

Murder

Natural Life Sentence

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

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|----|--|---|----------|--------|--------------------------------|------------|---|
| 1. | GLOVER (57) NSWSC 29.11.1991 Wood J | VG 6 x murder Rob with wounding Robbery Wound W/I to do GBH | Life | | steal, indecent assault, AOABH | assault | "Granny killer" - attacks on elderly women Untreatable personality disorder <u>Reasons for life sentence:</u> history and nature of offending shows extremely dangerous – would offend again if released into community – protection of society – appropriate punishment |
| 2. | CAMERON (37) NSWSC 16.10.1992 Newman J | VG | Life | | two prior murders | assault | Lured female through radio ad for relationship – assaulted victim and she drowned in her blood Similar offence committed previously - extreme antisocial personality disorder, or psychopath - no treatment for psychiatric condition <u>Reasons for life sentence:</u> extreme danger to community – history of similar offending - community protection |

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| 3. | TWALA (30) NSWSC 18.3.1994 Sully J NSWCCA 4.11.1994 | VG | Life | AA MT 15y AT 5y | nil | stabbing intent GBH | Brutal stabbing of estranged wife. Diminished responsibility rejected <u>Reasons for life sentence at first instance:</u> nature of offence and dangerousness <u>Reduction on appeal:</u> erred in finding nature of offence was worst case category where killing influenced by mental disturbance |
| 4. | GARFORTH (29) NSWSC 23.5.1994 Newman J NSWCCA 23.5.1994 | PG | Life | AD | lengthy | Drowning Intent to kill | Abducted, sexually assaulted and drowned 9y female in dam Heartless attitude toward victim – lack of remorse <u>Reasons for life sentence:</u> nature of killing -- general deterrence – retribution and public vindication of the law <u>On appeal:</u> rejected submission cannot impose life sentence unless no chance of rehabilitation – level of culpability so extreme community interest in retribution and punishment required life sentence |
| 5. | BAKER (46) NSWSC 6.8.1993 Newman J NSWCCA 20.9.1995 | PG 6 x Murder Attempt murder | Life | AD | minor | shooting intent kill | Murdered 6 people after breakdown of relationship with one victim – element of planning – breach of AVO No history of violence – suffering depression <u>Reasons for life sentence:</u> number and nature of killings outweighed subjective mitigating factors – importance of retributive justice |
| 6. | TROTTER (57) (1993) 68 A Crim R 536 NSWSC Hunt CJ at CL | VG Murder Sexual assault | Life | | Rape | drowning intent kill | Sexual assaulted 2y boy then placed him in river Diminished defence rejected - psychiatric history - dangerous <u>Reasons for life sentence:</u> nature of killing and protection of society |
| 7. | STEELE (22) NSWSC 12.5.1994 Hunt CJ at CL | PG Murder 2 x Aid and abet murder | Life 25y | | minor | shooting – pushed over cliff intent to kill | Killing spree with two other men - 3 men shot by offenders – siege followed – senseless, ruthless, irresponsible and gross violence - completely callous lack of concern or remorse Psychopathic tendencies - frequently expressed pleasure at killing, or blamed victims <u>Reasons for life sentence:</u> nature of offences – totality - protection of society in view of dangerousness |

