

Malicious Wounding With Intent to Cause GBH

s.33 (NSW) Crimes Act

s 33 Maliciously wound 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
Dib NSW CCA 13.9.1991	Mal wound / GBH	VG	MT 4y 6m AT 1y 6m	AA MT 4m 3d AT 2y 7m 28d	Knife		Bad feeling between offender and victim - called victim out to fight and struck him in throat with knife Extreme hardship to son
Allen NSWCCA 25.2.1992	Mal wound / GBH	PG	MT 7y 6m AT 2y 6m	AD	Knife	nil violence or sex	Dragged 16y girl into bushes in park and made sexual advances - stabbed her in chest and drew knife across throat cutting it - towards upper range
Henry (1992) 28 NSWLR 348	Mal wound / GBH	VG	MT 6y AT 2y	AD	Knife		Stabbed police prosecutor outside hotel - injuries to neck and abdomen
Rumbel NSWCCA 15.12.1994	Mal wound / GBH	PG	MT 3y AT 3y	AD	Knife	nil - breach AVO	An hour after warned by police broke into estranged wife's house and assaulted her – when confronted by male chased victim outside with knife and cut her neck - obtained another knife from shed and returned to cut victim's wrists - agreed to take victim to hospital - knew victim had heart condition.
Garvey (21) NSWCCA 24.2.1995	Mal wound / GBH Sched: AOABH	PG	MT 18m AT 2y 6m	Crown AA MT 2y 6m AT 2y 6m	Knife	Prior violence include mal wound and breach AVO - on bail for AOABH	Went to estranged wife's house affected by drugs & liquor - chased victim with knife when she rejected sexual advances and stabbed her in neck - chased victim around house, threatened to kill, and stabbed her in chest - defence wounds to hands – 2y child present during attack. AOABH: kicked & stabbed neighbour. Low intelligence with prospect of rehabilitation - Aboriginal

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
McKean NSWCCA 27.3.1995	2 x mal wound / GBH	PG	MT 3y 1d AT 2y 364d	Crown AD	Knife	Bond for breach of AVO	Broke into estranged wife's house, stabbed her and young child. Solicitor suffering alcohol induced brain damage – entering rehab institution when released to parole
Maradin (20) NSWCCA 19.9.1995	Mal wound / GBH	PG	MT 12m AT 3y	Crown AA MT 3y AT 3y	Knife	Nil	Offender visited friend from work at house unexpectedly - made unwelcome sexual advances - violent struggle - offender assaulted victim preventing victim from breathing several times – stabbed victim six times trying to escape – left victim in street with collapsed lung.
Caracaleanu (39) NSWCCA 27.9.1995	Mal wound / GBH	VG	MT 2y AT 2y	AD	Knife	nil	Victim came to offender's house uninvited to discuss falling out - altercation developed over victim's interest in 15y boy at offender's house – offender drunk and stabbed victim four times, including once to neck, lacerating jugular vein - spontaneous stabbing
Crittenden (36) NSWCCA 22.7.1996	Mal wound / GBH	PG	MT 6y AT 2y	AA MT 4y AT 1y 4m	Knife	lengthy and serious	During argument at flats offender struck by victim - returned with knife and stabbed victim six times in abdomen / back area.
Asher (29) NSWCCA 1.11.1996	Mal wound / GBH	VG	MT 3y AT 4y	AD	Knife	lengthy no serious violence	Serious attack on victim - lost much of outer ear - claimed victim had previously failed to mind offender's tent when asked to, resulting in loss of possessions History of alcohol and schizophrenia.
Pakalani NSWCCA 12.11.1996	Mal wound / GBH	PG	5y GBB	Crown AA MT 3y AT 1y	Beer bottle		Assaulted bouncer who told him not to drink on footpath - followed victim into hotel smashing beer bottle in victim's face, causing serious damage.
Watt NSWCCA 2.4.1997	Mal wound / GBH	PG	MT 18m AT 18m	Crown AA MT 2y AT 2y	Knife	extensive, including violence – breached recog at time of offence.	Assaulted by victim at train station without provocation - alleged offender a "rock spider" then left scene - followed victim, slashing and stabbing him with knife he carried for work - provocation.
Luu (20) NSWCCA 12.3.1998	2 x Mal wound / GBH	VG (murder trial)	2y 6m PD (+ 10m PSC)	Crown AD	Screwdriver	nil relevant	Became involved in fight outside restaurant - spontaneous involvement to assist friend - confronted by group of hostile men, some armed. Strong family support

