

Murder

Non-Parole Period Over 20 Years – pre Standard Non Parole Period

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	BERGER (47) NSWSC 21.3.1995 Finlay J	VG	MT 21y AT 7y		two manslaughter	assault intent to kill	Killed de facto wife after argument - smashed wine bottle over head
2.	ADAM (33) [1999] NSWSC 144 Wood CJ at CL (1999) 47 NSWLR 267 [1999] NSWCCA 197	VG	MT 21y AT 7y	AD	AOABH	stabbing / assault joint criminal enterprise	Group bashing of off duty police officer outside hotel.
3.	DE GRUCHY (2000) 110 A Crim R 271 [2000] NSWCCA 51	VG 3 x murder	MT 21y AT 7y (each – concurrent)	Conviction AD		assaulted with heavy weapons	Killed mother, sister and brother in home - no motive for killings.
4.	HILL [2000] NSWSC 259 O'Keefe J [2003] NSWCCA 128	PG Murder Murder 2 x mal discharge firearm w/i to do GBH	MT 30y AT Life MT 25y AT Life MT 9y AT 3y (concurrent)	AA 30y NPP 25y 25y NPP 23y MT 9y AT 3y (concurrent)	prior convictions for weapons offences - offence committed while on bond	shooting intent kill	Angered by argument with neighbours shot two men working in nearby unit, killing one and injuring another - shot dead third man come to investigate noise then stalked and shot victim's wife. Not affected by alcohol or drugs - history of anger and violence - personality disorder, some prospects of rehabilitation.

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
5.	LO (29) (2000) 115 A Crim R 53 [2000] NSWSC 714 Barr J [2003] NSWCCA 313	PG Murder Conspiracy to murder	32y NPP 23y FT 18y Total: 36y NPP 27y	AD	nil	shooting intent kill	Contract killing of tow-truck driver to pay drug debt - assisted in attempted murder by luring victim to shooter's residence - deeply in debt over drug transactions - both offences fall into worst case category. Assistance to authorities only basis for reducing life sentence – combined 28% discount
6.	OFFER (35) [2000] NSWSC 839 G James J [2002] NSWCCA 341	PG Murder Att Murder Sched: 3 x solicit murder	34y NPP 25y FT 10y (concurrent)	AD	of little relevance	cross bow intent kill	Attempt to kill three witnesses who were to give evidence against him in upcoming trial - offered friend money to take care of three persons - shot wife of one witness with cross bow when she answered door, causing permanent brain damage - shot dead another witness - "very highest criminality" - motivated by panic. Protective custody - family now in Ireland.
7.	ROBINSON (17) [2000] NSWSC 972 Adams J [2002] NSWCCA 359	PG	45y NPP 35y	AA 45y NPP 27y		assault with bowling pin intent kill	Accompanied stranger home with intention to at least assault and rob - bashed victim with bowling pin then stabbed and mutilated body. Boasted of killing to friends - extremely dangerous and disturbed person.
8.	NAISMITH (31) [2000] NSWSC 1024 Dunford J	VG 2 x murder	33y NPP 25y (concurrent)		nil	assault / shooting intent kill	Killing of two men in relation to drug dealing – one man assaulted with baseball bat – second man shot - took victims to nearby sand hills and burnt bodies - both murders planned and premeditated – not worst case. No remorse or regret - some prospects of rehabilitation - previous good character –supportive family.
9.	FERNANDO (31) [2001] NSWSC 294 Howie J	PG (Head sentence reduced by 10 years)	30y NPP 22y		-serving life sentence for murder and sexual assault	stabbing intent to kill	Stabbed cousin in prison with scissors blade - angered by cousin's assistance to police in relation to earlier murder
10.	BOND (51) [2001] NSWSC 1059 James J	VG	30y NPP 25y		substantial - on parole at time of offence for manslaughter of female	stabbing intent to kill	Stabbed 30y girlfriend three times at her home - not premeditated - no apparent motive - no history of violence in relationship - not pre-armed - severe attack Previous manslaughter of female a significant aggravating circumstance.

