

Manslaughter Accessory

Maximum Penalty: 25 years (s.25 (NSW) Crimes Act)

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	Cotton NSW SC Hunt J 28.6.1990	Provocation Assault – general Accessory Juvenile offender	VG	MT 2y AT 18m			Female - assaulted male victim with de facto - could not determine which blows caused death - victim had verbally insulted offender Intellectual disability and limited insight
2.	French (16) NSW SC Wood J 2.10.1990 JPL (16) NSWCCA 5.10.1994 J (16) NSW CCA 5.12.1992 Young NSW SC B-Parker J 15.4.1991	Unlawful and dangerous - assault Assault – general Juvenile offenders Accessory	PG PG PG VG (at murder trial)	MT 4y 6m AT 2y (assistance) MT 7y AT 2y MT 5y 6m AT 2y 6m (assistance) MT 5y AT 3y (juvenile detention until 21y)	AA MT 6y AT 3y	priors and tragic upbringing nil nil nil	8 young people involved in assault - phoned number from toilet wall to arrange meeting with homosexual victim, then bashed him to death F – involved in assault JPL – took part in assault but intended only to bash and rob J – involved in attack Y – did not physically participate in attack – intended less serious harm - completed HSC and some employment - emotionally immature – remorseful - low risk of reoffending. Three offenders convicted of murder - <i>Howard & Ors</i> (1992) 29 NSWLR 242

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3.	Morabito (1992) 62 A Crim R 82	Provocation Shooting – domestic Accessory	VG	MT 8y AT 2y 6m	AD	nil	Arranged for lover to shoot husband during day leave from gaol - victim had record for violence, involved in organised crime and history of domestic violence - lured victim to place of killing and supplied gun - genuine fear that victim would kill her and children if he found out about affair
4.	Aslan (18) EI Kerdi (17) NSWSC Ireland J 1.11.1994 Co-offender: EL BADAR	Unlawful and dangerous – shooting (EI-Kerdi) Shooting – general Juvenile offender Accessory (Aslan) Fight - shooting	PG PG	MT 2y AT 3y (assistance,) MT 3y AT 3y (assistance)		Record for violence – breached bail	Drive by shooting at dance party - three shots fired, killing one person and injuring another - retaliation for being forced to leave party after fight. EI-Kerdi – shooter - possibly under the influence of Rohypnol at the time - early plea.
5.	EI Badar (17) NSWCCA 3.4.1995 Co-offenders: ASLAN EL KERDI	Juvenile offender Shooting – general Accessory Fight - shooting	PG	MT 2y 5m AT 2y 7m (Assistance)	AD	Nil	With group of youths had altercation with another group at dance party – left and armed selves with various weapons before returning in offender’s car - five shots fired as drove past party killing victim – offender armed with machete and did not fire gun
6.	Edwards NSWSC Dowd J 9.8.1996	Accessory Shooting - general	PG	MT 5y 4m AT 2y 8m		serious although not extensive - no violence	Joint criminal enterprise to rob pizza shop - employee fatally shot by co-offender – offender drove car and remained in car at all times - aware of gun but did not check if loaded Difficult childhood - suffering Hep B - remorse - prospects of rehabilitation – youth – ADD
7.	Camp (45) NSWCCA 3.9.1996	Unlawful & dangerous - misc Accessory Arson	VG	MT 5y AT 3y	AD	no prison	Accessory before the fact - arranged to have shop burnt down - resident living over shop died.