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Kotevski (70) NSWCCA 3.4.1998	Mal wound / GBH Sched: AOABH	PG	MT 2y 3m AT 9m	AD	Scraper, trowel and knife.	nil	Worked with estranged wife in shop - during argument "snapped" and attacked wife with scraper, trowel and knife - repeated stabbing to back of head and neck.
Reeks NSWCCA 16.9.1998	Mal wound / GBH	PG	MT 12m AT 2y	AD	Gun		Wife shot husband in shoulder while he slept - tempestuous relationship - both heavy drinkers – 6y disabled child - persistent and long-term domestic violence - both drinking that night – offender had complained about being assaulted
Fahda [1999] NSWCCA 267	Mal wound / GBH	PG	MT 4y AT 3y	AA MT 2y 6m AT 2y 6m	Knife		Experiencing marital difficulties with wife - struck her over head with frying pan, stabbed her in neck three times and attempted to strangle her - wife escaped through assistance of 11y daughter. Strong evidence of psychiatric disorder.
Ismail (23) [2000] NSWCCA 217	Mal wound / GBH	VG	MT 4y AT 3y	AD	Car	poor record showing intransigence towards police in traffic matters	Female police officer pulled over car carrying offender as passenger seeking to speak to offender about incident of spitting - offender got into driver's seat and ran over police officer, injuring leg - premeditated offence Poor prospects of rehabilitation.
Drew [2000] NSWCCA 384	Mal wound / GBH	PG	MT 7y AT 3y 6m	AD	Machete	record includes violence offences	Part of group of 5 men who attacked male aboriginal leader of local community armed with variety of weapons - offender struck victim across face several times with machete - premeditated attack in response to perceived abuse of power by victim. Aborigine with deprived background.
Dunn (48) [2000] NSWCCA 377	Mal wound / GBH	VG	MT 5y 6m AT 3y 6m	AD	Gun		Fired 6 bullets from .38 Smith and Wesson revolver at male striking him in lower half of body - no serious injury - acquitted of attempt murder. Suffering depression and compulsive obsessive disorder at time of offence.
Koomson (42) [2001] NSWCCA 176	Mal Wound / GBH	PG	MT 4y AT 3y	AD	Hammer and knife	common assault on wife	Broke into home of estranged wife and attacked her with hammer and knife - sustained attack over long period in front of two small children. From Ghana - depressive illness.

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Hayes (44) [2001] NSWCCA 358	Mal Wound / GBH	PG (10%)	11y 8m NPP 8y 9m	AD	Piece of wood	lengthy - on parole for murder	Attacked brother's de facto wife with piece of wood over 20mins.
Zamagias (26) [2002] NSWCCA 17	Mal wound / GBH	VG	2y Suspended	Crown AA 2y 6m NPP 1y 9m Periodic Detention	Piece of glass	nil	During fight at hotel slashed victim's neck with glass - fight a result of on-going domestic dispute between offender's wife and aunt.
Tapele [2002] NSWCCA 111	2 x Mal wound / GBH	PG (25%)	8y 6m NPP 5y 6m	AD	Hammer and screwdriver	nil - second offence committed on bail for first offence	Broke into home and repeatedly struck mother-in-law about head with hammer - caused fractured skull - while on bail stabbed estranged wife with screwdriver Native of PNG left destitute in Australia after separation from wife - good work record - prospects of rehabilitation - protective custody - isolation
Sihavong (19) [2002] NSWSC 854 Buddin J [2003] NSWCCA 312	2 x Mal wound / GBH	VG	14y NPP 9y 6m	Conviction AD	Gun	minor	With co-offender because involved in long running argument with acquaintances - tension escalated into confrontation outside house - co-offender shot dead one male - several other men shot and injured by offender and co-offender - intent formed immediately before offences – acquitted of murder and attempt murder Laotian parents - refugee with disrupted childhood
Taupau [2002] NSWCCA 473	Mal wound / GBH	VG	4y NPP 2y	AD	Knife		Argument with neighbour during party - neighbour stabbed four times in stomach and chest – one wound required bowel surgery
Scott (29) [2003] NSWCCA 286	Mal wound / GBH 2 x s.61 Assault	PG (25%)	7y NPP 4y FT 6m (concurrent)	AD	Knife	nil	Attacked group of persons with knife after being offended by their noise outside his home in early morning – intoxicated – victim suffered serious stab wounds. Law abiding citizen prior to offence.
Baquayee (32) [2003] NSWCCA 401	2 x Mal wound / GBH	VG	6y NPP 2y 9m	Crown AA 10y NPP 6y	Gun	Minor	Became involved in scuffle outside cinema – shot 2 brothers - violent attack on offender and younger brother Custody of 8y child – evidence of good character and family support