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| 8. | STREET NSWSC29.6.1995 Dunford J NSWCCA 17.12.1996 | VG 2 x Murder | Life | AD | violence, sexual offences | suffocation / stabbing | Suffocated wife - stabbed new female partner 12 weeks later - second victim found in suitcase by police at offender's premises during search regarding death of wife. Terrifying' record of physical and sexual violence against women – personality disorder <i>Reasons for life sentence: nature and totality of killings – history of violence shows retribution, deterrence and protection of society warranted life sentence</i> <i>Appeal: totality and history of violence</i> |
| 9. | MILAT NSWSC 27.7.1996 Hunt CJ at CL NSWCCA 26.2.1998 | VG 7 x Murder Detain for advantage | Life | Conviction AD | priors of violence | 2 x shooting 3 x stabbing 2 x strangulation intent kill | "Backpacker murders" - Dec 1989-April 1992 - savage and cruel attacks, with sexual elements - force unusual and vastly more than necessary to cause death – seven deaths on four occasions <i>Reasons for life sentence: nature of killings - deterrence – above all retribution – taking of vengeance for injury done – both community and those who knew victims must be satisfied offender given his just desserts</i> |
| 10. | B FERNANDO (27) V FERNANDO (26) (1997) 95 A Crim R 533 NSWSC 21.8.1997 Abadee J [1999] NSWCCA 66 | VG | Life Life | AD | lengthy lengthy | stabbing intent kill | Sexual assault and killing of nurse with machete at Walgett – victim surprised offenders as they were stealing her car – forcible abduction from safety of hospital - element of premeditation - in company - horrendous and savage injuries inflicted with extraordinary violence displaying callous indifference to human life - probably committed to prevent identification by victim Aboriginal cousins <i>Reasons for life sentence: nature of offending - community interest in retribution, general deterrence and punishment - subjective circumstances play no significant part in sentence</i> |
| 11. | LEONARD (24) NSWSC 10.11.1997 B-Parker J NSWCCA 7.12.1998 | VG Murder PG Murder | Life | AD | | bow and arrow stabbing intent kill | Shot first victim with bow and arrow after alleged homosexual advance - cut up body and threw in river – callous disposal of body showing utter contempt - three months later stabbed taxi driver - savagery of attack on second victim Untreatable psychopathic personality disorder <i>Reasons for life sentence: totality of offending in small time period – nature of killings – danger to community</i> |

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| 12. | GLASBY (41) NSWSC 11.6.1998 Sully J (2000) 115 A Crim R 465 [2000] NSWCCA 83 | VG | Life | AD | very bad, including robbery and armed robbery with wound | shooting intent kill | Contracted with victim's wife to do murder - deliberate killing for reward - planned with care - implemented with both care and persistence Reasons for life sentence: killing for reward an outright attack on concepts of sanctity of human life, and of its protection within framework of public order underpinned by public justice - concepts fundamental to what our society regards as acceptably civilised |
| 13. | SMITH (53) NSWSC 10.9.1998 Simpson J [2000] NSWCCA 202 | VG | Life | AD | lengthy, including murder | shooting intent kill | Drove victim to Botany Bay, shot and buried him - took large amount of money from victim - cold-blooded and deliberate killing for significant financial gain - protecting prisoner's extensive criminal empire - victim threatening offender's corrupt relationship with police - victim become a nuisance and a pest to prisoner - carefully planned and executed with precision - involved third person who would have felt threatened Reasons for life sentence: nature and circumstances of killing Appeal: motivation, objective seriousness and criminal record justify life sentence |
| 14. | SUCKLING [1999] NSWCCA 36 | VG | Life | AD | | body never found | Killed prostitute and dismembered body, burying her in outback New South Wales – body never found Reasons for life sentence: not given in appeal judgment |
| 15. | ROSE [1999] NSWCCA 327 Co-offender: LEWIS | 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 Reasons for life sentence: defence counsel conceded worst case category – each individual murder as well as totality in worst case category |

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| 16. | HARRIS (30) (2000) 111 A Crim R 415 [2000] NSWSC 285 Bell J (2000) 121 A Crim R 342 [2000] NSWCCA 469 | 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 Reasons for life sentence (on appeal): totality of offending committed in quick proximity and second two motivated and encouraged by success of first – callous nature of offending |
| 17. | LEWIS (62) NSWSC 9.6.2000 Ireland J [2001] NSWCCA 448 Co-offender: ROSE | VG 2 x murder | Life | AD | nil | shooting and stabbing intent to kill felony murder | Participated in joint criminal enterprise with co-offender to kill offender's de facto partner – victim and employee killed by co-offender inside business premises - premises set on fire - contract killing - considerable planning - offender took active part by delivering de facto to her executioner - twice exhorted gunman to hurry - knowledge that victim's death would derive five children of their mother Reasons for life sentence: nature of killing On appeal: conceded contract killing prima facie worst category |
| 18. | VALERA (19) [2000] NSWSC 1220 Studdert J [2002] NSWCCA 50 | VG 2 x murder | Life | AD | nil | assault / strangulation intent to kill | Bashed to death 59y male in victim's home then mutilated body - two weeks later bashed and strangled 68y male in victim's home and mutilated body - savage attacks - random and utterly senseless killings – mutilation and treatment of bodies showed utter contempt for victims and exuded evil Physically and verbally abused by father throughout childhood - mother left home when offender aged 3y Reasons for life sentence: heinous nature of killings - each murder in worst category – totality even more compelling – heinousness so great no reduction for mitigating circumstances |