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8.	Lamb NSWCCA 3.4.1997	Unlawful and dangerous - misc Poison / drug Accessory	VG	MT 2y AT 2y	AD	nil	Female - principal in the second degree - co-offender injected self, offender and victim with drug - victim asked for more and offender reluctantly agreed to have co-offender inject more - tried to obtain help - intended no harm Low intellectual capacity – Aboriginal - assistance re drug dealer - rehabilitation
9.	SAE (15) NSWCCA 3.4.1997	Accessory Juvenile offender Shooting - general	PG	MT 1y 6m AT 2y 3m	AA MT 1y 3m AT 2y 6m (to allow for PSC)	long record - real and continuing risk to community	Acted as look out during robbery - security guard shot
10.	Newman (20) NSWSC Barr J 3.9.1997	Accessory Stabbing - general	PG Mansl AOABH	MT 6y AT 2y 10m (concurrent sentence)		priors - on bail	Unprovoked attack with co-offender on group of strangers leaving hotel - armed with metal bar - co-offender stabbed victim who was attempting to protect friend from attack by offender - joint criminal enterprise to intimidate and inflict less than serious harm
11.	Hampton (22) NSWSC Dunford J 17.10.1997 (1998) 101 A Crim R 399 NSWCCA Mackey (18) NSWSC Dunford J 17.10.1997 [1999] NSWCCA 167	Unlawful & dangerous - misc Arson Accessory (Mackey)	PG 3 x mansl Sched: Robb PG 3 x mansl	MT 8y 6m AT 2y 6m MT 6y AT 2y	AD AD	lengthy record including robbery and mal damage - on parole and bail. priors including assault, stealing, BES	Fire at private residence killed one adult and two children - H instigator and principal offender - M principal in second degree - both had previous arguments with occupants of house H: Aboriginal female - good prospects of rehabilitation M: Aboriginal male - good background - genuine remorse - excellent prospects of rehabilitation

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12.	Lewis [1999] NSWSC 131 Sully J	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG	MT 6y AT 3y		mal wound with w/i GBH – breached bail and parole	Member of Rebel Motorcycle Club - helped bouncer remove victim who was being a nuisance at hotel - punched and kicked victim - left scene but other club members continued assault - victim stabbed to death Seriously assaulted in gaol because wife giving evidence - good prospects of rehabilitation
13.	Nguyen [1999] NSWSC 592 McInerney J [2000] NSWCCA 45	Unlawful and dangerous - assault Fight - assault Assault – general Accessory	PG	MT 3y AT 1y (PSC 2y)	AD	nil	Group attack on victim at dance hall following dispute - hit victim with baseball bat - unprovoked assault - part of common enterprise to assault and attack victim Good character and family support
14.	Suters (19 at offence – 27 at sentence) [2000] NSWSC 1116 Greg James J	Accessory Assault - general	PG	2y PD		nil	8 years ago involved in burglary at victim's house - victim assaulted and died from heart attack when surprised co-offender inside house - offender waited outside house and acted as lookout - helped remove body Good rehabilitation - assistance - <i>Ellis</i> discount – remorse Co-offender dealt with as accessory after homicide and placed on recog
15.	Stelfox (21) [2001] NSWSC 630 Howie J (2002) 133 A Crim R 288 [2002] NSWCCA 331 Co-Offenders: SINGLETON DENTON	Accessory Shooting – general Unlawful and dangerous - shooting	PG (45% plea and assist)	5y NPP 2y 6m	AD	nil relevant	Male shot dead during attack by three men, including offender - pay back for insulting behaviour of victim towards mother of one offender - volunteered to join enterprise - aware of presence of shotgun - joint criminal enterprise to carry out unlawful and dangerous acts - intended to inflict harm with weapons capable of inflicting serious injury Offence out of character - mildly affected by drugs - depressed as result of offence - remorse

