

## Inflict GBH With Intent to Cause GBH

### s.33 (NSW) Crimes Act

#### s 33 Maliciously inflict GBH with intent to cause GBH

**Maximum penalty:** 25 years

**Standard non-parole period:** 7 years (offences committed on or after 1.2.2003)

**Substituted:** 15.2.2008 (see separate tables)

NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
<b>Anderson</b> NSWCCA 9.4.1991	GBH / GBH	PG	FT 15m	AD	hammer	nil	Struck wife of 30 years about head with hammer causing permanent injury - long history of marital discord Victim had psychiatric problems
<b>Ramsey</b> (32) NSWCCA 30.5.1991	GBH / GBH	VG	2y PD	Crown AA MT 3y AT 1y	assault	nil	After victim accidentally spilt offender's drink offender punched victim to ground & kicked him causing permanent brain damage
<b>Loughnan</b> (18) NSWCCA 14.7.1992	GBH / GBH	VG	MT 9y AT 3y	AD	assault	extensive record	Gaol bashing by 2 prisoners who punched, kicked & stomped on victim's head – premeditated – victim suffered severe injuries now a vegetable
<b>Wiki</b> (19y 8m) NSWCCA 13.9.1993	GBH / GBH	PG	MT 6m AT 12m	Crown AA MT 3y AT 1y	assault	record of violence including AOABH	Victim annoying female patrons at hotel - kicked, punched and stomped on offender - offender returned later and assaulted victim in similar fashion - suffered fractured jaw, nose and rib as well as massive soft tissue injuries
<b>Anderson</b> NSWCCA 19.10.1994	2 x GBH / GBH  Sched: 2 x receiving	PG	MT 7y 6m AT 2y 6m	AD	knives	Extensive - on bail for Form 2 matters, and parole.	Both victim had stolen from offender – offender went to their house and stabbed them during altercation – one victim stabbed three times – second victim stabbed once, narrowly missing heart.

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)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
<b>Constantin</b> (29) NSWCCA 2.6.1995	GBH / GBH Assault	PG	MT 2y 4m AT 8m	Crown AA MT 3y 9m AT 1y 3m	physical assault	Nil	Both offenders contracted to assault male victim - K engaged C and another to carry out the attack – victim suffered broken arm and multiple facial injuries - C assaulted victim's wife when she came to assist husband K – some assistance to authorities
<b>Kontorinakis</b> (40) NSWCCA 2.6.1995	GBH / GBH	PG	MT 15m AT 5m	Crown AA MT 2y 3m AT 9m		Nil	
<b>Phillips</b> (20) NSWCCA 2.8.1995	GBH / GBH	PG	2y PD	Crown AA 3y PD	assault	Nil	Offender wrongly advised victim had sexually assaulted sister 5 years earlier - in company chased victim and kicked him in head causing serious and on-going cognitive problems. Outstanding character.
<b>Henderson</b> (49) NSWCCA 5.11.1997	GBH / GBH	PG	MT 8y AT 3y	AD	assault	not long	Punched and kicked victim, stomping forcefully on head outside hotel in early hours of morning - permanent brain damage. Aboriginal with good subjective features
<b>Wilson</b> NSWCCA 18.12.1997	GBH / GBH	VG	MT 14y AT 4y 8m	AD	iron bar		Broke into female victim's house and bashed her with iron bar - acting for victim's ex-boyfriend.
<b>Walsh</b> (46) NSWCCA 5.3.1998	GBH / GBH	PG	MT 5y AT 1y 8m	AA MT 3y 6m AT 2y	car	nil	Deliberately drove car at estranged wife – spontaneous decision – caused multiple lacerations and fractures. Suffering depression - drove at pole attempting to kill self.
<b>McKnoulty</b> NSWCCA 20.5.1998	GBH / GBH	VG	MT 13y 6m AT 4y 6m	AD	assault		Assaulted female friend in car causing permanent damage. Conviction after second trial
<b>Ferguson</b> (23)  <b>Williams</b> (31) <a href="#">[1999] NSWCCA 214</a>	GBH / GBH  GBH / GBH	PG  PG	MT 4y 6m AT 3y 6m  MT 4y AT 3y	Crown AD	assault	minor  minor	Brawl in hotel - victim assaulted MF - resulted in frenzied attack over 15 mins - stomping, kicking, jumping, use of pool cue and bar stool - victim fortunate to live Aboriginals with deprived backgrounds.

