

Murder

Non-Parole Period Over 20 Years – Under 30 years Post Standard Non Parole Period

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.	O'CONNELL (18) [2004] NSWSC 1120 Davidson AJ [2006] NSWCCA 82	PG (20%)	35y NPP 25y	AD	Juvenile record for serious crimes of violence	Assault and stabbing Intent to kill	SNPP 20 years Killed 15y girl with whom he was having casual relationship – horrific wounds – 49 injuries, including 10 stab wounds - violent sexual proclivities – disposed of body in nearby garbage bin – deliberately attempted to divert suspicion Victim of abuse by stepfathers – drug and alcohol problems – dyslexia/ADHD – remorse – youth – but for youth and plea, life sentence would have been imposed – limited protective custody

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2.	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 offences	Life <u>Total other offences:</u> 36y NPP 28y	AA 28y NPP 22y <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 <u>Reasons for life sentence at first instance:</u> would not qualify for life sentence standing alone but followed serious robbery and sexual assault offences – dangerousness and negligible prospects of rehabilitation <u>Reduction on appeal:</u> in view of McNaughton cannot use other offences as warranting imposition of a life sentence where offence standing alone would not warrant life sentence
3.	WILLARD (48) [2005] NSWSC 402 Whealy J Co-offender: WILKINSON TJA	VG Sched: Supply drug	36y NPP 26y		Minor dishonesty	Shooting Intent to kill	SNPP 20 years Arranged for friend's boyfriend to kill husband – victim shot while asleep on lounge – seeking insurance money – organiser and instigator
4.	STEER (40) [2006] NSWSC 1198 Whealy J (2008) 191 A Crim R 435 [2008] NSWCCA 295	VG Murder AR	29y 4m NPP 22y FT 4y <u>Total</u> 31y 4m NPP 24y	AD	Lengthy	Stabbing Intent to kill	SNPP 20 years 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

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5.	NORMAN (50) OLIVIERI (49) [2007] NSWSC 142 Hidden J (Olivieri) [2016] NSWCCA 165	VG Murder Fraud VG	35y NPP 29y FT 3y <u>Total:</u> 37y NPP 31y 33y NPP 28y	Conviction AD	Minor Lengthy – dishonesty and drugs	Shooting Access before the fact	SNPP 20 years N accountant who defrauded victim – had victim shot by O to cover up fraud – O paid little more than expenses – carefully planned offence – victim shot at home office
6.	McCALL (32) [2007] NSWSC 1269 Barr J [2010] NSWCCA 174	VG	29y 4m NPP 22y	AD	Priors	Assault Intent to kill	SNPP 20 years Victim lured to car park and kidnapped – with co-offender took victim to cliff area – became angry and pushed victim over cliff – carefully planned kidnapping for financial reward – no clear explanation for killing
7.	CLARK (42) [2008] NSWSC 795 Kirby J [2010] NSWCCA 94 Co-accused: CLARK	VG	30y NPP 24y	Conviction AD	Significant	Shooting Intent to kill – joint criminal enterprise	SNPP 20 years Recruited 21y son to shoot grandfather – son visited victim at home and shot him in head – financial motivation as well as other emotional issues – planning - above mid-range seriousness Suffering brain damage from motor vehicle accident and physical illnesses

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8.	AYTUGRUL (40) [2009] NSWSC 275 RA Hulme J (2010) 205 A Crim R 157 [2010] NSWCCA 272 [2015] NSWCCA 139	VG	28y NPP 21y	Conviction AD Sentence AA 27y NPP 20y 3m	Nil	Stabbing Intent to kill	SNPP 20 years Multiple stab wounds of ex-girlfriend in her home unit – prior stalking and obsessive behaviour – slightly above mid-range
9.	WILKINSON (No.5) (28) [2009] NSWSC 432 Johnson J	PG Murder Arson	28y NPP 21y 6y NPP 4y 6m Total: 28y NPP 24y		Nil prior – subsequent assault	Unknown Intent to kill	SNPP 20 years Killed pregnant lover to prevent complications to marriage – circumstances of killing unclear – body never found – took phone and made phone calls to leave false trail – set fire to house and blamed victim – supplied multiple false accounts to police - murder above mid-range – arson towards top of range No contrition or remorse – aboriginal liaison officer with police force – onerous custodial conditions
10.	MCGUREN [2010] NSWSC 744 Fullerton J	PG (no discount)	34y NPP 25y 6m		Lengthy. - attempt strangle, AOABH, breach AVO	Shooting and assault Intent to kill	SNPP 20 years 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.
11.	POTTS (40) [2010] NSWSC 731 Kirby J [2012] NSWCCA 229	VG	28y NPP 21y	AD	Manslaughter of father – substantial impairment	Stabbed Intent to kill	SNPP 20 years Stabbed sex worker in the back twice in his apartment – had sex post mortem and attempted to conceal body under bed – impulsive offence Paranoid schizophrenia caused significant impairment at time of offence – high risk of further violent offence
12.	CAMPBELL [2010] NSWSC 995 Latham J [2014] NSWCCA 175	VG	33y NPP 24y	Conviction AD	Minor record	Pushed off cliff Intent to kill	SNPP 20 years Pushed wife off cliff while camping in national park – motivated by financial gain – lied and deceived victim in order to obtain large amounts of money – planned killing over several months – well above mid-range

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13.	RYAN (51) [2011] NSWSC 1249 Latham J [2013] NSWCCA 175 Co-Offender: COULTER BROOKS	VG	36y NPP 27y	AD	Nil	Shooting Intent to kill	SNPP 20 years Female - paid \$30,000 to have husband shot dead by hit man - \$10,000 knowingly provided by mother (co-offender C) – angered by breakdown in marriage and financial loss – close to worst category
14.	HOBLOS (27) [2012] NSWSC 454 Grove J [2014] NSWCCA 20	VG	28y NPP 21y	Conviction AD		Shooting Intent to kill	SNPP 20 years One of three offenders involved in shooting of male victim at party – two offenders entered party – one offender shot victim point blank range then both left in car driven by third offender – execution murder – unable to identify role of offender – equal culpability – motive unknown
15.	RICHARDSON [2012] NSWSC 521 McCallum J [2013] NSWCCA 218	VG	28y NPP 21y	AD	Assault	Unknown Intent to kill	SNPP 20 years Killed girlfriend – circumstances of killing unknown – troubled relationship – prior assault – body dismembered into small parts with circular saw - body parts found 6 months later in garbage bags hidden under bush – forced victim to phone bank asking for new bank card so offender would have access to bank account after victim's death. Little remorse – little prospect rehabilitation – schizoid personality – depression – ill-health.
16.	BROOKS (48) [2012] NSWSC 505 Fullerton J Co-offenders : RYAN COULTER	VG	38y NPP 28y 6m		Minor	Shooting Intent to kill	SNPP 20 years Contract killing – paid \$15,000 to kill husband of co-offender – shot victim in back at victim's farm at night – close but not worst category – not sophisticated – minimal planning - parity Drug use – psychiatric problems

