

Murder

Offences Committed Prior to 1999 – Delayed Sentencing

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

The following cases involve offences committed before 1999 where sentencing has been significantly delayed. Since other murder sentence tables are grouped according to the year a sentence is imposed this table assists in identifying old offences for the purpose of comparative sentencing.

The cases are ordered according to the time of the offence.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	DAWSON (34 at offence - 74 at sentence) [2022] NSWSC 1632 Harrison J	VG	24y NPP 18y		Nil	Intent to kill Unknown	(1982) Killed spouse to be free to continue relationship with teenage lover – made plans to kill victim at home – arranged for daughters to be cared for so could dispose of victim's body without interruption – victim's body never found - evidence does not reveal how victim killed -delay 36 years. Good prospects rehabilitation – unlikely to reoffend - deteriorating physical and cognitive health – significant likelihood offender will not survive to become eligible for parole.

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2.	BOWIE (72) [2023] NSWSC 207 Yehia J	VG	24y NPP 18y		Shoot at with intent to murder, sexual offences, forgery, property destruction.	Intent to kill	(1982) Killed wife - delay of 40 years between offence and sentence - motive to have relationship with another woman - offender "coerced" deceased to write letters to create impression that deceased had left home voluntarily - disposal of body in such a way to elude detection – body never found – no valid conclusions can be reached about nature of act that caused death - degree of planning and premeditation, although not extensive or sophisticated. Guarded prospects rehabilitation – no remorse - medical conditions that can be treated in custody.
3.	ADAMS (31 at offence – 64 at sentence) [2017] NSWSC 179 Button J [2017] NSWCCA 215	VG	20y NPP 15y	Conviction AD	Rape conviction prior to murder – committed in similar circumstances – nil relevant convictions since murder	Asphyxiation Constructive murder	(1983) gave lift home to female stranger from wine bar – falsely claimed to be police officer – placed fatal pressure on windpipe in attempt to force intercourse – disposed of body Long standing tendency to strangle women who resisted sexual advances – no subjective material placed on sentence – minimal discount for delay
4.	WARWICK (No.94) (33-35 at time of offences / 73 at sentence) [2020] NSWSC 1168 Garling J	VG 3 x Murder 2 x explode device with intent murder: s.28 Place explosive device with intent murder: s.30 Place explosive device with intent damage building: s.204 13 x by explosion cause GBH: s.46	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
5.	FLEMING (30) [2007] NSWSC 673 Studdert J	VG	21y NPP 16y		One prior for rape in 1976	Strangulation	(1984) - Predator took female walking home from car at night – strangled then sexually assaulted body Physical disability including amputated leg – serious personality disorder

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6.	DUKAGJINI (No.2) (30 at offence – 65 at sentence) [2021] NSWSC 1668 Fagan J	VG	20y NPP 13y		Record for housebreaking – no other violence	Strangled and assaulted	(1986) Broke into residential house and surprised by female occupant – panicked and killed victim with electrical cord and piece of wood – killing aggravated by being in home of victim Albanian – no risk of violent re-offending – long period of no offending
7.	MITCHELL (37 at offence – 62 at sentence) [2012] NSWSC 694 Hidden J	PG (25%)	14y NPP 10y		nil	Strangulation and suffocation Reckless indifference	(1987) during argument with de facto wife strangled her with pantyhose and suffocated with pillow – spontaneous offence and out of character On the run until voluntarily attended police station in 2011 – genuine remorse – good prospects of rehabilitation
8.	KATSIS (17 at offence – 44 at sentence) [2015] NSWSC 1890 Fagan J [2018] NSWCCA 9	VG Murder s.61D(1)	20y NPP 15y FT 6y (concurrent)	AD	Subsequent record for petty offences involving dishonesty and assault	Strangulation Intent to kill	(1988) – forced entry into neighbouring unit – sexually assaulted and strangled 66y female occupant - set fire to contents of unit Abusing drugs and alcohol at time of offence – subsequent 27y demonstrates no risk of re-offending
9.	HICKSON (30 at offence– 61 at sentence) [2020] NSWSC 340 Davies J	VG	22y NPP 15y		lengthy including violence – breached conditional liberty	Stabbed / assault Intent GBH	(1989) Stalked bookmaker for several months planning robbery – victim stabbed and assaulted in garage after returning from track at night with cash – offender stabbed victim in presence of second man – robbery that went wrong – objective seriousness increased by use of knife – above mid-range Delay – DNA match – physical and mental health issues Consideration of sentences at time of offence
10.	AFU (23 at offence – 51 at sentence) [2018] NSWSC 1127 RA Hulme J	VG Murder	20y NPP 15y		significant record at time of offending	Stabbing intent to kill	(1990) paid \$10,000 by co-offender to kill wife in staged break in – entered house through balcony left unlocked by co-offender and stabbed victim 23 times – high range – co-offender Caleo convicted of solicit to murder Born in Tonga – difficult childhood in poverty – substance abuser since teenage years – at time of offending immersed in criminal world – subsequently returned to Tonga, married and has six children – good prospects of rehabilitation – isolation from family