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16.	Singleton (19) Denton (20) [2001] NSWSC 850 Howie J Co-offender: STELFOX	Accessory Shooting - general	VG (at murder trial)	9y NPP 5y 6m 10y NPP 6y		nil	Male shot dead during attack by four men as pay back for alleged insulting behaviour of victim towards mother of one offender - joint criminal enterprise to threaten and use force if necessary - firing of shotgun an unexpected incident D - instigator of offence - manipulated co-offenders for own purposes.
17.	Masson (23) [2001] NSWSC 1037 Howie J	Unlawful and dangerous - assault Assault – general Accessory	VG (at murder trial) Rob with wounding Larceny	7y 6m NPP 4y 6m FT 3y 6m FT 18m (all concurrent)		nil	Went with co-offender to house of 75y female acquaintance to borrow money – co-offender unexpectedly suffocated – continued involvement in robbery out of fear - contemplated unlawful and dangerous act by co-offender during robbery - aware that co-offender had knife Supportive family Offender dealt with for murder
18.	Dang (21) [2001] NSWCCA 321	Accessory Stabbing - general	VG (at murder trial) PG Rob in company Use weapon to avoid appreh	7y 6m 2y 2y 6m Total: 10y NPP 6y 6m	AD	nil	Involved in robbery with co-offender - during escape separated from co-offender who stabbed male to death - offender injured male pursuer with knife Remorse - good background with supportive family - need for counselling for lack of insight and drug use

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19.	Puta (38)	Accessory Shooting - general	VG (at murder trial) 2 x Mansl Contempt	<u>Total:</u> 11y NPP 7y FT 3m (cum)	AD	serious drug offence - parole	2 men ambushed by 9 men - both men shot dead - reason for assault or who fired shots unclear - jury satisfied each man was party to assault and knew of presence of guns but were not satisfied they contemplated guns would be used to kill or wound. AP - also sentenced for contempt of court - Albanian - difficult childhood - remarkable behaviour as a prisoner - genuine remorse ZN - Serbian - disturbed and violent upbringing - hard worker supporting four children - currently in stable and supportive marriage - well regarded by prison authorities - seriously injured in incident - suffering low grade depression - rehabilitation - onerous bail conditions RC - Samoan - good upbringing – de facto relationship with two children - remorse - good record as a prisoner - drove ZN to hospital probably saving his life and increasing risk of detection GM - Bosnian - father to 2 children - well regarded by prison authorities RO - stable and supportive childhood - well regarded by prison authorities SN - subsidiary role - impressive character evidence - in very stable marriage with one daughter All offenders dealt with as “high risk” prisoners while on remand
	Nitovic (30)		2 x Mansl	<u>Total:</u> 10y NPP 6y	AD	brief record	
	Curry (24)		2 x Mansl	<u>Total:</u> 10y NPP 6y	AD	minor	
	Mackic (37)		2 x Mans	<u>Total:</u> 10y NPP 6y		minor	
	Oldham (31)		2 x Mansl	<u>Total:</u> 10y NPP 6y		assault and firearms offences	
	Nanai (28)		2 x Mansl	<u>Total:</u> 8y 6m NPP 5y	AD	minor assault - on recog	
	[2001] NSWSC 225 Hidden J Puta, Nitovic, Nanai [2002] NSWCCA 495 Curry [2002] NSWCCA 109						