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17.	WILLMOTT (35) [2012] NSWSC 824 Price J [2013] NSWCCA 244	PG (20%)	28y NPP 21y	AD	Assault offences – breached parole for GBH	Stabbing Intent to kill	SNPP 20 years Male victim became aggressive towards offender during drinking session with friends at cabin in caravan park – offender returned to mother’s caravan and armed himself with two small steak knives – met up again with victim and angry confrontation broke out – frenzied and sustained stabbing attack – attempted to cut off head in front of witnesses - small degree of provocation – spontaneous Under influence of alcohol and ice
18.	AMOS (20) [2012] NSWSC 1021 Hall J [2014] NSWCCA 302	VG	28y NPP 21y	Conviction AD	Nil	Shooting Intent to kill	SNPP 20 years Involved in armed robbery with co-offender of male drug dealer who owed money – formed intent to kill and shot victim eight times – returned to house with co-offender and stole property – victim shot in own home – only robbery planned – high level of culpability – committed for financial gain Deprived and neglected childhood
19.	BILLINGS (37) [2012] NSWSC 1020 Barr AJ	VG Murder AR with wounding Agg SMV Shoot w/l murder AR	<u>Indicative</u> 32y NPP 24y 12y NPP 9y 4y NPP 3y 12y NPP 9y FT 4y <u>Aggregate</u> 40y NPP 30y		Lengthy – at liberty for only two years of past twelve	Shooting Intent to kill	SNPP 20 years Robbed male taxi driver walking along street in early hours of morning with sawn off rifle – shot warning shots into footpath then shot victim in buttock causing permanent injury – threatened male driver with shot gun – stole car – shot at police officer who was pursuing offender for suspected drug dealing – fatally shot unsuspecting male victim with intention of robbery in presence of co-offender – fired three shots from point blank range – robbed business using gun – intent to kill formed immediately prior to shooting - murder just short of worst case Dangerous offender

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20.	DANNEVIG (21) [2012] NSWSC 1013 Hall J	PG (25%) Sched: Larceny Dishonestly obtain prop	28y NPP 21y		Breached parole for kidnapping offence	Drowning Intent GBH	SNPP 20 years Lured 18y female into bush overnight through Facebook and fictitious identity – posed as WIRES employee offering employment and training – drowned victim in creek – unprovoked assault on victim during earlier meeting – sophisticated and protracted scheme Mild intellectual disability – assistance with investigation
21.	PURTILL (39) [2012] NSWSC 1475 Harrison J [2016] NSWCCA 80	VG	28y NPP 21y	AD		Throat cut Intent to kill	SNPP 20 years Cut throat of victim following argument – businessman with whom offender acquainted – with brother drove body to remote location and buried in grave – unexplained crime – possibly drug transaction gone wrong Difficult childhood – drug and alcohol addiction – rehabilitation. Brother sentenced for accessory after fact
22.	WHITE (42) [2012] NSWSC 1573 RA Hulme J	VG	32y NPP 24y		Lengthy, violence, previous custody.	Assault Intent to kill	SNPP 20 years Planned killing of drug dealer – lured victim to caravan then bashed him, tied him with cable ties and taped mouth and nose – oversaw other persons in taking of drugs from car and dumping body in bush – fled to Victoria with girlfriend and lived off proceeds of stolen drugs Difficult childhood – drug abuse.
23.	WALSH (34) [2012] NSWSC 1399 Bellew J [2014] NSWCCA 252	VG Murder s.86(3)	28y NPP 21y FT 8y (concurrent)	Conviction AD	Lengthy but much less serious	Unclear Constructive murder	SNPP 20 years Met with victim and female co-offender at park to discuss stolen property – victim taken to home of third person and detained in garage – victim killed by offender in altercation – body incinerated Long history of alcohol and drug abuse Co- offender sentenced for accessory after fact - Batcheldor [2015] NSWSC 1688

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24.	HUDD [2013] NSWCCA 57	VG Murder 2 x AR s.33 Agg AOABH	27y NPP 20y 3m 10y NPP 7y 6m 5y NPP 3y 9m 2y NPP 18m <u>Total:</u> 28y 6m NPP 21y 9m	AD		Shooting Felony Murder	(2002) Two offenders involved in planned armed robbery of electrical store – three employees tied up – one employee shot dead by offender in pursuit Fresh evidence as to ill health
25.	AQUILINA (27) [2013] NSWSC 525 Bellew J	VG	28y NPP 21y		No significant history	Strangulation Joint criminal enterprise Intent to kill	SNPP 20 years With mother (D) and friend assaulted and killed D's neighbour – relationship between victim and D had become strained – D complained about behaviour of victim – offender made preparations including recruiting C and taking knife and iron bar to ambush victim – struck victim with iron bar from behind - victim subjected to violence by offenders over several hours - act of strangling victim extended over period of time - offender actively involved in pulling rope causing death - cash taken and victim's bicycle sold – assisted in disposal of body - motivated by vengeance - acting as "executioner" - above mid-range No remorse - depressive illness – some rehabilitation prospects.
26.	HARDING (57) [2013] NSWSC 513 Garling J	PG (25%)	27y NPP 20y 3m		Record for violence against women – breached bail	Set alight Intent GBH	SNPP 20 years Poured 250ml bottle methylated spirits over female lover confined to wheelchair and set her alight with cigarette lighter – spent afternoon with victim drinking wine – possibly motivated by jealousy - gratuitous cruelty in leaving house – spontaneous offence – criminality very high Long history of alcohol abuse – acquired brain injury