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11.	MATTHEWS (43 at sentence) [2014] NSWSC 608 Bellew J	PG (10%) Sched Sex offence	21y 6m NPP 16y 3m		Mostly dishonesty – some minor violence	Assault Intent to kill	(1992) Involved in taking female prostitute to bush area - victim sexually assaulted – offender struck victim to head with large rock – killing not planned Subsequently suffered traumatic brain injury from an assault – genuine remorse
12.	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
13.	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
14.	ANDERSON [2006] NSWCCA 156	VG	17y NPP 11y	AD		Strangulation Intent to kill	(1995) strangled husband with cord and buried him under house – premeditated offence Deteriorating health – advanced age – two trials
15.	SALES (31 at offence / 56 at sentence) [2020] NSWSC 1183 Garling J	PG (40% combined) Murder Solicit murder	15y NPP 8y 6m 12y NPP 7y 2m <u>Total:</u> 18y NPP 11y 6m		Recent lengthy sentences imposed for multiple sexual violence offences	Assault / choke Intent to kill	(1995) - lured 54y male associate to bushland area promising search for buried money – victim dug deep hole – assaulted victim with baseball bat then choked him to death using bat – offence committed in presence of brother – body buried in hole and never recovered – planned offence – gratuitous cruelty – very serious example That evening solicited brother to kill offender's ex-partner – threatened to kill brother – careful planning to set mental health defence for brother – charged with breach of AVO against victim – brother shot at victim with shortened firearm in foyer of courthouse causing serious injury – toward upper end of range Some remorse – some discount for voluntary admissions – background of sexual and physical violence and abuse Sentence imposed partially concurrent to very lengthy existing sentence for sexual offences

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16.	KILINCER [2022] NSWSC 1625 Wilson J	VG	22y NPP 16y 6m		Dishonesty offences before and after offence – offence breached conditional liberty	Assault Intent to kill	(1995) fatally assaulted employer at workshop – spontaneous and brutal assault using tools and machinery – continued assault after victim fell to ground - victim planned to terminate offender's employment due to continual theft of money – stole money from wallet and cash register – covered involvement resulting in lengthy delay – grave breach of trust – extreme violence Delay meant some measure of rehabilitation and lesser sentencing range – no remorse – gambling addiction placed offender in precarious financial position
17.	LANE (21 at offence - 36 at sentence) [2011] NSWSC 289 Whealy J [2013] NSWCCA 317	VG Murder 3 x False swearing	18y NPP 13y 5m 9m (concurrent)	Conviction AD	nil	Unknown Intent to kill	(1996) Mother disposed of 2-day old daughter – body never found and no information as to circumstances of or motive for killing – killing relatively spontaneous – suffering disordered personality - false swearing offences related to false information contained in affidavits used for adoption of other children – birth of daughter and two other children kept secret from friends and family Strong character testimonials – rehabilitation – mother to 9y daughter – low level of protective custody
18.	TRAN (16 at offence / 22 at sentence) [2002] NSWSC 394 Sully J Co-offenders: PHAM NGUYEN	PG Murder Unlawfully imprison	14y NPP 9y FT 12m (concurrent)		no criminal history	shooting intent to kill	(1996) Involved in gang - agreed to shoot victim for older friend - took victim to oval at night and shot him four times - degree of coercion and manipulation Subsequently assaulted and moved interstate with girlfriend and baby daughter - established new life - 4 year delay - excellent work record - good prospects of rehabilitation - genuine remorse - assistance - protective custody
19.	P PHAM (18 at offence) NGUYEN (17 at offence) [2002] NSWSC 1261 Sully J Co-offender: TRAN	VG VG	16y NPP 11y 17y 38w NPP 11y 38w (cumulative to existing sentences – see facts)		record not significant appalling record for violence - includes murder and manslaughter	shooting intent to kill	(1996) Execution in context of gang involvement - victim taken to oval by offenders at night and shot four times by co-offender PP - Vietnamese - difficult childhood - refugee - drugs - need for psychiatric care - important co-operation with police N - Traumatized childhood - serious depression - Serving sentences for Murder: 29.10.1998 Kirby J Manslaughter: 20.11.1998 Kirby J Murder: [2000] NSWSC 1177 Total sentence 31y NPP 25y