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20.	Clissold [2002] NSWSC 429 Greg James J [2002] NSWCCA 356	Accessory Assault – general Unlawful and dangerous - assault	PG (20%) Mansl AOABH	14y NPP 8y FT 4y Total: 16y NPP 10y	Crown AD	record includes assaults	Sergeant of arms of Bikie gang involved in assault on male inflicting club discipline - victim taken and savagely beaten to death - offender not present at time of fatal assault – accessory before the fact - assaulted and threatened home owner with knife in order to abduct victim - culpability high Good character evidence - low intelligence
21.	CVH (15) [2002] NSWSC 1160 O'Keefe J [2003] NSWCCA 237 [2004] NSWSC 205 O'Keefe J	Accessory Juvenile offender Stabbing - general	VG Mansl Assault Affray	10y NPP 6y FT 2y FT 1y (all concurrent)	AA remitted for re-sentence Re-sentence - manslaughter 8y 6m NPP 5y	not relevant	Gang attack on two 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 by co-offender - willing party to serious attack Difficult childhood resulting in early drug addiction - genuine remorse
22.	Waterman (30) [2002] NSWSC 1236 Hidden J Leyman (30) [2002] NSWSC 1226 Hidden J	Unlawful and dangerous - stabbing Stabbing – general Accessory (Leyman)	VG (at murder trial – offered to plead) PG	6y NPP 3y 6m 5y 6m NPP 3y		lengthy record but mostly juvenile old and brief record	PW became involved in argument with homeless men outside house - returned to argument with co-offender and knife - victim stabbed when impaled self on knife - no intent to kill - history of tension between residents and homeless men PW - intoxicated - offence out of character - good prospects of rehabilitation although needing assistance with alcohol abuse - remorse L – accessory - accompanied co-offender knowing he was armed with knife contemplating it might be used to cause injury - alcohol abuse - good character evidence - remorse
23.	Diab (19) [2003] NSWSC 978 Shaw J [2005] NSWCCA 64	Unlawful and dangerous - shooting Shooting – general Accessory	PG (25%) Sched: Affray 2 x Firearms offences	9y NPP 6y	AD	Nil	With juvenile co-offender became involved in altercation with 18y male on street - co-offender shot victim at close range in chest – unpremeditated - aware of presence of loaded gun but not aware co-offender would shoot 2 days before threatened male at service station with loaded pistol - prior good character and strong prospects of rehabilitation Co-offender MA sentenced for murder

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24.	Avakian (21) [2003] NSWSC 1042 Whealy J Co-Accused: O'CONNOR	Unlawful and dangerous – assault Assault – general Accessory	PG (15%)	5y 6m NPP 3y 6m		Breached GBB and PD	Part of group of males who approached another group in street late at night – threatened victim and pretended mobile phone was gun – victim assaulted by all members of group – died from stab wound but unclear who stabbed victim so not taken into account – instigator of incident Difficult childhood - early drug addiction – reasonable prospects of rehabilitation
25.	O'Connor (25) [2003] NSWSC 1041 Whealy J Co-Accused: AVAKIAN	Unlawful and dangerous – assault Assault – general Accessory	PG (15%)	5y 2m NPP 3y 2m		Record	Part of group of males who approached another group in street late at night – threatened victim and pretended mobile phone was gun – victim assaulted by all members of group – died from stab wound but unclear who stabbed victim so not taken into account Difficult childhood – remorse – reasonable prospects of rehabilitation
26.	Vongsouvanh (28) Namalaulu (24) [2003] NSWSC 1203 Whealy J [2004] NSWCCA 158 Co-offender: HAYES	Unlawful and dangerous – stabbing Stabbing – general Accessory	PG (15%)	6y 9m NPP 4y 6y 9m NPP 4y	Crown AD Crown AD	Drug related offences Lesser record	2 females became involved with third co-offender in struggle with fellow male drug user – not aware co-offender had knife prior to struggle – continued involvement after production of knife – victim stabbed 4 times in stomach – offenders prevented victim defending self or escaping then ran away and left him KV – born in Laos – mother of young child – some evidence of rehabilitation from drug addiction FN – born in Samoa – mother of young child – some evidence of rehabilitation from drug addiction

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27.	<p>Forbes (29) [2004] NSWSC 421 Hulme J</p> <p>(2005) 160 A Crim R 1 [2005] NSWCCA 377</p>	<p><u>Manslaughter One</u> Unlawful and dangerous - stabbing</p> <p>Fight - stabbing</p> <p>Stabbing – general</p> <p>Accessory</p> <p><u>Manslaughter Two</u> Excessive self defence</p> <p>Shooting – general</p>	<p>PG (12%) Mansl</p> <p>VG Mansl (at murder trial - 12% for offer to plea)</p>	<p>12y NPP 9y</p> <p>12y NPP 8y</p> <p><u>Total:</u> 19y NPP 15y</p>	<p>AA 9y NPP 6y 9m</p> <p>12y NPP 8y</p> <p><u>Total:</u> 16y 9m NPP 12y 9m</p>	<p>Lengthy record – breached parole</p>	<p>Involved in fight outside hotel – male stabbed by friend of offender – aware friends intoxicated and had knife – aware risk knife would be used 3 months later took loaded gun to confront male acquaintance over disputed issues – aware victim violent – shot victim in caravan in subsequent struggle – second shot fired while victim on or near floor – intent to kill Low prospects of rehabilitation</p>