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27.	KING (27) [2013] NSWSC 801 Bellew J [2015] NSWCCA 99	VG Murder PG s 35(2) s 59(1)	32y NPP 24y FT 2y 6 FT 9m <u>Total:</u> 33y 6m NPP 25y 6m	AD	Supply drug, possess firearm – breached bond	Assault Intent to kill	SNPP 20 years Bashed 18y ex-girlfriend - volatile and violent relationship – offender took ice and drank alcohol prior to offence – vicious, unprovoked and inhumane attack – victim suffered severe injuries – above mid-range Rehabilitation – remorse.
28.	KEARNES (No.2) (52) [2013] NSWSC 1652 Button J Co-offender: PATON	VG	30y NPP 22y 6m		Dishonesty and violence offences including serious sexual offences	Shooting Intent to kill	SNPP 20 years Travelled to neighbouring town with co-offender to shoot male acquaintance in victim's home unit – not established who fired shots – murder instigated by offender – motive for shooting unclear Suffered violence as a child – drug and alcohol abuse
29.	KAINE (50) [2013] NSWSC 1824 RA Hulme J	VG	30y NPP 22y 6m		Violence, BES, damage property	Assault / stabbing Intent to kill	SNPP 20 years Mistakenly believed male aged 62 was paedophile – offender had suffered abuse as a child and had obsessive dislike for paedophiles – savage, sustained and unprovoked assault of disabled older man in his own home – small TV set smashed into victim's face while lying in bed – numerous stab wounds – blunt force trauma to face and head - mistaken vigilantism - serious example of offence Some evidence of mental illness to slightly reduce importance of general deterrence - risk of future offending against other inmates
30.	GIERCZYNSKI (58) [2013] NSWSC 1870 Adamson J	VG Murder s.33	28y NPP 21y 4m 3y NPP 2y 3m <u>Total:</u> 28y 6m NPP 21y 10m		Assault on first wife in Poland	Stabbing Intent to kill	SNPP 20 years Physically and emotionally abused wife throughout long marriage – domineering and hypocritical husband - stabbed wife to death during argument – multiple stab wounds – stabbed son who came to defend mother – spontaneous offence – above mid-range Suffering from morbid jealousy

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31.	MULVIHILL (45) [2014] NSWSC 443 Fullerton J [2016] NSWCCA 259	VG	29y NPP 22y	AD	Nil relevant	Stabbing Intent to kill	SNPP 20 years Stabbed estranged girlfriend in her home unit during sustained and violent struggle – careful planning – entered unit with intent to cause harm – history of obsessive behaviour and violence towards female partners
32.	RAWLINSON (42) [2014] NSWSC 979 Harrison J Co-offender: PROUD SPICER EVANS	VG	36y NPP 27y		Nil	Arson. Joint criminal enterprise	SNPP 20 years Principal and driving force behind plot to kill victim – in relationship with victim and also in secret relationship with E and manipulated E to believe they could not be together unless victim was killed – E and co-offender S set victim's home alight causing death - above mid-range objective seriousness – calculated planned offence – not present at fire
33.	HILL (33) [2014] NSWSC 1010 Bellew J	PG (10%)	27y 6m NPP 20y 6m		nil	Assault Intent GBH	SNPP 25 years Killed 2y son of de facto – physically abused victim over many months – fractured skull and gastric tear caused by two separate blows – significant force used – would have been aware of pain caused by first blow to stomach – second blow inflicted several hours later – spontaneous and unplanned – slightly above mid-range Back injuries causing persistent pain - depression
34.	CRAMP (39) [2015] NSWSC 271 Adams J [2016] NSWCCA 305	VG	40y NPP 30y	AA 34y NPP 25y 6m	Record for violence	Stabbing Intent to kill	SNPP 20 years Attended former workplace during day and stabbed employee through neck severing spinal cord – motive for killing unclear – cut wires to security cameras in view of other employees Affected by ice but not irrational – dangerous On appeal – manifestly excessive
35.	SPICER [2015] NSWSC 519 Harrison J Co-offenders: PROUD RAWLINSON EVANS	VG	32y NPP 24y		AOABH	Arson Joint criminal enterprise Intent to kill	SNPP 20 years S and E set fire to victim's home throwing petrol while victim asleep – part of plan by co-offenders R and E to kill victim – S recruited – with E set fire to V's home alight causing V's death - considerable planning. Dysfunctional upbringing.

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36.	MARTIN (2015) NSWSC 521 Schmidt J	VG	27y NPP 20y 3m		assault, drugs, theft	Assault intent to kill	SNPP 20 years Killed victim who lived on isolated rural property – physical altercation where both affected by alcohol – smashed victim’s head number of times with heavy concrete block – offence not planned above mid-range Troubled youth – drug and alcohol abuse – supportive family – prospects of rehabilitation
37.	CULLEN (50) (2015) NSWSC 768 Harrison J	VG	30y NPP 22y 6m		Nil in Australia – old record in England	Stabbing Intent to kill	SNPP 20 years Stabbed estranged wife – assaulted victim in garage of apartment block and forced her into boot of car – purchased fishing knives drove to reserve and fatally stabbed wife in frenzied and brutal attack – resentment and frustration over relationship breakdown – above mid-range
38.	ALKANAAN (No.7) (27) (2015) NSWSC 904 Garling J (2017) NSWCCA 56	VG Murder PG (10%) Consp to tamper with witness	28y NPP 21y FT 1y 10m <u>Total:</u> 28y 9m NPP 21y 9m	AD	Record including violence – breached bond	Shooting Intent to kill	SNPP 20 years Shot dead drug dealer at point blank range with shot gun outside house of offender – unplanned offence – angered that victim came to house to collect drug debt – victim’s wife and 18m child in car – had called in associate as backup - fled scene and attempted to leave country – attempted to influence victim’s wife against giving evidence – murder above mid-range Exposed to war and conflict in during childhood in Iraq – mental health issues needing treatment in custody
39.	BILJUH (42) (2015) NSWSC 1917 Button J	VG	30y NPP 22y 6m		Minor record – no violence	Strangulation Intent to kill	SNPP 20 years Broke into home of mother in early hours of morning – strangled her and dragged body to granny flat behind house – covered face with duct tape to ensure death – body left for brother to find - carefully planned – attempted to lay false trail – well above mid-range Difficult relationship with family – personal crisis