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Razzak (19) [2004] NSWCCA 62	Mal Wound / GBH	VG	7y NPP 4y	AD	Knife	No prior for violence - breached bond	Stabbed male stranger in street late at night – stab wound to abdomen Subsequently suffered serious injuries from unrelated shooting
Mioduszewski (69) [2004] NSWCCA 154	Mal Wound / GBH Sched: Possess unauth firearm	PG	6y NPP 4y	AD	Gun	Nil	Shot estranged wife in forehead during struggle – also attacked her with wooden lamp Highly respected member of society – suffering emotional distress and in fragile psychological state – significant ill health
Hoskins (21) [2004] NSWCCA 236	Mal wound / GBH	PG (25%)	6y NPP 4y	Crown AA To commence sentence one year later	Screwdriver	Poor, dishonesty and robbery	Offence on fellow inmate committed in custody while serving sentence for an aggravated robbery w/ GBH – stabbed near kidney. Aboriginal - illiterate and never employed.
Cramp [2004] NSWCCA 264	Mal wound / GBH	PG (12%)	8y NPP 5y 7m	7y NPP 5y	Knife	Lengthy record but no violence	Chased male friend of estranged de facto off street – stabbed twice in back – threat to kill Remorse – good prospects of rehabilitation
Williams (32) (2004) 148 A Crim R 325 [2004] NSWCCA 246	Mal wound / GBH Affray 2 x AOABH	PG (20% on appeal)	7y 6m NPP 4y 18m NPP 6m FT 9m <u>Total:</u> 8y NPP 4y 8m	AA 6y NPP 3y 2m 18m NPP 6m FT 9m <u>Total:</u> 6y 6m NPP 3y 10m	Knife	Breached parole – assault offences	Became involved in altercation with café owner with two co-offenders – victim produced baseball bat in defence – victim punched and bashed with bat – offender tabbed victim with knife – intoxicated – after parole revoked attacked two inmates in gaol with broom handle Aboriginal with difficult childhood – early drug abuse
Zhang (40) [2004] NSWCCA 358	Mal wound / GBH	PG (20%)	8y NPP 5y	AA 7y NPP 4y 6m	Meat cleaver	Nil	Dispute over financial dealings broke out – chased victim with meat cleaver causing serious wound to face – impulsive offence Chinese – isolation – remorse – good prospects of rehabilitation
King (2004) 150 A Crim R 409 NSWCCA	Mal wound / GBH	PG (15%)	10y NPP 6y 6m	Crown AA 12y NPP 8y	Kicking and stomping		Punched pregnant woman causing miscarriage of baby - had already attempted to persuade her to have an abortion and sought to induce others to assault her in order for her miscarriage – significant on-going impact on victim