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28.	Mawson (18)	Assault – general	PG Mansl	6y 6m NPP 4y		Minor	Fatal assault by group of intoxicated youths on male stranger in street at night - second male assaulted and money stolen from wallet – intoxication – spontaneous Each offender suffered difficult childhood – depression - low intelligence - alcohol abuse - some prospects of rehabilitation - remorse
		Juvenile offender (JWC)	Agg Rob	FT 2y 6m			
		Accessory		<u>Total:</u> 7y 3m NPP 4y 9m			
	Robins (18)		PG Mansl	6y 6m NPP 4y		Nil	
			Agg Rob	FT 2y 6m			
				<u>Total:</u> 7y 3m NPP 4y 9m			
	JWC (16)		PG Mansl	5y 6m NPP 3y 1m 26d		Nil	
	[2004] NSWSC 561 Buddin J		Agg Rob	FT 2y			
				<u>Total:</u> 6y 6m NPP 4y 1m 26d			
29.	V D N (17) [2004] NSWSC 426 Whealy J	Unlawful and dangerous - stabbing	PG (15%)	6y 9m NPP 3y		Drug offences	Involved in attempted robbery on Asian couple leaving store with daily takings – assaulted and detained female with knife – male assaulted by two co-offenders and fatally stabbed in chest – 2 shots fired into rear tyre by co-offender – aware knife would be presented during robbery Evidence of rehabilitation from drug abuse – genuine remorse
		Juvenile offender	Att AR	FT 15m (concurrent)			
		Stabbing – general					
		Accessory					

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30.	Hayes (26) [2004] NSWSC 1195 Campbell AJ Co-Accused: Vongsouvanh Namalauulu	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG	6y 9m NPP 4y		Minor record – similar to Namalauulu	Female – involved with two other females in struggle with fellow male drug user – victim stabbed 4 times in stomach - unable to establish who did stabbing Difficulty as aboriginal child adopted by non- indigenous family – drug addiction – protective custody – good prospects of rehabilitation
31.	Hampton (18) [2004] NSWSC 1215 Bell J	Accessory Assault – general	PG (20%) Agg enter dwelling with intent to assault	6y 4m NPP 3y 4m FT 2y 8m <u>Total:</u> 7y 4m NPP 4y 4m		Record including assault	3 men forced entry into home of drug supplier – victim found with large skull fracture – subsequently group forced entry into home of second male and assaulted occupant Aboriginal with difficult childhood – intoxicated
32.	Clifford (19) [2005] NSWSC 521 Adams J (2005) 156 A Crim R 577 [2005] NSWCCA 360	Shooting – general Accessory	VG (at murder trial) Mal cause GBH	6y NPP 3y 3y NPP 1y 8m (concurrent)	Crown AA 7y 6m NPP 4y 6m 3y NPP 1y 8m (concurrent)	On bond for assault	Initiated argument with group of men on street – co- offender came to assistance, shooting two of men - one killed and one permanently injured Subjected to violence by mother’s boyfriends – functionally illiterate – drug and alcohol use – substance-induced mental illness – remorse – good prospects for rehabilitation Co-offender AB sentenced for murder
33.	Nguyen (23) [2005] NSWSC 600 Johnson J	Accessory Shooting - general	PG (15%)	6y NPP 4y		Criminal record for traffic offences only	With co-offender stopped male victim in street – victim shot dead by co-offender and second male shot in arm – intended minor assault – not aware of gun – part of longstanding feud Vietnamese