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40.	BREEN (26) [2015] NSWSC 1757 Mathews AJ	PG (no discount) Murder Murder Sched: 9 offences	34y NPP 26y 37y NPP 28y <u>Total</u> 42y NPP 33y		Prior record for violence offences although only bonds	Stabbing Intent to kill	SNPP 20 years Left home angry and intoxicated and armed with hunting knife – threatened and assaulted partner and several strangers with knife in attempt to obtain car – obtained two cars at knifepoint – drove to grandparents’ house with intent to kill but moved on – demanded gun from female friend at knifepoint – smashed way into father’s house and stabbed him repeatedly in presence of 12y half-brother – pursued and stabbed father’s partner multiple times in front of 7y daughter – police pursuit in car – trigger for offences unknown – previously expressed dark thoughts to mother – almost at top of objective seriousness but absence of pre-planning and prospects of rehabilitation Harboured deep-seated anger and resentment towards family – long history of anger and impulse control – substance abuse – significant impact on children who witnessed murder – genuine remorse
41.	MAYBIR (No.8) (29) [2016] NSWSC 166 RA Hulme J	VG Murder s.61O(2A) 5 x s.61 2 x s.91H(2) s.35(3) s.59(1)	<u>Indicative</u> 38y NPP 28y 6m <u>Aggregate:</u> 42y NPP 31y 6m		Breached bond imposed for breaching AVO	Assault Intent GBH	SNPP 25 years Lived with partner and her young children in small music studio – enforced physical discipline over many months particularly on 7y male victim suffering intellectual disability – cruel, degrading and inhumane treatment – victim died as result of blunt force trauma to head although exact manner of death unclear – failed to obtain medical treatment
42.	TURNBULL (No.26) (79 at offence, 81 at sentence) [2016] NSWSC 847 Johnson J	VG Murder PG (10%) s.86(1)	<u>Indicative</u> 32y NPP 22y 9y <u>Aggregate</u> 35y NPP 24y		Unlawfully clear native vegetation	Shooting Intent to kill	SNPP 20 years Shooting of environmental officer – multiple shots and wounds – detained an environmental officer for purpose of killing another environmental officer - offences committed whilst criminal proceedings against offender before Land and Environment Court – intent to kill – substantial objective gravity Suffering from adjustment disorder but not serious mental disorder – strong family support.

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43.	KHAN (46) [2016] NSWSC 1073 Fullerton J	VG Murder 2 x Mansl s.35(2) s.35(4) s.197(1)(b)	<u>Indicative:</u> 30y NPP 22y 20y NPP 15y 5y NPP 3y 9m 2y 6m NPP 2y 8m 4y <u>Aggregate</u> 40y NPP 30y		Nil	Explosion Reckless indifference	SNPP 20 years Lessee of shop caused explosion intending to use insurance money to escape debts – killed male residing in unit above shop and mother and baby residing in unit above adjoining shop – two males also residing in unit above shop injured escaping explosion – manslaughter based on unlawful and dangerous act – murder above mid-range
44.	MURDOCH (30) [2016] NSWSC 1475 Mathews AJ	VG Murder Agg armed robbery	28y NPP 21y 8y <u>Total:</u> 30y NPP 22y 6m		Armed robbery, kidnapping, dishonesty.	Shooting At least intent GBH	SNPP 20 years With co-offender robbed store – offender shot store employee during robbery at close range - motive to enable co-offender to escape after he had been lawfully captured - robbed second victim of a sum of cash while armed with pistol - above midline of objective seriousness. Institutionalised - dysfunctional background – illiterate – drug abuse from young age - acquired brain disorder - substance abuse disorder - personality disorder
45.	DAVIS (No 2) (26) [2016] NSWSC 1785 RA Hulme J [2018] NSWCCA 277	VG 2 x Murder Attempt murder	<u>Indicative</u> 30y NPP 22y 6m 16y NPP 12y <u>Aggregate:</u> 40y NPP 30y	Conviction AD	Nil	Injected with insulin Intent to kill	SNPP 20 years Nursing assistant injected aged care facility residents with insulin – vulnerable victims – extreme breach of trust - no specific motive known – callous offences – not spontaneous - well above midrange Subjective circumstances do little to mitigate penalty - good character.

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46.	HAINES (No.3) (46) [2016] NSWSC 1812 Garling J [2018] NSWCCA 269	VG 2 x murder	<u>Indicative</u> 30y NPP 22y 6m <u>Aggregate</u> 36y NPP 27y	AD	Minor drug possession	Injected with insulin Intent to kill	SNPP 20 years Female nurse at aged care facility injected two residents with insulin shortly after being advised they had made complaint about her care – caused coma – aggravated by being committed in ‘home’ of victim, abuse of trust and vulnerable victims – deliberate and calculated act but short term planning – no prolonged pain and suffering – significantly above mid-range Difficult childhood – previous findings of misconduct as a nurse and subject to reporting conditions at time of offending
47.	A. CHARBAJI (26) H. CHARBAJI [2016] NSWSC 1867 Rothman J [2019] NSWCCA 28	VG VG	32y NPP 24y 36y NPP 27y	AD Sentence AA 34y NPP 25y 6m	Rob in Co – AOABH - possess proh weapon Robbery – assault - steal from person - AOABH in company – stalking - assault police officer - breach ADVO - dishonesty	Stabbing – assault - force- fed drugs Joint criminal enterprise Intent GBH	SNPP 20 years Brothers – male victim beaten by hand and ratchet, stabbed and force-fed lethal amount of drugs (Xanax) – dispute over money victim owed for drugs – bought suitcase and placed body inside – took body to remote area and poured kerosene over body - well-above mid-range in objective seriousness AC: inflicted knife wound – inflicted beating (either by hand or ratchet) that caused further, unnecessary pain - involvement in “torture” greater than co-offender HC: instigator – “owed” debt - lured victim to pub and brought him to apartment where murder took place AC: psychiatric disorders including schizophrenia – difficult background – drug abuse – poor rehabilitation prospects HC: difficult background – drug abuse – poor rehabilitation prospects HC’s Appeal - disparity
48.	DROUDIS (No.16) (33) [2017] NSWSC 20 Johnson J [2020] NSWCCA 322	VG	44y NPP 33y	AA 35y NPP 26y 3m	Breached bail Subsequently sentenced for offensive use of postal service	Stabbing and set on fire Intent kill	SNPP 20 years Female - at instigation of partner stabbed partner’s ex-wife in stairwell of units 18 times – set victim alight without knowing if already dead and creating danger to other residents – carefully planned – desire to secure custody of partner’s two children circumventing court order - partner a violent extremist who subsequently died in café siege – highly unusual and influential relationship but no reduction in culpability Attempt made to deflect police investigation showing lack of remorse – prospects of rehabilitation fair – some credit for cooperation during trial On appeal: error in assessment of death of offender’s partner on risk of re-offending and rehabilitation prospects