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Dickinson (25) [2004] NSWCCA 457 [2005] NSWCCA 284	Mal wound / GBH	PG	2y NPP 1y Suspended	Crown AA FT 2y 2m Periodic Detention AD	Knife	Nil	SNPP 7 Years Angered by daughter being left alone with ex-partner's new boyfriend - attacked with carving knife – serious injuries Invalid pensioner due to diabetes and a condition causing vomiting – suffered PTSD due to sexual abuse as a child – very protective of daughter as a result – remorseful
O'Connor [2005] NSWCCA 5	Mal wound / GBH	VG	11y NPP 8y 3m	AD	Assault		Became aggressive while drinking with associates at flat – assaulted male – kick to eye, assault with smashed ashtray, attempt to strangle, kneed to testicles
LNT (17) [2005] NSWCCA 307	Mal wound / GBH	PG (20%)	7y 6m NPP 5y	AA 7y NPP 4y	Knife	Nil	SNPP 7 years Female attacked 15y female on street with two friends – stabbed and cut with knife – lacerations to face, breast and scalp – required stitches - slightly in excess of mid-range Mother of young child – drug abuse and youth - special circumstances - rehabilitation
Reid (2005) 155 A Crim R 428 NSWCCA	Mal wound / GBH	PG (25%)	6y 9m NPP 4y 8m	AD	Knife		SNPP 7 years Attacked ex-de facto in own home – no provocation – slashed face with knife and cut thumb - victim sustained laceration to left side of face - wound extended into nasal cavity, both lips and to chin - required surgery.
Mackey (26) [2006] NSWCCA 254	Mal wound / GBH	VG	10y 8m NPP 8y	AD	Glass	3 x manslaughter - breached parole	SNPP 7 years Confrontation in hotel after accidental bumping – struck victim in face with glass – severe lacerations 40 stitches to cheek, left eyebrow and left eyelid – unprovoked – spontaneous - victim left with residual substantial and prominent scarring - slightly above mid-range
Ghazi [2006] NSWCCA 320	Mal wound / GBH	PG (20%)	10y 6m NPP 6y	AA 9y 7m NPP 5y	Knife	Priors – less serious	SNPP 7 years Fight in gym – unprovoked stabbing of male stranger – 7 stab wounds – victim suffered stab wound to liver - hospitalised for 10 days - required two operations – good prognosis for recovery - upper mid-range. Steroid and anger problem

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Walker [2006] NSWCCA 347	Attempt Mal wound / GBH	PG	3y NPP 18m	AD	Knife	Nil	SNPP 7 years Attacked wife after breakdown of marriage – no actual wounding. Good character.
Pillay (22) (2006) 167 A Crim R 312 NSWCCA	Mal wound / GBH	VG	9y 4m NPP 7y	AA 8y NPP 5y 6m	Knife	Nil relevant	SNPP 7 years Attacked paraplegic flatmate – threat to kill – forced to write suicide note – choked – cut hand with carving knife - majority of tendons in wrist cut or damaged - desisted and assisted victim – build-up of tension - mid-range offence - premeditation
Frigiani (36) [2007] NSWCCA 81	Mal wound / GBH	PG	9y NPP 5y 6m	AD	Knife	Breached s.10 bond for assault on wife	SNPP 7 years Stabbed estranged wife 6-7 times in chest and back – spontaneous offence – threats to son – victim suffered two large wounds and collapsed lung - Slightly above mid-range Emotional upheaval – contrition – good prospects of rehabilitation
Matzick (21) [2007] NSWCCA 92	Mal wound / GBH	PG (25%)	5y 4m NPP 2y 10m	AD	Knife	Possess proh drug	SNPP 7 years Stabbed shopkeeper twice in neck during struggle. Troubled background - on drugs at time of offence - prospects of rehabilitation guarded.
Deng [2007] NSWCCA 216	Mal Wound / GBH	PG (20%)	3y NPP 2y Periodic Detention	Crown AD	Knife		SNPP 7 years Stabbed victim three times in chest and once in back – injuries to spleen and punctured lung - victim to marry offender's ex-partner and mother of his child - below mid-range. Refugee from war in Sudan - fractured childhood being taken prisoner by soldiers and separated from family - supported mother and younger siblings.
Ferrer (24) [2008] NSWCCA 104	Mal wound / GBH	PG (10%)	4y NPP 2y	Crown AD	Scissors	Drugs, dishonesty	SNPP 7 years Believed that friend had stolen offender's property – during argument stabbed victim with scissors – unclear who produced scissors - victim suffered collapsed lung and required surgery - below mid-range – not premeditated - whilst attack savage, offender had ended it of 'own volition'

