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| <p style="text-align: center;"><b>Riot</b></p> <p style="text-align: center;"><b>s.93B (NSW) <u>Crimes Act</u></b></p> |
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**s.93B** Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and conduct (taken together) is such as would cause a person of reasonable firmness present at scene to fear for his or her personal safety, each person using unlawful violence for common purpose

**Maximum Penalty:** 10 years increased to 15 years for offences committed on or after 15.12.2005

| NAME<br>(age if known)  | OFFENCE     | PLEA                    | SENTENCE      | APPEAL              | RECORD                                   | SUMMARY   |
|---|-------------|-------------------------|---------------|---------------------|--|---|
| <b>Maher</b>  | s.93B [10y] | PG<br>(20%)             | 4y<br>NPP 12m | AA<br>2y<br>NPP 12m | Extensive criminal records               | Involved in prison riot over 5-6 minutes – prisons officers seriously injured – planned offence<br>W – blocked stairway<br>M and L – threw things at officers to prevent them attending scene of riot<br>W, M and L – Aboriginals - low intelligence - deprived and violent backgrounds – drug and alcohol addiction – extensive criminal records |
| <b>Welsh</b>  | s.93B [10y] | PG<br>(20%)             | 4y<br>NPP 12m | 18m<br>NPP 12m      |  |   |
| <b>Lardner</b><br><br>(2005) 154 A Crim R 457<br><a href="#">NSWCCA</a>   | s.93B [10y] | PG<br>(20%)             | 4y<br>NPP 12m | 2y<br>NPP 12m       |  |   |
| <b>Eken</b><br>(26)   | s.93B       | VG<br>(at murder trial) | 5y<br>NPP 3y  |                     | Rob in company;<br>GIC; possess steroids | Gang members involved in short but violent fight between rival motorcycle gangs at airport – acquitted of murder and manslaughter<br>Each have reasonable prospects of rehabilitation – offer to plead guilty to manslaughter rejected  |
| <b>Potrus</b><br>(26)<br><br><a href="#">[2012] NSWSC 2</a><br>RA Hulme J<br><br>Co-offender:<br>KISACANIN<br>ABOUNADER | s.93B       | VG<br>(at murder trial) | 5y<br>NPP 3y  |                     | Nil                                      |   |

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| NAME<br>(age if known)   | OFFENCE             | PLEA                    | SENTENCE  | APPEAL | RECORD | SUMMARY  |
|--|---------------------|-------------------------|---|--------|--------|--|
| <b>Kisacanin</b><br>(22)<br><a href="#">[2012] NSWSC 91</a><br>RA Hulme J<br><br>Co-offenders:<br>EKEN<br>POTRUS<br>ABOUNADER  | s.93B<br><br>Affray | VG<br>(at murder trial) | 4y 9m<br>NPP 2y 8m<br><br>FT 2y 2m<br><br><u>Total:</u><br>5y 3m<br>NPP 3y 2m |        | Minor  | Gang member involved in short but violent fight between rival motorcycle gangs at airport – acquitted of murder and manslaughter<br>Nominee member – remorse – prior good character – indicated willingness to plead to affray and riot  |
| <b>Abounader</b><br>(27)<br><a href="#">[2012] NSWSC 1312</a><br>RA Hulme J<br><br><a href="#">[2013] NSWCCA 106</a><br><br>Co-offenders:<br>EKEN<br>POTRUS<br>KISACANIN | s.93B               | PG<br>(15%)             | 6y<br>NPP 4y  | AD     | minor  | Gang member involved in short but violent fight between rival motorcycle gangs at airport – acquitted of murder in early trial - road captain of Comancheros – contacted and drove members of gang to airport at request of president – played organisational role – spontaneous offence – armed with knife although failed to use it in offence<br>Some prospects of rehabilitation |

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| NAME<br>(age if known)                                | OFFENCE | PLEA | SENTENCE            | APPEAL | RECORD | SUMMARY   |
|---|---------|------|---------------------|--------|--------|---|
| <b>Amiri</b><br>(26)                                  | s.93B   | VG   | 1y 10m<br>NPP 1y 2m |        | Nil    | Held at Villawood Detention Centre – offence committed during large-scale disturbance at Centre involving number of detainees against staff members.  |
| <b>Feili</b><br>(57)                                  | s.93B   | VG   | 3y<br>NPP 1y 10m    |        | Nil    | Amiri - climbed on top of roof – threw roof tiles at staff – from Afghanistan - found not to be genuine refugee – large support network - depressive disorder and post traumatic stress disorder  |
| <b>Haidari</b><br>(29)                                | s.93B   | VG   | 1y 10m<br>NPP 1y 2m |        | Nil    | Feili - climbed on roof – threw roof tiles at staff – central to violent activities / riot on ground – violent - threatened and grabbed staff members – threw fire extinguishers and soccer goal posts at staff – dragged wheelie bins and timber furniture to fire on the soccer field – from Iraq – found not to be genuine refugee – health – depressive state |
| <b>Parhizkar</b><br>(27)                              | s.93B   | VG   | 3y<br>NPP 1y 10m    | AD     | Nil    | Haidari – climbed on roof and threw tiles – handed tiles to another offender to throw - from Afghanistan - found not to be genuine refugee – post traumatic stress disorder and major depressive disorder   |
| <a href="#">[2013] NSWSC 871</a><br>RA Hulme J        |         |      |                     |        |        | Parhizkar – one of the most active and influential offenders in violent activities – most active thrower of tiles from roof – from Iran - found not to be genuine refugee - depressive disorder and post traumatic stress disorder.   |
| <a href="#">[2014] NSWCCA 240</a><br>(Parhizkar only) |         |      |                     |        |        | Each offender of prior good character - positive character evidence - no suggestion of violent conduct on other occasions - unlikely to re-offend - good prospects of rehabilitation  |

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