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49.	CRICKITT (No.2) (56 at offence – 63 at sentence) [2017] NSWSC 542 Hoeben CJ at CL [2018] NSWCCA 240	VG	27y NPP 20y 3m	Conviction AD	Nil	Injected insulin Intent to kill	SNPP 20 years Doctor deliberately injected lethal overdose of insulin to wife by subterfuge – motivated by increasing dislike for wife and desire to pursue relationship with lover – premeditated and planned offence up to 48 hrs prior to offending – serious breach of trust – well above mid-range Depressive illness did not affect culpability but impacts custodial conditions – poor physical health – some co-operation at trial
50.	SINCLAIR (a pseudonym) (22) [2017] NSWSC 686 RA Hulme J [2020] NSWCCA 108 Co-offender: EVANS	PG (15% plea and assist) Murder s.112(3) PG (35% comb) s.112(3) 3 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	SNPP 20 years 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
51.	LN (40) [2017] NSWSC 1387 Johnson J [2020] NSWCCA 131	VG	44y NPP 33y	AA 38y NPP 28y 6m	Nil	Assault Intent to kill	SNPP 25 years LN mother of 3y male victim - AW stepfather and LN's partner - LN killed child – AW guilty by extended joint criminal enterprise – victim assaulted over 51-day period before murder – extensive emotional and physical abuse – fatal injuries committed by LN attacking victim - substantial acceleration/deceleration forces - pattern of assaults taken into consideration in assessing objective seriousness LN: objective seriousness very significantly above mid-range – mental illness - troubled background - drug and alcohol abuse – no insight into offence – no remorse or contrition CCA (LN): error in relation to effect of offender's mental illness on moral culpability

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
52.	RHODES (35) [2017] NSWSC 694 Campbell J	PG (25%) Murder Murder Assault Assault police Sched: Property damage Resist arrest	<u>Indicative</u> 24y NPP 18y 30y NPP 22y 6m 14m 2y <u>Aggregate:</u> 40y NPP 30y		Violence against mother	Assault and stabbing Intent to kill	SNPP 20 years / SNPP 25 years Returned home after drinking and using drugs during day – ice-induced psychosis – chased mother out of house stabbing her multiple times then crushing skull with concrete statue – returned to house and stabbed young male relative in chest with knife – threw him against wall and chased him outside smashing his head with sandstone paver – sustained and persistent although spontaneous assaults – approached and threatened female stranger in her car – threatened male police officer with fibro-cement meter cover – offences conducted in presence of other young children – home of victims – abuse of trust – well above midrange offences Aboriginal with abusive father – long history of drug addictions – suffering ADHD and dyslexia resulting in easy recourse to violence when angry – some remorse
53.	LOCK (TL) (27) [2017] NSWSC 715 Latham J [2020] NSWCCA 265	VG	36y NPP 27y	AD	Minor	Assault Intent GBH	SNPP 25 years Bashed 2y child of de facto partner - blunt force trauma caused massive internal bleeding leading to death – history of assaults on victim - more than moderately above mid-range

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
54.	<p>M. QAUMI (29)</p> <p>[2017] NSWSC 774 Hamill J</p> <p>[2019] NSWCCA 60 (conviction appeal against murder dismissed)</p> <p>[2020] NSWCCA 163 (conviction appeal against two counts allowed – sentence appeal allowed)</p> <p>Co-offender: F.QAUMI NK</p>	<p>VG Murder</p> <p>s.33(1)(b)</p> <p>s.33(1)(b)</p> <p>Consp / Solicit / Attempt murder</p> <p>Solicit murder</p> <p>3 x shoot with intent to murder</p> <p>s.93GA(1B) – fire at dwelling</p> <p>2 x unauth poss firearm</p> <p>Supply lge comm qty drugs</p> <p>s.93T(4A) direct criminal group</p> <p>VG Manslaughter</p> <p>PG Contempt</p>	<p><u>Indicative</u> 38y NPP 26y</p> <p>8y NPP 6y</p> <p>8y NPP 6y</p> <p>10y NPP 7y 6m</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>6y NPP 4y 6m</p> <p>4y NPP 3y</p> <p>4y NPP 3y</p> <p>3y</p> <p>12y</p> <p><u>Aggregate</u> 50y NPP 36y</p> <p>10m (accumulated)</p>	<p>AA <u>Indicative:</u> 38y NPP 26y</p> <p>8y NPP 6y</p> <p>Conviction AA</p> <p>10y NPP 7y 6m</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>Conviction AA</p> <p>4y NPP 3y</p> <p>4y NPP 3y</p> <p>3y</p> <p>12y</p> <p><u>Aggregate</u> 46y NPP 33y</p> <p>10m (accumulated)</p>	<p>Early record – seven year gap prior to these offences</p>	<p>Shooting</p> <p>Joint criminal enterprise</p> <p>Intent to kill</p>	<p>SNPP 20 years</p> <p>Member of criminal gang – brother to leader - murder committed for contract payment of substantial amount of money – involved in arranging shooters and weapons</p> <p>Involved in arranging 5 shooting incidents over one month – premeditated and planned incidents in the context of violent gangland war - manslaughter act of excessive self-defence after hearing about contract put out on life of brother by rival gang – shooters opened fire on garage of suburban house killing one occupant killed and seriously injuring second – shooting of several rival gang member at their homes – teenage girl suffered serious and permanent injuries - arranged shooting of rival gang member without knowledge of brother – two males shot and injured waiting in car outside café - involved in arranging drive by shooting at home of mother of intended victim – on arrival shooter hesitated due to presence of women and children and shot at group of gang members nearby injuring one.</p> <p>Found in possession of 1,894.4g relatively new psychoactive substance</p> <p>Contempt committed by violent attack on co-accused in court</p> <p>Refugee from Afghanistan – suffered extreme and traumatic violence as a child – suffering anxiety disorder and depressive illness – reasonable prospects of rehabilitation – harsh custodial conditions</p> <p>On appeal: conviction appeal for s.93GA(1B) and s.33(1) allowed – error in SNPP for several offences</p>

