial risk of re-offending<br>DS – lesser offender – not aware of intent to kill in advance but no attempt to stop DM or assist victim – continued to steal – Aboriginal – difficult childhood – early drug use – borderline intelligence – genuine remorse – favourable prospects of rehabilitation<br>CCA:<br>DS – sentencing judge erred in assessing objective seriousness of offending by reference to his involvement in DM's offence - failed to give effect to special circumstances based on youth and rehabilitation.<br>DM – Murder sentence disproportionate – sentences for other offences manifestly excessive – murder above middle of range of objective seriousness. |
|     | <a href="#">[2020] NSWSC 422</a><br>Bellew J | AR with wounding                               | 11y 8m                                | 7y 2m                              |  |  |   |
|     | <a href="#">[2022] NSWCCA 156</a>            | Wound with intent GBH                          | 12y 6m                                | 7y 2m                              |  |  |   |
|     |  | Agg take and drive MV                          | 9y                                    | 4y                                 |  |  |   |
|     |  | Sched:<br>AOABH<br>Agg enter dwelling to steal | <u>Total:</u><br>35y 6m<br>NPP 27y 6m | <u>Total:</u><br>27y<br>NPP 20y 7m |  |  |   |

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| 54. | XE<br>(17)<br><a href="#">[2021] NSWSC 885</a><br>Ierace J<br><br><a href="#">[2023] NSWCCA 96</a>                   | VG<br>Murder | 17y<br>NPP 10y 6m | AD     | Reckless<br>wounding,<br>detain for<br>advantage,<br>AOABH. | Shooting<br><br>Accessory | <b>SNPP 20 years</b><br>Co-offenders involved in car chase following argument - JE father to KE and XE - JE drove car – XE in back seat – KE shot and killed victim.<br>XE – female of Aboriginal background - joint criminal enterprise – gestured victims' vehicle immediately after shooting - telephone conversation shortly after indicated awareness occupant fatally injured and approved that outcome - objective seriousness below mid-level given youth and role father played in encouraging her to join enterprise – prospects of rehabilitation very good   |
| 55. | ZT<br>(16 at offence – 28 at sentence)<br><a href="#">[2022] NSWSC 511</a><br>Walton J<br><br>Co-offender:<br>WATSON | VG           | 12y<br>NPP 8y     |        | Nil   | Unknown<br><br>Accessory  | (2010) – extended joint criminal enterprise – agreed to assault victim and foresaw possibility of death – victim killed by adult co-offender who instigated offence – little evidence as to circumstances of killing – assisted in burning and burying body – both victim and offender staying with co-offender – some non-exculpatory duress – co-offender had history of violence and abuse – little or no planning<br>Vulnerable youth at time of offence manipulated by co-offender – lived with co-offender after being forced to leave home – social disadvantage, developmental disability and substance abuse reduced moral culpability – no remorse – good prospects of rehabilitation – low risk of re-offending – special circumstances |

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| 56. | DPD<br>(17y 6m)<br><a href="#">[2023] NSWCCA 477</a> | PG<br>(17.5%)<br>Murder<br><br>Sched:<br>Poss<br>shortened<br>firearm<br>Assault | 15y 3m<br>NPP 10y 3m |        |        | Stabbed<br><br>Constructive<br>murder<br><br>Accessory<br>liability | Male victim known to offenders – joint criminal enterprise to commit assault with intent to rob in company while armed with dangerous weapon – with four co-offenders forced themselves into victim’s home - offender armed with shortened rifle – victim assaulted and stabbed multiple times – unable to establish identity of killer – offender had significant role – knew victim – carried firearm – first to reach front door - provided vehicle in which offenders travelled to victim’s residence, pushed victim and present during assault and stabbing – some degree of planning and organisation – stayed behind and attempted to obtain keys to quad bike from victim whilst still alive having been stabbed and assaulted flatmate – mid-range<br><i>Bugmy</i> applied, dysfunctional upbringing – significant mental health conditions causally related to offending – drug abuse - remorse – youth – some significant prospects of rehabilitation – special circumstances. |

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