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34.	<p>WKD (19)</p> <p>MJN (15)</p> <p>[2005] NSWSC 694 Mathews AJ</p>	<p>Excessive self defence (WKD)</p> <p>Assault – general</p> <p>Juvenile offender (MJN)</p> <p>Accessory (MJN)</p>	<p>VG (at murder trial)</p> <p>PG Steal from dwelling</p> <p>VG (at murder trial)</p> <p>PG Steal from dwelling</p>	<p>12y NPP 8y</p> <p>FT 1y 6m</p> <p>Total: 13y 6m NPP 9y</p> <p>6y NPP 2y 6m</p> <p>FT 1y</p> <p>Total: 7y NPP 3y 6m</p>		<p>Included assault</p> <p>Nil relevant</p>	<p>Cousins assaulted male acquaintance in victim's home with iron bar and beer bottle – stole property – attended home with intent to assault – retaliation for earlier confrontation</p> <p>WKD - primary offender – inflicted majority of injuries – excessive self-defence - Aboriginal – 2 children from long term relationship</p> <p>MJN –acted under pre-existing criminal enterprise to assault – under influence of older cousin – Aboriginal - remorse</p>
35.	<p>King (36)</p> <p>Bugmy (33)</p> <p>CJ (16)</p> <p>[2006] NSWSC 161 Buddin J</p>	<p>Fight - assault</p> <p>Assault - general</p> <p>Accessory</p> <p>Juvenile offender</p>	<p>PG (20%)</p>	<p>6y NPP 3y 8m</p> <p>7y 6m NPP 4y 4m</p> <p>4y 4m NPP 2y 8m</p>		<p>Minor</p> <p>Extensive including violence – breached parole</p> <p>nil</p>	<p>History of animosity between two aboriginal family groups in small town – male associated with one family threatened by group associated with second family including offenders – victim assaulted by offenders armed with rocks and known weapons – fatal assault to head</p> <p>K – stable family life – good conduct in custody despite onerous conditions</p> <p>B – tragic background – partially blind – alcohol problems</p> <p>CJ – difficult childhood – good use of time in custody – low cognitive skill – good character</p>

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36.	Clay (19) Lonsdale (24) [2006] NSWSC 1220 Buddin J	Unlawful and dangerous - assault Assault – general Accessory	PG PG	5y NPP 3y 6y 8m NPP 4y		Minor traffic Minor drug	Male assaulted on front lawn of house by group of intoxicated males – C punched victim to head at commencement of attack then subsequently watched assault – L assaulted victim with mattock handle and kicked and punched victim - victim refused medical attention and later died of ruptured spleen caused by assault with mattock handle C – lesser offender – out of character – remorse L – psychotic illness
37.	Esposito (33) [2006] NSWSC 1454 Latham J	Assault – general Accessory Unlawful and dangerous - assault	VG (at murder trial - 15% for offer)	6y 10m NPP 4y		Predominantly property offences	Present when co-offender fatally assaulted male victim – assault in retaliation for threats made by victim to offender’s de facto wife and children – assisted in dumping body – party to agreement to assault victim aware co-offender’s qualified in martial arts Tragic childhood – heroin abuse – positive de facto relationship
38.	Tekley Nagle [2007] NSWCCA 75	Unlawful and dangerous - assault Assault – domestic Accessory (Nagle)	VG Mans Unlawful imprisonment VG Mans Unlawful imprisonment	6y NPP 3y 9m FT 6m (concurrent) 5y NPP 2y 9m FT 6m (concurrent)	Conviction AD Sentence AD Conviction AD		Flatmate became increasingly violent and threatening – handcuffed to chair – fatally assaulted by T Delay
39.	M.Taufahema (25) [2007] NSWSC 959 Grove J Co-offender: J.TAUFHEMA	Unlawful and dangerous shooting Shooting – general Accessory	PG (18.5%)	11y NPP 7y		Priors including violence – breached parole	Driver of car with four occupants and unlicensed firearms – car stopped by highway patrol police officer – officer shot dead by co-offender – contemplated possibility that someone would discharge firearm without intent to kill or cause GBH Father to young daughter – prospects of rehabilitation – onerous conditions of custody for some period of incarceration – genuine remorse – history of trial and appeals raising element of double jeopardy