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55.	PARK (28) [2017] NSWSC 873 Latham J [2019] NSWCCA 105	PG (10%)	36y NPP 27y	AA 28y 9m NPP 21y 6m	Nil	Assault Intent to kill	SNPP 20 years South Korean assaulted housemate with sledgehammer – sustained and vicious assault throughout house – pre-meditated to gain access to victim’s car and money – wrapped body in plastic and placed in suitcase in rubbish bin – took steps to cover offence – above mid-range Difficult childhood – remorse – moderate prospects of rehabilitation
56.	WESTERN [2017] NSWSC 1385 Rothman J Co-offender: ROLFE	VG	34y NPP 25y 6m		Significant	Shooting Intent GBH	SNPP 20 years Sergeant at arms of Bikie Club – with two others attended workshop of victim with intent to cause GBH – dispute over bike belonging to victim and seized by Club – shot victim twice in stomach and groin – not contract killing but assertion of authority – well above mid-range Disturbed and abusive childhood – significant psychological issues
57.	VILLALUNA (45) [2017] NSWSC 1390 Beech-Jones J	PG (15%) Murder Wound with intent GBH	34y NPP 24y 12y NPP 9y <u>Total:</u> 40y NPP 30y		Nil	Stabbing Intent to kill	SNPP 20 years Stalked, abused and tormented female ex-partner – had been very possessive and jealous in relationship – followed ex-partner to dinner date with male victim – stabbed victim 11 times - wounded ex-partner – murder planned – victim complete stranger - had planned for some time to kill any man in presence of ex-partner No remorse - significant prospects of reoffending in unlikely event forms another relationship Comparative cases
58.	MARTIN (25) [2018] NSWSC 84 Hamill J	VG Murder s.27 s.33	<u>Indicative</u> 32y NPP 24y 15y NPP 11y 3m 8y NPP 6y <u>Aggregate</u> 37y NPP 27y 9m		No significant record	Stabbing Intent to kill	SNPP 20 years Killed father for insurance money / policy - took out three insurance policies over father’s life unknown to father or family - initial attempt to kill unsuccessful – s.27 and s.33 offences committed in home of father and another victim – left two victims with life-threatening injuries – acted with at least one, and possibly two, other people in carrying out attack - murder committed shortly after father released from hospital – used samurai sword - substantially above mid-range – grave offences of violence – planned and premeditated attack Childhood neglect and abuse at hands of father - depressive illness

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
59.	JK (31) [2018] NSWSC 250 Hamill J	PG (slightly more than 10%) Murder Sched: Inflict GBH	37y 6m NPP 28y		Minor	Assault Intent to GBH	SNPP 25 years Killing of 12y step-daughter following sustained beatings over several days – horrific injuries through blunt force trauma – history of regular and increasingly violent assaults - tied to garage beam by hands and hit with electric cord, slapping, punching - tied to bed and whipped – torture – gratuitous cruelty – use of weapon - absence of intent to kill did not take case outside “worst case” Insight and remorse demonstrated - longstanding depression
60.	BOYD (53) [2018] NSWSC 380 Lonergan J	PG (10%) Murder s 33(1)(a) s 51B(1)	30y 6m NPP 22y 6m 6y 3m NPP 5y 3m 18m <u>Total:</u> 33y NPP 25y 6m		Assault – breached bond	Stabbing Intent to kill	SNPP 20 years Attacked long-term spouse after period of separation and arguments due to offender’s issues with alcohol – assaulted son who arrived trying to assist victim – number of stab wounds to face and both sides of neck - multiple bruises and stab wounds in chest, back and shoulders - some stab wounds very deep (10-12cm) - savagery and brutality of violence - evident use of multiple weapons - alcohol induced and fuelled anger - well above mid-range Alcohol and anger issues – some little prospect rehabilitation
61.	CLIFF (No.6) (29) [2018] NSWSC 587 Campbell J [2023] NSWCCA 15	VG Murder PG Agg BES Stealing	30y NPP 22y 3y 1y <u>Total:</u> 32y NPP 24y	Conviction AD	Not serious - property, driving, assault	Stabbing Intent GBH	SNPP 25 years Killed 16y brother of ex-partner during argument – offender upset by victim’s remarks concerning breakup and property settlement with victim’s sister – intoxicated by ice/methamphetamine – did not know killed victim until informed by police some hours later - unlikely intent to kill – large number of injuries by knife and blunt force trauma including blow to top of victim’s head – one fatal deep stab wound to area around heart - mid-range Ongoing drug abuse – depressive symptoms
62.	HOMANN (36-37) [2018] NSWSC 757 McCallum J	VG	30y NPP 22y 6m		priors including violence	Stabbing Intent to kill	SNPP 20 years Stabbed pregnant partner in own home – 49 stab wounds – extreme frenzy of violence – suffering ice-induced psychosis at time of offence – offence committed in domestic context