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| 19. | KANAAN (26) [2001] NSWSC 959 Greg James J (2005) 157 A Crim R 238 [2005] NSWCCA 385 | VG 2 x Murder Mal wounding with intent | Life | AD | minor | shooting intent to kill | Became involved in minor altercation outside hotel - stepped out of car and shot three male strangers - no provocation - comments immediately following shooting demonstrated no remorse and dangerousness No explanation in background of offender for brutal behaviour - no prospects of rehabilitation Reasons for life sentence: heinous nature of offence demonstrating callous and ruthless attitude to human life and dangerousness |
| 20. | KNIGHT (51) [2001] NSWSC 1011 O'Keefe J (2006) 164 A Crim R 126 [2006] NSWCCA 292 | PG | Life | AD | nil | stabbing intent to kill | Female offender - pre-meditated murder of de facto husband - stabbed victim at least 37 times inside home – extensive mutilation of body - premeditation History of violence - offender enjoyed horrific mutilation - suffering incurable borderline personality disorder - no prospects of rehabilitation Reasons for life sentence: horrendous nature of offence including mutilation of body – highly dangerous with no prospects of rehabilitation – no mitigating factors sufficient to reduce sentence |
| 21. | NGO (43) (2001) 125 A Crim R 495 [2001] NSWSC 1021 Dunford J (2003) 57 NSWLR 55 [2003] NSWCCA 82 [2013] NSWCCA 142 | VG | Life | Conviction AD | nil | Shooting Intent to kill | Arranged for shooting of politician – victim gunned down outside house - motivated by political ambition - several prior attempts made - long period of planning Vietnamese - evidence of good community work as Deputy Mayor and honorary president of Mekong Club - model prisoner - on protection Reasons for life sentence: political killing involves attack on our constitutional system of parliamentary democracy – life sentence despite subjective mitigating circumstances |
| 22. | MILES (27) [2002] NSWSC 84 Hidden J [2002] NSWCCA 276 | PG | 25y NPP 19y | Crown AA Life | murder | Stabbing Intent to kill | Serving jail sentence for murder of girlfriend in 1990 when 18 years of age - escaped from prison to be with new girlfriend - found her with another male - stabbed her in presence of her children – both killings have similar circumstances Had been model prisoner. Reasons for life sentence: circumstances and nature of offence – violent and dangerous person |

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| 23. | KANAAN (23) [2002] NSWSC 774 Wood CJ at CL [2006] NSWCCA 109 | VG | Life | Leave to appeal refused | Serving life sentence for 2 murders - breached bond | shooting intent to kill | Gangland killing of notorious and vicious principal in extensive criminal organisation involved in drugs and protection by associates – victim gunned down in car by offender and co-offender - cold blooded execution - motive to improve offender's criminal activities - use of firearms Principal - hardened criminal Reasons for life sentence: nature of killing – danger to community – would have imposed life sentence even if no record for killing although previous offences affirm appropriateness of life sentence |
| 24. | FYFFE (33) [2002] NSWSC 751 Barr J [2005] NSWCCA 3 Co-offender: HORE | VG | Life | AD | lengthy record | Assault Intent to kill | Carefully planned killing of fellow prisoner in prison - sandstone block dropped on head of victim several times- extensive and horrendous injuries - three offenders involved although cannot identify precise role of each - no evidence as to motive - execution of coolest kind Deprived and cruel childhood Reasons for life sentence: nature of offence – not mitigated by subjective factors On appeal: no error in view of violence and savagery of offence – intent to kill – man given to violence |
| 25. | HORE (34) [2002] NSWSC 749 Barr J [2005] NSWCCA 3 Co-offender: FYFFE | VG | Life | AD | murder - poor prison record - continued violence | Assault Intent to kill | Carefully planned execution of fellow prisoner in prison - sandstone block dropped on head of victim several times- extensive and horrendous injuries - 3 offenders involved although cannot identify precise role of each - no evidence as to motive Anti-social personality traits Reasons for life sentence: nature of offence – dangerousness On appeal: no error in view of callousness and savagery of offence |