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<b>Ryan</b> (29) (2000) 110 A Crim R 262 <a href="#">NSWCCA</a>	GBH / GBH	VG	MT 3y AT 3y	AD	wheel lock	includes violence	Female struck victim on head with wheel lock - believed victim had stolen drugs and money from her.
<b>Luck</b> (36)	GBH / GBH	VG	MT 5y AT 2y 6m	AD	assault	AOABH	Assaulted intoxicated male victim in toilets of Club, stomping and kicking head - onlooker grabbed by throat when attempted to intervene - victim suffered permanent brain damage. Offender suffers brain damage from alcohol abuse.
	Assault		FT 3m	AD		nil	
<b>Amadio</b> (39)  <a href="#">[2000] NSWCCA 119</a>	GBH / GBH	VG	MT 4y AT 2y 6m				
<b>LRS</b> (17) <a href="#">[2001] NSWCCA 338</a>	GBH / GBH	PG	3y GBB	Crown AA 2y suspended	knife	nil	Attacked by 43y male acquaintance in victim's home - tied to bed and sexually assaulted - responded by nearly severing victim's penis. Previously sexually assaulted - remorse - early admissions - immature and simple.
<b>McNamara</b> (31) <a href="#">[2002] NSWCCA 318</a>	GBH / GBH	PG (20% on appeal)	4y NPP 1y 9m	AA 2y 9m NPP 1y 6m	assault	no history of violence - minor dishonesty offences	Attacked male stranger in bar - bit him on finger and on nose to the bone – required skin graft and further surgery Voluntarily surrendered to police - evidence of rehabilitation from alcohol addiction - effect of incarceration on child – remorse
<b>Shenton</b> <a href="#">[2003] NSWCCA 346</a>	GBH / GBH	PG	5y NPP 3y	AD	Bashing		Broke into victim's home – bashed victim with large metal torch causing fractures including injuries to skull.
<b>Pitt</b> (25) <a href="#">[2003] NSWCCA 408</a>	GBH/GBH	VG	8y NPP 5y	AD	Bashing	Lengthy record for violence	During brawl victim kicked on ground, rock dropped on head and kicked in head – fractured skull and brain damage – four offenders Troubled and deprived background

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<b>Hennes</b> (29) <a href="#">[2004] NSWCCA 50</a>	GBH / GBH	VG	8y NPP 6y	AA (to allow for 2 days PSC) Sentence confirmed.	Assault with glass	Firearm offences – breached bond and bail	Struck acquaintance in face with glass at nightclub – caused loss of right eye and permanent scarring – vicious, unprovoked attack. Depression
<b>Duncan</b> (17)	GBH / GBH	VG	16y NPP 12y	AA 13y NPP 9y	Pole, machete and wheel brace	Breached parole – relatively minor	Fight between two groups of youths armed with weapons – victim separated from group and attacked by multiple assailants – permanent disability
	Affray		FT 2y (concurrent)	FT 2y (concurrent)			
<b>Perre</b> (17) <a href="#">[2004] NSWCCA 431</a>	GBH/GBH	VG	16y NPP 12y	13y NPP 9y		nil	
	Affray		FT 2y (concurrent)	FT 2y (concurrent)			
<b>Buddle</b> <a href="#">[2005] NSWCCA 82</a>	GBH / GBH  Sched: AOABH	PG (10%)	6y 6m NPP 4y 3m	AA 5y NPP 3y	Baseball bat	No criminal conviction for 20y	Pursued drunken males who had attempted to enter house and assaulted son – one male severely bashed with baseball bat – assault continued while victim unconscious Strong subjective case – sole carer for 2 sons – extensive community contribution – psychologically vulnerable at time of offence
<b>Olsen</b> (29) <a href="#">[2005] NSWCCA 243</a>	GBH / GBH  AOABH	VG	9y NPP 5y 6m  FT 18m (concurrent)	AD	Assault	Record includes assault offences – breached bail	Sustained attack on 3y son of de facto – victim suffering extensive injuries including bite marks and dehydration – assaulted de facto when she attempted to seek medical assistance
<b>Zoef</b> <a href="#">[2005] NSWCCA 268</a>	GBH / GBH  Unauth poss shortened firearm  Unauth poss silencer	VG  PG  PG	10y NPP 7y 6m  FT 3y  FT 12m (concurrent)	AD	Firearm offences		Shot girlfriend's ex-partner as he climbed through window into house with sawn-off rifle – excessive response to threat – caused paraplegia Genuine remorse