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
63.	MEDICH (No. 43) (70) [2018] NSWSC 886 Bellew J [2021] NSWCCA 36	VG Murder Intimidation	36y NPP 27y 4y 6m Total: 39y NPP 30y	Conviction AD	Nil	Shot Intent to kill	SNPP 20 years Directed contract killing of former business associate – victim shot by hired contract killers outside home in front of young son – offender later arranged intimidation of victim’s wife with threats she would be harmed if she did not repay debts – history of disputes between offender and victim – paid for killing and intimidation – offences arose out of one joint criminal enterprise - at upper end of range of objective seriousness
64.	GATT (No.11) (23) [2018] NSWSC 991 Schmidt J Co-offender: BORG	VG	28y NPP 21y		breached conditional liberty – violence and drug offences	Shooting Accessory	SNPP 20 years One of two men who approached 18y victim in parked car – victim shot seven times – evidence of co-offender not reliable enough to establish who fired fatal shots – both offenders involved in drug dealing business - joint criminal enterprise – above mid-range – greater culpability than co-offender Totality to existing sentences
65.	AKB (No.8) (45) [2018] NSWSC 1628 Davies J	VG Murder	36y NPP 27y		nil	Fire Intent to kill	SNPP 20 years Set fire to bedroom and prevented wife from leaving – also stopped son opening door for wife - angered that victim intended to leave marriage – committed in front of children in home of victim – gratuitous cruelty – some planning – risk of injury to boys in adjacent bedroom Born in Afghanistan – refugee
66.	DUNSTALL (45) [2018] NSWSC 1923 Button J	VG Murder Sched 2 dishonesty offences	32y NPP 24y		lengthy record for dishonesty offences	Shooting Intent to kill	SNPP 20 years Offered to source large amount of cannabis for criminal associates – paid some money in advance – arranged to meet up with victim to deliver drugs – had lied about existence of cannabis so drove victim to isolated area and shot him in head – blamed victim for loss of cannabis – pre-meditated – cold-blooded and merciless
67.	LATU (No.3) (31) [2019] NSWSC 951 Lonergan J	VG Murder Breach ADVO	28y NPP 21y 2y (concurrent)		AOABH, contravene ADVO. On bond.	Assault Intent GBH	SNPP 20 years Killed female partner - multiple blows to victim’s head; kicking and or stomping on head, back, ribs and leg – relationship marked by violence and controlling behaviour by offender – threats to victim and her family - extreme brutality - very serious example - objective seriousness well above mid-range – finding of intent to cause GBH only of minor effect on sentence. Continues to deny and minimise offending - poor prospects of rehabilitation.

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
68.	A1 (46 at offence - 51 at sentence) [2019] NSWSC 1581 Johnson J	VG	32y NPP 23y		AOABH, stalking, possess firearms	Shot Intent to kill	SNPP 20 years Shot male victim six times in head and once in chest – victim and offender’s wife involved in relationship / affair – motive related to outrage at relationship - planned offence - sense of dishonour which offender felt for cultural reasons – sexual jealousy
69.	TANGI (No.12) (28) [2020] NSWSC 547 Rothman J	VG Murder	30y NPP 22y 6m		assault and domestic violence – offence committed on remand – multiple prison misconduct charges	Assault Intent GBH	SNPP 20 years Fatal assault on fellow prisoner while alone in cell – argued with victim over several days prior to assault – led victim into cell while another prisoner stood guard – stomped on victim’s head at least once – some planning but intent to inflict GBH did not develop until after assault commenced – above mid-range Little or no insight – no remorse – difficult custodial conditions exacerbated by pandemic restrictions – difficult childhood resulting in disempowerment and social exclusion
70.	McCOSKER (49) [2020] NSWSC 1822 RA Hulme J Co-offender: STONE	VG	36y NPP 27y		Lengthy although mostly Local Court – breached bond imposed 3 weeks earlier for possess prohibited weapon	Petrol fire Intent to kill Accessory	SNPP 20 years Contacted by co-offender who had just set fire to male victim in isolated area – returned with co-offender and found victim on side of road – accepted decision of co-offender to finish off victim and drove to obtain more fuel – upon return co-offender doused victim with more fuel and set alight – victim found two hours later but died in transit to hospital – sadistic and callous killing – history of animosity between offender and victim – supported and assisted offender’s idea to kill victim – offence easily in upper range – same culpability as co-offender Long-term drug user
71.	WHITELEY (26) [2021] NSWSC 153 Rothman J	VG	35y NPP 24y		Extremely limited	Assault Intent GBH	SNPP 25 years Killed 20mth step daughter – 13 injuries to neck and head and 16 injuries to trunk – assault probably started while child in her bed and included being thrown against drawers – spontaneous assault over several minutes with no motive – assault reflected emotional dysfunction related to mental and personality disorder – breach of trust - above mid-range Sexually abused and mistreated as a child – mental health and personality disorder – some remorse – good prospects of rehabilitation – some reduction for conduct of trial

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72.	PHAM [2021] NSWSC 528 Wilson J	VG (assistance 10%)	30y 7m NPP 22y 11m		AOABH, affray, violence, BES, larceny, supply drugs, dishonesty, On conditional release order.	Stabbed Intent to kill	SNPP 20 years Victim purchased drugs from offender – stabbed victim in back – victim ran and fell, stabbed further three times to heart, chest and back – knife lodged in victim’s spine and snapped – with co-offender dragged body back inside apartment - offender mutilated and partially dismembered body for disposal – stole victim’s car and wallet – not possible to state why killed victim - possible argument. Early drug use – adverse childhood – assistance.
73.	EVANS, K (24) EVANS, J (49) [2021] NSWSC 885 Ierace J	VG Murder Wound with intent cause GBH Murder	<u>Indicative:</u> 30y NPP 21y 6y NPP 4y 6m <u>Aggregate:</u> 32y NPP 22y 4m 31y NPP 22y 6m		Assault, destroy property, contravene AVO - on bonds. Contravene AVO, stalking, resist police, threats of violence, violence	Shot Intent to kill - KE Accessory – JE	SNPP 20 years 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. KE - discharged shotgun with intention of killing an occupant in other vehicle – shot victim multiple times to neck, throat, arms – 110 bullets in victim’s body - assaulted another victim on previous day – at mid-point between mid-range and maximum level of objective seriousness JE - joint criminal enterprise – drove and positioned vehicle alongside victim’s vehicle; aware KE had discharged firearm earlier - failure to intervene when KE aimed shotgun at car occupants at head and chest level at virtually point blank range - objective seriousness slightly higher than KE given his leading role and involvement of his own children - prospects of rehabilitation guarded XE – juvenile daughter of JE
74.	REAY (No.2) (47) [2021] NSWSC 901 RA Hulme J	VG	30y NPP 22y 6m		Violence - committed while on Extended Detention Order	Strangulation Intent to kill	SNPP 20y Strangled cell mate – no explanation – spontaneous offence – vulnerable victim - very grave Violent childhood – early drug use – ‘long demonstrated propensity for unprovoked and on occasion indiscriminate violence in custody and in the community’ – severe personality disorder