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| 26. | MERRITT (30) [2002] NSWSC 1159 Greg James J (2004) 146 A Crim R 309 [2004] NSWCCA 19 | PG (15% on appeal) 3 x Murder | Life | AA 24y NPP 18y 24y NPP 18y 24y NPP 17y <u>Total:</u> 34y NPP 27y | minor | suffocation intent to kill | Father killed his children aged 11w, 11m and 6y on custody visit - no explanation for killing - incomprehensible action - no evidence of mental disorder On appeal: objective gravity of offence justified life sentence but insufficient weight given to depressive state – sentence patterns show life not imposed in cases of parents murdering children. |
| 27. | SIEVERS (58) [2002] NSWSC 1257 Sully J (2004) 151 A Crim R 426 [2004] NSWCCA 463 | VG | Life | AD | serious record for violence - shooting murder of estranged wife | stabbing intent GBH | Stabbed de facto wife during argument - disposed of body in country - volatile and violent relationship - element of provocation Protective custody - health problems - disturbed and violent childhood - personality disorder making him dangerous in domestic situations involving extreme stress Reasons for life sentence: offence not worst case category but dangerousness - history of violence makes culpability so extreme as to warrant maximum penalty |
| 28. | ASLETT (33) [2004] NSWSC 1228 Wood CJ at CL [2006] NSWCCA 360 | PG Murder 2 x s.61JA 8 x s.97(2) 2 x s.97(1) Sp agg kidnap Agg car jacking Att obtain \$ by deception 3 x LMV Sched: 9 similar offences | Life <u>Total other offences:</u> 36y NPP 28y | AA 28y NPP 22y <u>Total other offences:</u> 36y NPP 28y <u>Total:</u> 42y NPP 36y | Lengthy and disturbing – almost continuous custody since 11 years old – recently sentenced for brutal home invasion and sexual assault on 16y female occupant | Gunshot Felony murder | SNPP 20 years Murder involved attempted robbery of male proprietor of pharmacy – struggled with victim in car, took out loaded gun to threaten and gun discharged - other offences committed over 3 months – stole car with female occupant using knife and gun – sexually assaulted complainant twice – robberies of various retail premises using guns and knives Drug abuse – some remorse - finding of dangerousness – psychological profile suggests no hope of rehabilitation Reasons for life sentence at first instance: would not qualify for life sentence standing alone but followed serious robbery and sexual assault offences – dangerousness and negligible prospects of rehabilitation Reduction on appeal: in view of McNaughton cannot use other offences as warranting imposition of a life sentence where offence standing alone would not warrant life sentence |

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| 29. | GONZALES (20) [2004] NSWSC 822 James J (2007) 178 A Crim R 232 [2007] NSWCCA 321 | VG 3 x Murder | Life | AD | Nil | Stabbing - striking and strangling Intent to kill | Stabbed father, mother and 18y sister in their home - made it look like racially motivated attack – premeditated – tried to poison mother 10 days before murder - false alibi – no mitigation of objective seriousness of offence – no contrition Reasons for life sentence: nature and circumstances of killing – risk of dangerousness given failure to accept guilt and level of deception after offences committed |
| 30. | COULTER (41) [2005] NSWSC 101 G. James J | PG | Life | | Nil | Suffocation intent to kill | SNPP 20 years Killed 11y daughter of cousin – planned to kill so would be forced to commit suicide – smothered victim in her home – took body to bushland and grossly mutilated body before genuine attempt at suicide – carefully planned Suffering severe depression, pervasive and intrusive violent thoughts and obsessive compulsive disorder – lifelong mental disorder Reasons for life sentence: nature of killing and subsequent mutilation of victim – dangerousness in view of mental disorder |
| 31. | VILLA (36) [2005] NSWCCA 4 | 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 Reasons for life sentence: brutal and callous nature of each killing in context of totality put each offence in worst category |
| 32. | ADANGUIDI [2005] NSWSC 519 Barr J (2006) 167 A Crim R 295 [2006] NSWCCA 404 | VG 3 x Murder | Life | AD | Dishonesty offence | Shooting / Assault Intent to kill | SNPP 20 years Threatened and detained male friend in offender's unit over several hours with intent to rob – travelled to victim's home and shot dead his son and daughter - tortured and bashed to death friend's wife - careful planning Some degree of mental illness although not mitigating criminality Reasons for life sentence: overall criminality of offences On appeal: heinous nature of offences – totality of offending even if individual offences standing alone did not justify maximum penalty – murder of wife worst case |