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Lombard (2008) 184 A Crim R 565 NSWCCA	Mal wound / GBH	PG (20%)	3y NPP 2y Periodic Detention	Crown AD	Knife		SNPP 7 years Assaulted by security guard and other guards after offender insulted guard outside nightclub – offender went home and obtained knife from kitchen – returned to nightclub and stabbed guard in neck - no premeditation or planning - removal of knife from kitchen was spontaneous without malicious intent - did not seek out victim for revenge - victim reacted unprofessionally and provocatively with physical aggression in response to verbal insult - offender used knife only after commencement of physical violence and when in fear of further beatings - injuries not significant - low mid-range. Additional 13.3% discount for contrition, remorse and weak crown case
Fryar (52) [2008] NSWCCA 171	Mal wound / GBH	VG	6y 6m NPP 4y	Crown AA 9y NPP 6y	Knife	Driving - no offences of violence.	SNPP 7 years Long-standing animosity between offender and victim – offender approached victim from behind at club - stabbed victim in back with downward motion causing 20cm wound - mid-range.
Speechly (22) [2008] NSWCCA 204	Mal wound / GBH	VG	10y 8m NPP 6y	AA 9y NPP 6y	Punching and kicking	Possess drugs.	SNPP 7 years With brother attacked victim on street at night – punching and when victim fell to the ground kicking even after unconscious– unplanned, relentless assault - suffered fracture of lower jaw - right ear partially torn away requiring reattachment - serious abdominal injuries necessitating amputation of between 40% and 50% of colon, and loss of 20% of blood – unprovoked assault - mid-range Appeal allowed on parity ground
Anderson (26) [2008] NSWCCA 211	Mal wound / GBH	PG (15%)	7y NPP 3y 9m	AD	Pool cue	Violence	SNPP 7 years At hotel friend of offender hit him across head with pool cue - offender further struck victim with another pool cue across head causing laceration to skull – no provocation - mid-range Aboriginal with longstanding substance abuse

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Wright (21) [2009] NSWCCA 3	Mal wound / GBH	PG (25%)	4y 6m NPP 2y 6m	Crown AD	Stomping and kicking		SNPP 7 years Drinking with friends at hotel – argument with another group – offender joined others in chasing victim and friends – offender hit by bottle causing him to continue fighting – stomped and kicked victim on head while unconscious on ground - suffered fractures to both eye sockets, bone between left eye socket and temple, cheekbone and bone in nose - surgery required - mid-range objective seriousness
Bonett (21) [2009] NSWCCA 135	Mal Wound / GBH	VG	8y NPP 5y	Crown AD	Punching and kicking - glass	Record for violence – breached PD for sentence imposed on mal wound involving a glassing offence – breached bail	SNPP 7 years Assaulted male in car waiting outside nightclub – kicked in head, punched and struck in face with broken bottle – spontaneous offence – offender suffering ADHD and perceived victim's comments as provocative - required plastic surgery to face for facial wounds described as “grotesque and serious” - lightly below mid-range Disrupted schooling – alcohol and steroid abuse – genuine remorse – good use of time in custody.
Wilkins (44) [2009] NSWCCA 222	Mal wound / GBH Sched: 3 x malicious damage by fire s195	PG (15%)	11y 6m NPP 7y	AA 8y 6m NPP 5y 6m	Hammer	Culpable driving	SNPP 7 years Set fire to car belonging to ex-partner's new boyfriend parked in garage – upon being seen leaving garage, attacked victim with hammer – numerous blows to victim's head - arson planned but attack on victim spontaneous - victim suffered deep lacerations to scalp requiring 30-40 sutures and fractures of sinus and medial wall of the right orbit - below mid-range objective seriousness - only injuries from wounding relevant to assessment of objective seriousness. Depression following breakdown of relationship with partner with whom offender had two children.