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<b>Chisari</b> (27) <a href="#">[2006] NSWCCA 19</a>	GBH / GBH	VG	2y 8m NPP 14m	Crown AA 5y NPP 2y 6m	Car	Minor	<b>SNPP 7 years</b> During argument over parked car deliberately drove at and struck police officer with front of car – accelerated and drove off - fractured right arm with permanent damage - financial stress due to loss of work - below mid-range Uncharacteristic aberration.
<b>Heron</b> <a href="#">[2006] NSWCCA 215</a>	GBH / GBH	VG	7y 6m NPP 5y 6m	AA 7y NPP 4y	Glass	AOABH, assault	<b>SNPP 7 years</b> Dispute at hotel party regarding offender's behaviour towards victim's son during football match – struggle resulted in glass being struck against victim's face - victim suffered gaping wound to face and under throat – no long-term effects - spontaneous attack - below mid-range Professional rugby league player – qualified and committed youth worker widely respected in Aboriginal and wider community – good character – special circumstances
<b>JPW</b> (15) <a href="#">[2006] NSWCCA 294</a>	GBH / to prevent apprehension	VG	GBB 3y	Crown AD	Kicking		<b>SNPP 7 years</b> Friend caught shoplifting – offender kicked security guard in head to prevent friend being apprehended - victim suffered severe facial and cranial injuries resulting in serious post traumatic disorder and substantial disabilities - not premeditated - below mid-range
<b>Jenkins</b> (19) <a href="#">[2006] NSWCCA 412</a>	GBH / GBH	VG	5y NPP 2y 6m	Crown AD	Glass	Nil	<b>SNPP 7 years</b> Female– pushed glass into right eye of victim during confrontation in night club – no provocation - use of weapon - victim had 3 operations to eye to try to prevent retinal detachment - significant chance victim might require removal of eye itself with risk of sympathetic injury to left eye occurring in future - facial scarring - unlikely to be able to continue as a serving police officer - somewhat below mid-range Difficult childhood – depression – remorse

NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
<b>Vragovic</b> (69) <a href="#">[2007] NSWCCA 46</a>	GBH / GBH	VG	12y NPP 8y	AD	Exhaust pipe and shortened firearm	Maliciously inflict GBH with intent – breached bail for same offence different victim	<b>SNPP 7 years</b> Attack upon estranged 57y wife – broke into victim's home at night – beat victim to face and body – victim suffered serious on-going injuries - above mid-range - Cold calculated and brutal attack upon a helpless woman in her own home Serving sentence for prior assault on victim's new partner.
<b>Jione</b> <a href="#">[2007] NSWCCA 170</a>	GBH / GBH	PG (25%)	8y NPP 5y	Crown AA 12y NPP 8y	Assault	Breach AVO, assault	<b>SNPP 7 years</b> Punched victim numerous times on two occasions while drinking at hotel – victim reduced to vegetative state - above mid-range and in category of high seriousness
<b>Mitchell</b> (21)  <b>Gallagher</b> (20)  (2007) 177 A Crim R 94 <a href="#">NSWCCA</a>	GBH / GBH  GBH / GBH	PG (15% on appeal)  PG (15% on appeal)	8y NPP 4y  5y 2m NPP 2y 6m	Crown AA 12y NPP 7y  9y 4m NPP 5y	Assault  Nil	Dangerous driving, assault, on bond.  Nil	<b>SNPP 7 years</b> M believed he had been sexually assaulted by victim when he was 10 years old (fact undetermined at sentence) – under heavy influence of alcohol and drugs offenders came across victim on street – viciously attacked victim, punching and kicking victim to ground - victim suffered serious brain injury and reduced to vegetative state – confined to wheelchair
<b>Kennedy</b> (17) (2008) 181 A Crim R 185 <a href="#">NSWCCA</a>	GBH / GBH	PG (25%)	7y NPP 4y	AA 6y NPP 3y	Assault	Breached AVO	<b>SNPP 7 years</b> Unprovoked assault on de facto causing multiple facial fractures – intoxicated – voluntary surrender to police – suffering mental illness affecting culpability - victim suffered severe physical injuries – facial fractures, fractures to her nasal bones, fractures of the mandibles and dental injuries – required surgery - in hospital for 2 weeks - lower end of mid-range. Aboriginal with deprived child

NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
<b>Moore</b> (56) <a href="#">[2008] NSWCCA 143</a>	GBH / GBH	PG (10%)	9y NPP 6y	AD	Poker	Minor	<b>SNPP 7 years</b> During argument struck wife to head with metal poker – element of provocation where wife first struck offender with poker – victim suffered fracture to skull and subsequent haemorrhage - severe and permanent brain damage - unable to live independently - mid-range. Genuine remorse
<b>Thewlis</b> <a href="#">[2008] NSWCCA 176</a>	GBH / GBH  Mal wound / GBH	PG (25%)	8y NPP 4y  FT 3y  <u>Total:</u> 9y NPP 5y	AA 6y NPP 3y  FT 3y  <u>Total:</u> 7y NPP 4y	Knife		<b>SNPP 7 years</b> Repeatedly stabbed estranged de facto and new partner - female victim suffered life threatening injuries requiring immediate surgery and leaving permanent scarring - mid-range. Immediately sought help from neighbours and called ambulance – stayed until ambulance and police arrived - immediate post-crime ameliorating conduct entitled appellant to mitigation of sentence but did not affect assessment of objective gravity.
<b>Quach</b> <a href="#">[2008] NSWCCA 284</a>	GBH / GBH	VG	3y NPP 2y	Conviction AD	Foot - single kick	Nil	<b>SNPP 7 years</b> During soccer match scuffle ensued – kicked linesman once to face as he intervened - suffered facial injuries including fractured eye socket, nose, broken teeth, fracture of bones above left upper teeth and retinal injuries - required 3 metal plates.
<b>Boney</b> (37) <a href="#">[2008] NSWCCA 313</a>	GBH / GBH  Detain for advantage  AOABH	PG (25%)	6y NPP 3y  FT 18m  FT 9m (all concurrent)	Crown AA 7y 6m NPP 4y 6m  FT 18m  FT 9m  <u>Total:</u> 8y NPP 5y	knife	substantial – included personal violence offences	<b>SNPP 7 years</b> Carried former de facto wife to offender's cousin house for the night, slapping her on face – next day stabbed first victim's brother in abdomen and across chest when he came to house – mid range offence

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<b>S K</b> (35) <a href="#">[2009] NSWCCA 21</a>	GBH / GBH	PG	12y NPP 8y	AD	Push into train	Mid-range PCA	<b>SNPP 7 years</b> Pushed stranger off train platform under oncoming train – catastrophic injuries – victim had asked offender not to spit or cough – intoxicated. Protective custody
<b>Quin</b> (20) <a href="#">[2009] NSWCCA 16</a>	GBH / GBH	VG	5y NPP 2y 6m	Crown AA 5y 6m NPP 3y 2m	Assault	Priors including assault – breached conditional liberty	<b>SNPP 7 years</b> Led assault on single male by group of males on street late at night - victim suffered fracture to jaw in two places, fracture to left eye socket and nasal fracture - required molar teeth removed and 3 sets of screws inserted with plate in jaw - below mid-range Dysfunctional background – alcohol abuse and anger management problems – good prospects of rehabilitation
<b>Sproates</b> (24) <a href="#">[2009] NSWCCA 29</a>	GBH / GBH	PG (25%)	12y NPP 8y	AD	Shooting	Not extensive	<b>SNPP 7 years</b> Verbal altercation in hotel with victim – approached victim outside hotel and threatened with gun – fired 3 shots hitting victim in stomach – severe injuries - bullet entered left abdomen, passed through liver and stomach and lodged near spine in pancreas - required major surgery– carrying gun for self-protection – intoxicated and under influence of ice - upper end of range. Aboriginal with difficult background – drug / alcohol abuse – remorse – voluntarily surrendered to police – reasonable prospects of rehabilitation
<b>Gersbach</b> (26) <a href="#">[2009] NSWCCA 132</a>	GBH / GBH	VG	9y 4m NPP 6y 6m	AD	Cricket bat	Limited - assault, malicious damage	<b>SNPP 7 years</b> Unprovoked assault - struck victim in head with cricket bat followed by two more blows to head when victim lying on ground – arising out of dispute from previous evening – with other companions at time - victim suffered severe head injuries – likely to affect planning and short term memory - mid-range objective seriousness.



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<b>Rosenburg</b> <a href="#">[2009] NSWCCA 148</a>	GBH / GBH	VG	5y NPP 3y 9m	AD	Metal bar	Significant, including assault	<b>SNPP 7 years</b> Struck male victim a number of times with metal bar following dispute – victim suffered less serious injury than other GBH cases – no surgery was required - offence below mid-range objective seriousness but closer to middle range than bottom range
<b>Dixon</b> (23)	GBH / GBH	PG	3y NPP 2y Periodic Detention	Crown AD	Bottles	Minor	<b>SNPP 7 years</b> Involved in fight at night club – Dixon punched owner and security guard in face – A.Pearce struck two persons in face and neck area with broken bottles – J.Pearce threw and struck several person with broken bottles – stamped on head of person – one person badly injured by bottle thrown by J.Pearce – co-offenders liable by joint criminal enterprise Unfortunate childhood and drug abuse
	Affray		12m (concurrent)				
	Sched: 2 x assault						
<b>A.Pearce</b> (23)	GBH / GBH		5y 3m NPP 2y	Crown AA 6y 3m NPP 3y		Priors including assault and affray	
	Affray		FT 12m	FT 12m			
	AOABH		FT 12m	FT 12m			
	Sched: 2 x assault		<u>Total:</u> 5y 6m NPP 2y 3m	<u>Total:</u> 6y 6m NPP 2y 3m			
<b>J. Pearce</b> (20)	GBH / GBH		5y 3m NPP 2y	Crown AA 6y 3m NPP 3y		assault	
<a href="#">[2009] NSWCCA 179</a>	Affray		12m (concurrent)	12m (concurrent)			
	Sched: 2 x assault						