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

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76.	BAINES (23-24) DANISHYAR (23) [2021] NSWSC 1654 Fagan J Co-offenders: SULTANI MUNSHIZADA	VG Murder VG Accessory before fact to murder Accessory after fact to murder	36y NPP 27y 15y NPP 11y FT 2y		One prior offence of violence – prison offences	Shot Intent to kill	SNPP 20y (Baines only) Involved in last of three killings committed by co-offenders - all offenders part of inner circle of criminal organisation – co-offender S believed victim, an underworld figure, involved in killing of close friend – S and B shot victim while co-offender M drove – D aware of plan to kill and drove second getaway car - killing carefully planned, merciless and committed in residential street B – motivated by desire to ingratiate with co-offenders – subordinate to co-offenders and influenced by them – dysfunctional childhood although no link to offending D – knew about plan to kill when accepted role of second getaway driver – M’s cousin – no remorse – no positive prospects of rehabilitation – risk of re-offending
77.	KELEKLIO (42) SINAI (33) [2022] NSWSC 62 RA Hulme J	PG (10%) VG	27y NPP 20y 3m 30y NPP 22y 6m		AOABH, robbery, fraud, BES whilst armed - Last offending 15 years ago. Nil in NSW. Insignificant NZ – theft, burglary.	Shot Intent to kill	SNPP 20 years Joint criminal enterprise - K shot 65y male victim solicitor to back of head three times in busy shopping centre during daytime – K fled scene driven away in S’ van – S recruited K and others; carried out surveillance, provided K with gun, provided means for fleeing from scene – planned; premeditation; part of organised criminal activity - no motive established; connected with victim’s association with organised crime; killing to serve criminal objective of unknown person(s) – no prior dealings with victim – only known motive was that K carry out task set for him by S on behalf of others – same level of culpability among K and S despite different roles. K: reasonable prospects of rehabilitation - remorse. S: acted at behest of others but still an important hands-on role - reasonable prospects of rehabilitation - unlikelihood of re-offending.

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
78.	KRIVOSIC (No.7) (27) [2022] NSWSC 507 Johnson J	VG	28y NPP 21y		Significant including violence and firearm offences – breached parole for firearm offence	Shooting Intent GBH	SNPP 20y Offender advised of a assault by victim and another man – attended unit where victim visiting female resident – entered unit wearing gloves and jacket concealing face and shot victim sitting on lounge once in left side of back in lower chest area – pistol whipped victim to head and attempted to kick - left home deliberately armed with pistol and attempts made to conceal identity – very angry at treatment of third man but no immediate provocation at time of shooting – aggravating factors include use of weapon and in company – upper mid-range gravity Experienced trauma during childhood in Croatia and Serbia during war and further difficulties in Australia
79.	COSKUN (No.5) (28) [2022] NSWSC 1216 RA Hulme J	VG Murder Att s.97(2)	<u>Indicative</u> 32y NPP 24y 5y <u>Aggregate:</u> 34y NPP 25y 6m		Lengthy record	Shooting Constructive murder	SNPP 20 years One of two men who entered unit in early hours of morning, both armed and intent to rob drug dealer of money or drugs – offender fired ten shots – one occupant fatally shot in head and second occupant shot twice in arm – female occupant threatened with gun to head by second assailant – intent to cause GBH or at least high degree of recklessness – both offences above mid-range Born in Turkey – difficult childhood including physical and sexual abuse and early substance abuse – suffering PTSD and other mental health disorders
80.	ERDOGAN (19 at offence; 23 at sentence) [2023] NSWSC 101 Ierace J	VG	35y NPP 24y		Larceny, common assault, driving, contravening ADVO. On bail.	Assault and stabbing Intent to kill	SNPP 25 years With 2 co-offenders - instigated murder of 17y male - assaulted over approximately two hours - motive for assaults, until time of intention to kill, was anger towards victim since earlier argument - tortured over extended period and repeatedly stabbed – hit to head with cricket bat or wrench and kicking or stomping - stabbed in neck area 22 times, snapping blade of knife – degree of premeditation. No remorse - guarded prospects rehabilitation - violence and fact and mode of killing of remain essentially unexplained behaviour – ADHD - long-standing mental health issues sufficiently serious to destabilise education and functioning in society.

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81.	WHITE (40) [2023] NSWSC 193 lerace J	VG Murder 2 x discharge firearm w/intent GBH 4 x fire firearm into dwelling house, reckless s.166 Cert: 6 offences	<u>Indicative</u> 34y NPP 24y 14y NPP 10y 9y NPP 6y 6m <u>Aggregate</u> 42y NPP 30y		Assault, behaving offensive manner, stalking / intimidation	Shot	SNPP 20 years Shooting in suburban neighbourhood – offender’s relationship with neighbours deteriorated - 226 bullets fired from two rifles over approximately one hour – one victim killed and multiple injured - offender could not have seen victim inside residence and did not specifically target victim - intended to kill another person (S) by firing repeatedly into house Cognitive impairment consequent to brain injury - relevant to assessment of moral culpability – <i>Bugmy</i> ; disturbed childhood involving violence, sexual abuse and neglect - little insight into offences - qualified remorse – uncertain prospects of rehabilitation - special circumstances based on cognitive impairment.
82.	KOVALEFF (19) [2023] NSWSC 302 Rothman J	PG (15%) Murder Wound with intent cause GBH	34y NPP 24y 6y 9m NPP 4y 9m <u>Total:</u> 36y NPP 26y			Stabbed Intent to kill	SNPP 25y Stabbed 17y female and wounded 17y girlfriend – previously told girlfriend he wanted to kill her – attended hotel room with both victims intending to kill girlfriend – premeditated and planned two murders – wrapped girlfriend with her clothing and duct tape to keep her alive so as to have sex with her – rang and told father he had stabbed victims Motive elusive - feigned psychiatric illness for two years - impossible to find offender suffers personality disorder - no psychosis or sexual disorder – pathological interest in Ted Bundy, serial killer - borderline intellectual capacity

Last Updated: March 2023

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