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Bourke (21) (2010) 199 A Crim R 38 NSWCCA	Mal wound / GBH	PG (15%)	12y NPP 8y	AD	Pole and axe	AOABH, BES - absent from periodic detention at time of offence purporting to be ill.	SNPP 7 years Attacked victim at party with weapons obtained from home – motive unknown – attack unprovoked and not spontaneous - victim suffered serious cuts to head including cut above eye to bone and fractures to fingers – left with restricted movement in fingers - above mid-range towards upper end of range. Suffered from mental disorder – intoxicated at time of incident.
Binnie (27) [2010] NSWCCA 14	Mal wound / GBH	PG (25%)	6y 6m NPP 4y	AA 6y 3y 6m	Knife	Nil	SNPP 7 years Followed ex-girlfriend and victim in car until opportunity to attack – stabbed victim in torso and side of neck - victim sustained deep wound to neck and 2.5 cm wound about 5cm deep to right side of torso - 3 hour operation required – vicious and unprovoked attack - below mid-range of objective seriousness although towards the mid-range Intoxicated at time of offence - suffering from major mental illness - depression – suicidal - good rehabilitation prospects
Mercael (35) [2010] NSWCCA 36	Mal wound / GBH Take and drive motor vehicle	PG	12y 9m NPP 8y 8m NPP 4m (concurrent)	AD	Knife	offences of violence against victim	SNPP 7 years Offender forced his way into car with estranged wife and stabbed her with knife – drove off in car - followed long period of harassment – 13 stab wounds – well above mid-range Married in Iraq – no family in Australia
Yuksel [2010] NSWCCA 65	Mal wound / GBH	VG	9y NPP 7y	9y NPP 5y 10m	Stabbing		SNPP 7 years Stabbing – 3cm wound to victim's shoulder - wound not life threatening - mid-range Suffered from psychotic condition

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Rudd (62) [2010] NSWCCA 71	Mal wound / GBH AOABH	PG (15%)	3y NPP 2y Periodic Detention GBB 2y	Crown AD	Machete	nil	SNPP 7 years Neighbourhood dispute – offender armed with machete used as gardening tool looked for neighbour's dog after it had attacked offender's dog – confronted by neighbours - struck female victim in back with machete – male victim suffered cut to arm and small cuts to face and foot - relatively minor injuries – offender received injuries to face - halfway between low and mid-range. Offence a result of a “brain snap” – intoxicated – stress and aggravation from on-going dispute with neighbours - prior good character – age - employed – financial supporter of family
Nicholson (44) [2010] NSWCCA 80	Mal wound / GBH	PG (15%)	5y 10m NPP 4y 4m 16d	Crown AD	Knife	Lengthy – violence - AR.	SNPP 7 years Stabbed girlfriend in chest – spontaneous attack, not planned – victim suffered 3 stab wounds to chest - lung partly collapsed and bleed into thorax - mental disorder reduced culpability - significantly below mid-range Mental illness - substance abuse.
Adams [2011] NSWCCA 47	Mal wound / GBH 2 x AOABH	VG	5y NPP 3y 18m NPP 12m <u>Total:</u> 5y NPP 3y 6m	AA 4y NPP 2y 6m 18m NPP 12m <u>Total:</u> 4y 6m NPP 3y	Baseball bat		SNPP 7 years Asked by third person to evict ex-husband from matrimonial home - with co-offender and armed with baseball bat and curtain rod struck victim – finger crushed and received laceration to scalp from blow to head - punched victim's girlfriend in face and dragged her through fragments of broken glass, causing cuts and wounds to her legs - no premeditation - injuries at lower end of spectrum - moderately below mid-range Parity ground allowed.
Shaba [2011] NSWCCA 154	Mal wound / GBH	VG	6y NPP 3y	AA To backdate sentence to take into account PSC	Knife	Breached bail	SNPP 7 years Stabbed victim at commencement of melee between two groups of males on street - knife plunged into victim's left flank penetrating through left kidney - required immediate and secondary surgery – reduced functioning in kidney

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Butler [2012] NSWCCA 23	Mal wound / GBH Sched: 2 x mal wound	PG	8y 6m NPP 5y 6m	AD	Locksmith tool around finger	Offence committed 2 days after bond for assault	SNPP 7 years Co-offender assaulted male stranger in street – offender returned to become involved – fitted locksmith tool to finger - unprovoked assault on three victims – inflicted deep lacerations on face of each victim – permanent scarring

Last Updated: 4.3.2019