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| 35. | <p>DARWICHE (26/28)</p> <p>EL-ZEYAT (23)</p> <p>AOUAD (22)</p> <p>[2006] NSWSC 1167 Bell J</p> <p>(Darwiche) [2011] NSWCCA 62</p> <p>(El-Zeyat, Aouad) [2015] NSWCCA 196</p> | <p>VG 2 x Murder</p> <p>Mal discharge firearm w/i</p> <p>Shoot w/i to murder</p> <p>VG 2 x Murder</p> <p>VG 2 x Murder</p> | <p>2 x Life</p> <p>2 x Life</p> <p>2 x Life</p> | <p>Conviction AD</p> <p>Sentence AD</p> <p>Sentence AD</p> | <p>Relatively minor – breached bond</p> <p>Relatively minor</p> <p>Relatively minor – Breached bond</p> | <p>Shooting</p> <p>Intent to kill</p> | <p>SNPP 20 years Ongoing dispute between two families originally over drug business – ongoing violence June 2001 – D entered bedroom with co-offender - fired five shots at male – intent to kneecap not kill – serious injuries Aug 2003 – D and co-offender fired 55 round from SKS semi- automatic rifles at house after luring out occupants – no one injured Oct 2003 – D, E and A fired at house using SKS rifles and pistols – sleeping female and male killed</p> <p>Reasons for life sentence: nature of killings - cold-blooded ruthlessness - D poses extreme danger to community</p> <p>(NB – E and A sentenced to life for unrelated third murder – conviction quashed on appeal [2011] NSWCCA 61 – no further proceedings taken)</p> |
| 36. | <p>JOHNSON (53) [2007] NSWSC 274 Whealy J</p> <p>[2010] NSWCCA 86</p> | <p>VG 2 x Murder</p> <p>Dishonesty offences</p> | <p>Life</p> | <p>Conviction AD</p> | <p>Minor traffic</p> | <p>Strangulation</p> <p>Intent to kill</p> | <p>SNPP 20 years 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</p> <p>Reasons for life sentence: nature of killings - each killing alone fell within worst category</p> |

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| 37. | TAN (38) [2007] NSWSC 684 Price J [2010] NSWCCA 207 Co-offenders: SATORRE AB | VG | Life | AD | Priors – no violence – drug offence – breached bonds | Acid attack Joint criminal enterprise to inflict GBH | Arranged and paid \$10,000 for attack on male victim – intended to flush from hiding victim’s brother in law who owed over \$500,000 – hydrochloric acid poured over victim’s face – wife and victim threatened with gun - victim’s skull fractured by blow to head with gun - died three weeks later - intended to cause grievous bodily harm only – a principal – extreme cruelty – inhumanity of using acid to hideously disfigure and inflict awful pain - slow and horrible death Indonesian – prospects of rehabilitation Reasons for life sentence: nature and circumstances of killing – ‘contract attack’ although only to inflict GBH |
| 38. | WALSH (69) [2009] NSWSC 764 McCallum J | PG 2 x Murder Murder Att murder | Life 20y NPP 15y 16y NPP 12y | | Nil | Assault, stabbing and drowning Intent to kill | SNPP 20 years / 25 years Grandfather hit wife with hammer and stabbed her to death – drowned 5y granddaughter in bath – assaulted 7y grandson with hammer then drowned in bath – bodies placed in bed – killed dog – children in care of grandparents while mother at work – lied to school about children being ill – assaulted daughter with axe when she returned– brain and skull injuries – planning and premeditation – high degree of violence - no explanation for killings – murder of wife mid-range – assault on daughter well above mid-range No mental illness Reasons for life sentence: nature of killing of two young children in worst category – second and third killings that night - community interest in retribution, punishment and deterrence (not community protection) |
| 39. | MEHTA (42) [2009] NSWSC 814 Grove J | PG Murder Murder | 30y Life | | Assault on first wife – strangling and threat to kill | Strangulation Intent to kill | SNPP 20 years / 25 years Strangled wife during argument – verbal threats and physical assaults made previously – killed 9y step daughter to prevent her reporting killing to police – method of killing unclear – threw bodies over cliff in Blue Mountains – discovered by bushwalkers four weeks later – lied to police – had son assist in deception - killed wife for financial reasons No evidence of remorse or rehabilitation Reasons for life sentence: circumstance of killing to silence child – dangerousness in view of similarity in attacks on first and second wives |