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
11.	NG (28) [2003] NSWSC 781 Adams J [2011] NSWCCA 227 Co-accused: LO LEW	VG Murder s.97(2) Agg Rob	35y NPP 25y 9m FT 7y <u>Total:</u> 37y NPP 27y 9m	AA 30y NPP 22y 6m FT 7y <u>Total:</u> 31y NPP 23y 6m	Nil relevant	Shooting Accessory	Involved in robbery of Tavern – manager deliberately shot in head to prevent identification – not satisfied who fired shot
12.	PENISINI (24) [2003] NSWSC 892 Wood CJ at CL [2004] NSWCCA 339	PG Murder Unauth use of firearm Car jacking	34y NPP 23y FT 5y FT 6y <u>Total:</u> 36y NPP 25y	Crown AD	Serious violent offences – breached parole	Shooting Intent to kill	Deliberate shooting of police officer during attempt to apprehend stolen car containing four offenders – fired five shots through driver window of police car – attempted to take second car at gunpoint to facilitate escape – no premeditation or planning Tongan – genuine remorse – element of dangerousness to community Co-offenders M and J Taufahema sentenced for manslaughter
13.	MARCHANT (29) CRAWT (24) [2003] NSWSC 958 Greg James J [2006] NSWCCA 120	PG (10%) Murder PG (10%) Murder Sched: 3 offences	38y NPP 32y 35y NPP 28y	AD AA 30y NPP 24y	Lengthy record for violence – breached parole Lengthy record – breached parole and bail	Shooting Intent to kill Accessory	Male shot twice in head during night time meeting in park to discuss stolen jewellery – purpose of shooting not clear – vicious and callous execution M – Primary offender – continuing danger – little hope of rehabilitation C – Present and reckless as to killing – deprived background – some hope of rehabilitation

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
14.	GEORGIU (33) HARRISON (39) [2003] NSWSC 1240 Greg James J (2005) 153 A Crim R 288 [2005] NSWCCA 189	VG 3 x murder VG 3 x Murder	33y NPP 28y (concurrent) 33y NPP 28y (concurrent)	Conviction AD	traffic matters nil	shooting intent kill	Shooting of four members of Bikie Club by member and ex-member of rival Club in basement of café - close range - deliberate executions but unable to determine if pre-planned. G: father to young child - good character evidence - concurrent sentence for contempt for refusal to answer question in cross-examination. H: father to young daughter - positions of responsibility in gaol Earlier conviction at trial quashed on appeal: [2000] NSWSC 287 Dowd J [2001] NSWCCA 464
15.	FRASER (36) [2004] NSWSC 53 Howie J [2005] NSWCCA 77	VG 3 x Murder	32y NPP 27y	AD	Nil	Drowning Intent to kill	Drugged daughter and 2 sons with sleeping tablets then drowned them in bath – daughter violently struggled – revenge against estranged wife – genuine attempt at suicide – premeditated and planned offences Severely mentally disturbed at time – history of mental illness – protective custody
16.	HOLLAND [2004] NSWSC 653 Dowd J	VG	30y NPP 23y		Not serious – escapee at time of killing	Stabbing Intent to kill	Stabbed fellow male escapee in frenzied and sustained attack – reacted to insults to girlfriend – slow and painful death – gratuitous cruelty – spontaneous offence Young, immature and socially dysfunctional – dislocated and abusive childhood - isolated
17.	TA'ALA NSWSC 30.7.2004 Davidson AJ [2008] NSWCCA 132	PG (just over 13%) Murder Murder	26y NPP 19y 6m 35y NPP 26y 6m <u>Total:</u> 47y NPP 38y 6m	AA 26y NPP 19y 6m 35y NPP 23y 3m <u>Total:</u> 47y NPP 35y 3m		Bashing and stabbing Intent to kill	Beat first victim with cricket bat over head – argument as to drug dealing – bashed and stabbed second female victim who had witnessed the attack. On appeal corrected SJ's intention to set NPP at 75% of total sentence

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
18.	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
19.	WEIGHTMAN (20) [2005] NSWSC 1354 Hidden J Co-offender: DONAI	PG (30% comb) 2 x Murder	28y NPP 22y		Minor	Asphyxiation Intent to kill	Killed adoptive parents for financial reasons – Planned killing with co-offender – victims sedated in own home and smothered – bodies placed in car crash scene – co-offender killed mother – assisted in killing of father Early stages of mental illness at time of offences – influenced by drugs and co-offender – favourable prospects of rehabilitation
20.	BURRELL (42 at offence – 55 at sentence) [2008] NSWSC 30 Kirby J [2009] NSWCCA 193	VG	28y NPP 21y	Conviction AD	Minor at time of offence – conviction for subsequent murder	Unknown Intent to kill	(1995) Owed money to 74y female friend of family – unable to repay loan - invited her around to house – circumstances of murder known – body never found – planning
21.	HUDD [2013] NSWCCA 57 Co-offender: BROWN	VG Murder 2 x AR s.33 Agg AOABH	27y NPP 21y 9m 10y NPP 7y 6m 5y NPP 3y 9m 2y NPP 18m Total: 28y 6m NPP 21y 9m	AD		Shooting Felony Murder	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

Last Updated: June 2018

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.