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20.	TNT (16 at offence / 22 at sentence) [2002] NSWSC 537 Hidden J Co-offender: MHN	PG (combined 50%)	10y NPP 6y (cumulative to existing sentences – see facts)			stabbing accessory	(1996) With 2 co-offenders took 18y victim from coffee shop to nearby street and assaulted him – victim tied up in house then taken to garage - further assaults committed in garage - victim stabbed in throat by co-offender in absence of offender Disturbed childhood - at time of killings involved in gang and under influence of co-offender - subsequent to killings left gang and seriously assaulted - moved interstate with pregnant girlfriend - evidence of good character - volunteered guilt - assistance to authorities Sentenced one month earlier for unconnected murder committed 8 days earlier: Tran [2002] NSWSC 394 Total Sentence: 23y 3m NPP 14y 3m
21.	MTN (17) [2002] NSWSC 1160 O'Keefe J	VG Murder PG Mal wound Affray	16y 6m NPP 11y FT 3y FT 12m <u>Total:</u> 17y 6m NPP 12y		not relevant	stabbing intent GBH	(1997) Gang attack on 2 victims outside amusement centre - mistakenly believed victim belonged to gang responsible for assault on friend – one victim stabbed in shoulder - second victim stabbed in heart - leader of attack Remorse - married with one child - borderline intelligence - good prospects of rehabilitation - disturbed background
22.	FESUS (27 at offence – 48 at sentence) [2018] NSWSC 176 Johnson J	VG	22y NPP 16y 6m		nil record – before or after murder	Strangulation Intent to kill	(1997) killed 18y wife during argument over victim leaving – strangled victim and buried body near beach – two young children present in house – maintained wife had left him – made anonymous phone calls as to whereabouts of body when required to prove wife dead for social security Suffering cancer in remission
23.	BUNCE (37 at offence – 47 at sentence) [2007] NSWSC 469 Price J [2009] NSWCCA 281	PG (25%)	24y NPP 18y	AD	Criminal record	Strangulation Intent to kill	(1997) Strangled sister-in-law – victim tied to bed in preparation for voluntary pornographic video – voluntary sexual intercourse - carefully planned offence – intent to kill prior to travelling to house – revenge – high degree of criminality Psychopathic personality

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24.	VALIUKAS (33 at offence – 43 at sentence) [2009] NSWSC 808 Hulme J	VG	18y NPP 13y 6m		nil	Strangled	(1999) Strangled former partner in her home during argument –volatile relationship – suffering dissociative episode at time of killing – visions of violent father and person who molested him as a child – not fully aware of acts - spontaneous offence - took body and children to mother's house and hid body in shed – lied about disappearance of victim – confessed to police 9 years later – offence below mid-range Prior good character – difficult custodial conditions

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