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| 40. | SW (No.3) (34) [2009] NSWSC 1043 Hulme J [2013] NSWCCA 103 | VG | Life | AA 40y NPP 30y | Nil | Starvation – neglect Reckless indifference | SNPP 25 years Mother of 7y daughter who died as a result of starvation and neglect – daughter suffered developmental delay and autism – left in bedroom in unhygienic conditions - worst case Drug use – difficult personal history including possible domestic abuse within relationships – expert psychiatric evidence identified abnormal personality traits Father [BW] sentenced for manslaughter. <u>Reasons for life sentence at first instance: grave nature of offence – retribution, punishment and deterrence</u> <u>Reduction on appeal: in view of expert psychiatric evidence did not come in worst case category</u> |
| 41. | DEBS (42 at offence) [2012] NSWSC 119 RS Hulme J | VG | Life | | Lengthy – serving life sentences for subsequent murders in Victoria | Shot Intent to kill | (1995) Shot female prostitute in head after having sexual intercourse in remote area – no sign of struggle – demonstrated inhumanity and cold bloodedness – no normal or rational motive - an exercise of power or for some thrill or satisfaction Killed prostitute in similar circumstances in 1997: <u>Debs</u> [2007] VSC 220 / [2008] VSCA 240 Killed two police officers in 1998: <u>Debs</u> [2003] VSC 30 <u>Reasons for life sentence: circumstances of 1997 killing increases assessment of unremarkable murder to one of cold-blooded execution displaying lack of humanity – dangerousness of offender</u> |

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| 42. | MARSH (49) [2012] NSWSC 208 Price J [2015] NSWCCA 154 | VG | Life | AD | Nil | Stabbing Intent to kill | SNPP 20 years Developed animosity towards victim when working under her supervision as a nurse in hospital – believed unable to obtain further work because victim did not provide helpful references – meticulously planned and practiced killing – turned off electricity and waited until victim returned home – grabbed victim from behind, slashed throat and stabbed in chest – cruel, sustained and brutal attack – left victim for dead – took steps to dispose of evidence US marine – concerned would be forced to leave country and be forced to return to America to pay child maintenance – history of traumatic brain injury had no causal connection to offence <u>Reasons for life sentence:</u> nature of killing – all four indicia present <u>On appeal:</u> chilling features of killing - motive suggests single minded decision to take lethal course of action for revenge or self-interest or both - disproportional relationship between motive and killing - future dangerousness |
| 43. | NADEN (40) [2013] NSWSC 759 Price J | PG Murder (20%) Murder Shoot w/i murder Agg indecent assault BES 15 x BES | 28y NPP 21y Life 16y NPP 6y 4y NPP 2y 3y 6m NPP 1y FT 2y – 3y 6m | | Offensive language, high- range PCA. | Strangulation Intent to kill | SNPP 20 years Murdered female cousin after she raised allegation offender had indecently assault 12y female - strangled victim then dismembered and buried body. 5 months later strangled female neighbour – had sexual intercourse with body – cold blooded, merciless and sexually motivated killing On run from police for 7 years and committed multiple break and enter offences to survive – shot at police officers who approached camp Long standing low-grade depression and severe personality disorder – poor rehabilitation prospects – Aboriginal <u>Reasons for life sentence:</u> nature of second killing - community protection |