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<b>Connelly</b> (38) <a href="#">[2009] NSWCCA 293</a>	GBH / GBH  Assault  Intimidation  Sched: Assault	PG (15%)	5y 11m 12d NPP 3y 5m 16d  FT 12m  FT 6m (concurrent)	AD	Baseball bat	Minor – breached two bonds	<b>SNPP 7 years</b> During argument outside offender's house over debt pushed male victim causing pram to tip over – chased by victim who threw beer bottle – chased victim in car and struck him on head with baseball bat – pushed female victim causing pram to tip over and baby to strike head – threatened to assault and burn down house of female victim - male victim lost eye and multiple orbital and facial fractures - substantial on-going physical and emotional harm. Mild intellectual disability – significant brain injury – alcohol and drug addiction
<b>Chen</b> (49) <a href="#">[2011] NSWCCA 85</a>	GBH / GBH	PG (15%)	5y NPP 3y	AD	Knife	Nil	<b>SNPP 7 years</b> In company with others, assaulted victim who acted as immigration agent over contractual dispute – used knife to stab victim in chest area – victim received severe laceration to right wrist and superficial wounds to chest, abdomen and forearm - continued to kick and punch victim while prostrate and bleeding heavily on floor, - planned offence – committed in company - just within mid-range Good character.
<b>Mendes</b> (22) <a href="#">[2012] NSWCCA 103</a>	2 x GBH / GBH  Sched: 3 offences	PG (25%)	10y NPP 7y	AA Same effective sentence	Knife	nil	<b>SNPP 7 years</b> During argument with girlfriend at hotel grabbed her around neck, slapped her, dragged her towards balcony and threatened to throw her off - stabbed her in chest, neck and wrist - chased victim through hotel – stabbed male friend of victim twice in neck and back – continued to assault girlfriend and stabbed her in arm while attempting to stab in neck – under influence of cannabis and methylamphetamine Drug use commenced after sexual abuse as a child by older teenagers – good prospects of rehabilitation – genuine remorse

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<b>Tan</b> (32) <a href="#">[2013] NSWCCA 262</a>	GBH / GBH  AOABH	VG	10y NPP 6y  FT 3y  <u>Total:</u> 11y NPP 7y	AD	Punch and steel implement	Nil in Australia – drug offences in Malaysia	<b>SNPP 7 years</b> Assaulted female partner on two separate occasions – on first occasion punched to head and kicked to back – threatened with meat cleaver – choked with belt around neck – on second occasion punched victim to face several times and hit with steel implement causing injury to eye – greater than mid-range Malaysian on visa
<b>Dulihanty</b> (42) <a href="#">[2013] NSWCCA 275</a>	GBH / GBH	VG	8y NPP 5y	AD	'weapon'	Nil	<b>SNPP 7 years</b> Arranged for sex worker to attend unoccupied premises - attacked victim from behind with weapon inflicting grievous bodily harm – several blows inflicted – no apparent motive – fled premises leaving victim behind – weapon not recovered
<b>Sims</b> (24 at offence) <a href="#">[2019] NSWCCA 232</a>	GBH / GBH  Att s.61J  Sched: Act of indecent	PG (12%)	<u>Indicative:</u> 13y 2m  7y 8m  <u>Aggregate:</u> 15y NPP 10y	AD	fist	nil prior – sexual offence of 15y girl subsequent	(1996) soldier told lies to 19y female met in club about knowing her boyfriend – left club with victim then strike her to face causing serious injury and unconsciousness – moved victim to dark embankment and attempted to sexually assault her – attempt only due to early ejaculation – left victim on embankment – arrested after DNA match many years later – some degree of planning on the night - martial arts trained - above mid-range seriousness No evidence of rehabilitation – some evidence of mental illness

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