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| 44. | DEAN (37) [2013] NSWSC 1027 Latham J [2015] NSWCCA 307 | PG 11 x Murder 8 x s.35(2) Larceny as a clerk | Life 8y NPP 6y FT 5y | AD | Nil | Arson Reckless indifference | SNPP 20 years Nurse lit two fires in aged care nursing home – lit fires to cover theft of painkiller medication to feed long-term drug addiction – while fire burning retrieved drug log books and destroyed them – deliberate actions in not alerting fire brigade to second fire or assisting residents to escape Personality disorder – poly substance abuse disorder. Reasons for life sentence: number of deaths – vulnerability of victims - punishment, retribution, and deterrence On appeal: vulnerability of victims - abuse of trust - deliberate refusal to assist |
| 45. | JACOBS (No.9) (49) [2013] NSWSC 1470 Button J | VG | Life | | Lengthy - driving, multiple AR. | Shooting Intent to kill | SNPP 25 years Shooting of police officer – victim followed offender in police vehicle suspecting offender driving disqualified – both stopped then offender shot victim in chest at close range (3 metres) – motive unable to be determined. Drug abuse – learning difficulties as child. Reasons for life sentence: all conditions for mandatory life sentence under s.19B met including intent to kill |
| 46. | ROGERSON (75) MCNAMARA (57) [2016] NSWSC 1207 Bellew J [2021] NSWCCA 160 | VG Murder Supply lge comm qty ice VG Murder Supply lge comm qty ice | Life 12y NPP 9y Life 12y NPP 9y | Conviction AD Conviction and Sentence AD | Dishonesty offences Nil | Shooting Intent to kill Joint criminal enterprise | SNPP 20 years Joint criminal enterprise to kill 20y male drug dealer and take 2.78kg ice – extensive planning weeks prior to shooting – arrangements made to source and prepare suitable place for killing as well as car and boat used for disposal of body – victim lured to storage unit and shot dead by one offender – body dumped at sea – drugs repackaged for disposal – brutal execution – no material distinction in roles Both offenders former police officers – importance of sentence to deter police officers misusing knowledge gained through profession – objective gravity so grave ignore small number of mitigating factors Reasons for life sentence: nature of killing – community interest in punishment of planned murder to possess substantial quantity of drugs for supply – no distinction from contract killing – circumstances of killing and lack of remorse show continuing danger On appeal: 2 stage approach correct approach for life sentence - pre-meditated and cold blooded execution |

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| | CASE (age if known) | PLEA | SENTENCE | APPEAL | RECORD | HOW KILLED | INVOLVEMENT & SUMMARY |
|-----|---|---------------------------|-----------------|---------------|---|---|---|
| 47. | STANFORD (24) [2016] NSWSC 1434 RA Hulme J | PG Murder s 61J | Life 15y | | Nil | Stabbing and assault Intent to kill | SNPP 20 years Killing and sexual assault of 26y female teacher – offender worked as cleaner at school – victim working alone on weekend - dragged victim into room – bashed head 30-40 times until unconscious – penile-vaginal penetration – stabbed victim to neck – careful disposal of body in bush – set body alight - returned to take photographs of body – disposal of jewellery to offender’s brother Autism spectrum disorder – no remorse - harboured violent thoughts, including killing people, since a child - evidence of searches on internet in relation to violent rape - purchase of knives, handcuffs and other devices capable of use in carrying out acts of extreme violence - stalking of other females <u>Reasons for life sentence:</u> nature of offending – future dangerousness |
| 48. | XIE (53) [2017] NSWSC 63 Fullerton J [2021] NSWCCA 1 | VG 5 x Murder | Life | Conviction AD | | Assault with hammer-like weapon Intent to kill | SNPP 20 years / 25 years Killed wife’s brother and his wife, her sister and their 12y and 9y sons and wife’s sister – all victims killed in same house at night – severe and targeted assault to heads and faces of victims with hammer-like weapon - attached rope to weapon to maximise degree of force and ensure victims killed with speed and efficiency – planning – possible motive of sexual interest in 15y daughter of victim (not present in house on night of killing) or upset with low status in family - spread and severity of injuries - multiple forms of extreme violence Risk of future violent offending amplified by sexual violence inflicted on victims’ daughter after murders <u>Reasons for life sentence:</u> nature of the killings – multiple killings – extremity of violence – future dangerousness |
| 49. | WALSH (77) [2018] NSWSC 1299 McCallum J | PG | Life | | Serving two life sentences for murder - determinate sentences for third murder and attempted murder | Assault Intent to kill | SNPP 20 years Killed cellmate during lock-down – bashed victim with sandwich press – degree of planning – unprovoked attack when victim was in his own bed. Absence of any significant mitigating factors <u>Reasons for life sentence:</u> dangerousness in view of previous killings and lack of remorse |

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| | CASE (age if known) | PLEA | SENTENCE | APPEAL | RECORD | HOW KILLED | INVOLVEMENT & SUMMARY |
|-----|--|------------------|----------|--------|---|---|--|
| 50. | O'CONNOR (61) [2018] NSWSC 1734 RA Hulme J | VG 3 x Murder | Life | | minor – old assaults | Shooting Intent to kill | SNPP 20 years Became enraged upon learning girlfriend had gone home with male acquaintance following argument with offender – drove out to property of male victim and shot him, girlfriend and male victim's 28y son in head and chest – set fire to caravan with body of male victim – motivated by jealousy - shot son to eliminate potential witness – “intended to blast every essence of life from each of his victims ... causing the most horrific injuries imaginable” – had time to consider actions – offences aggravated by being related to domestic relationship and committed in home of two victims Prior good character Reasons for life sentence: nature of killing - each individual killing in worst case – deterrence, retribution and punishment |
| 51. | HOLDEM (34 at offence – 44 at sentence) [2018] NSWSC 1677 RA Hulme J | PG 2 x Murder | Life | | includes assault and child sexual assault | Assault / Suffocation Intent to kill | SNPP 20 years / 25 years Travelled with 20y female and her 2y daughter from Northern Territory – took adult victim to Belangalo Forest and murdered her by stomping or leaning on chest and throat – motive for killing unclear – complete disdain for victim as human being - sexually abused victim at time or shortly after death and took photos – took victim's daughter and suffocated her en route back to Northern Territory – dumped body in suitcase by side of road – planned to sexually assault child although not clear if this occurred – prompted in part by need to cover up killing of mother - bodies remained unidentified for many years – sent phone messages to victim's mother and accessed victim's bank account for several years Abusive childhood – regular drug user Reasons for life sentence: nature of both killings – dangerousness – intentional killing of child alone by suffocation and placing body in suitcase alone places it in worst case – addition of sexual element makes it more despicable |

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|-----|---|---|---|--------|-----------------|---|---|
| 52. | WARWICK (No.94) (33-35 at offences / 73 at sentence) [2020] NSWSC 1168 Garling J | VG 3 x Murder 2 x s.28 explode device w/i murder s.30 Place explosive device with intent murder s.204 Place explosive device with intent damage building 13 x s.46 cause GBH by explosion | Life 25y 15y 10y (Aggregate) 25y | | No significance | Shot Explosive devices/bomb Intent to kill | (1980-1985) – ‘Family Court bomber’ – acted against anyone considered to be acting contrary to interests in maintaining access to daughter and preserving own financial position during Family Court proceedings - shot and killed Family Court judge at his home with children inside – bombed home of second judge while children present - bombed Family Court – bombed home of third judge killing judge’s wife – planted bomb in car of solicitor of ex-wife – caused explosion at premises of Jehovah’s Witnesses killing one person and injuring others - sophisticated planning, preparation and careful conduct - sustained course of conduct – highest objective seriousness <u>Reasons for life sentence: nature of killings and intended victims - attack on judiciary is attack on Australian democracy</u> |

| | CASE (age if known) | PLEA | SENTENCE | APPEAL | RECORD | HOW KILLED | INVOLVEMENT & SUMMARY |
|-----|--|---|-------------------------|--------|---|---------------------------------------|---|
| 53. | <p>SULTANI (27)</p> <p>MUNSHIZADA (27-28)</p> <p>[2021] NSWSC 1654 Fagan J</p> | <p>PG 3 x Murder</p> <p>VG 3 x Murder</p> | <p>Life</p> <p>Life</p> | | <p>Drug and violence offences</p> | <p>Shooting</p> <p>Intent to kill</p> | <p>SNPP 20y</p> <p>Three unrelated killings over nine months – fatal shooting of drug dealer outside his home on street late at night after arranging drug deal – S and M both fired shots – motive unclear but linked to organised criminal activity</p> <p>7 months later fatal shooting of drug dealer standing by his car with finance inside – victim lured to trap - S fired from car then alighted and pursued victim to fire additional shots – M drove car - possible contract killing</p> <p>Shot third male 9 weeks later – S believed victim, an underworld figure, involved in killing of offender’s close friend – S and third co-offender shot victim while M drove</p> <p>Each killing carefully planned and merciless - committed in residential street – offenders part of inner circle of criminal organisation</p> <p>S – principal planner - dangerous to community – ‘demonstrated readiness to kill for no cause’ – no remorse – no positive prospects of rehabilitation</p> <p>M – similar culpability to S – willing participant with knowledge of intended offences – dysfunctional childhood – no remorse and no positive prospects of rehabilitation</p> <p>Reasons for life sentence: nature of killings - callous contempt for human life - premeditation and planning – motivated by criminal commercial advantage and depraved self- gratification - commission in public places - serial quality of acts as a routine activity – within context of criminal organisation – brazen and in defiance of law and order</p> |

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