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40.	Taiseni (30)	Unlawful and dangerous - assault	PG (20%) Manslaughter	4y NPP 2y		Summary - assaults and weapon offences	L involved in argument over use of pool table with male victim – ejected from hotel – returned with co-offenders and attacked victim – M swung bar stool at victim and fatally struck hotel employee in head – first victim also kicked in head L – principal role – Tongan – married- - genuine remorse – moderate prospects of rehabilitation M – equal culpability to L – Tongan – married with 2 children – genuine remorse – some prospects of rehabilitation Taiseni - lesser culpability – presence only – Tongan – married with two children – genuine remorse – good prospects of rehabilitation Tuifua – lesser culpability – presence only – Tongan – married with four children – genuine remorse – excellent prospects of rehabilitation
		Assault – general	Maliciously inflict GBH	FT 2y 5m			
		Accessory	Sched: Supply heroin	<u>Total:</u> 5y NPP 3y		Minor	
	Motuapuaka (26)		PG (20%) Manslaughter	5y 7m NPP 3y			
			Maliciously inflict GBH	FT 4y			
			<u>Total:</u> 7y 7m NPP 5y				
	Leota (29)		PG (10%) Manslaughter	6y 4m NPP 3y 6m		Minor	
			Maliciously inflict GBH	FT 4y			
			Sched: Supply heroin	<u>Total:</u> 8y 4m NPP 5y 6m			
	Tuifua (33)		PG (10%) Manslaughter	3y 7m NPP 2y 2m		Nil	
	[2007] NSWSC 1090 Latham J		Maliciously inflict GBH	FT 2y 8m			
			<u>Total:</u> 4y 7m NPP 2y 2m				

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41.	Charman (20) [2007] NSWSC 1177 Hulme J Co-offenders: HORAN BOXX	Unlawful and dangerous - assault Assault – general Accessory	PG (40% plea and assist)	6y NPP 4y		Minor – breached bond	Willingly participated in break and enter – driver of car waiting outside house – intellectually disabled occupant fatally assaulted by co-offenders using torch Voluntarily surrendered to police – assistance – good work record – remorse Error by sentencing judge as to starting date meant offender gained benefit of three months on bail – sentencing judge declined to correct error
42.	Siose (18) [2007] NSWSC 1202 Hidden J	Accessory Stabbing - general	PG (15%)	6y 9m NPP 3y 9m		Brief	Young stranger stabbed by co-offender during fight in amusement arcade – in company – carrying knives for protection – single stab to chest – spontaneous offence Philippino – evidence of rehabilitation and remorse
43.	Lu (32) [2007] NSWSC 1259 Price J (2008) 190 A Crim R 109 [2008] NSWCCA 261	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG (15%)	9y 4m NPP 6y 2m	AD	Lengthy – breached bond	One month before offence had violent confrontation with victim - on day of offence saw victim walking down street - collected co-offender and chased victim with iron bar – struck victim's mother then punched victim in face – co-offender fatally stabbed victim – unaware co-offender armed with knife - intended only to assault – co-offender acquitted at murder trial Vietnamese with traumatic background
44.	A.S.Jones (43) [2007] NSWSC 1333 Buddin J Co-offenders: A JONES SM JONES S JONES E JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	VG (at murder trial - 15% for offer) Mansl Mal wound Sched: 4 off	8y 3m NPP 5y 3m FT 18m <u>Total</u> 9y NPP 6y		Nil	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims' family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – not clear which offender responsible for fatal stabbing – element of self-defence and provocation – offenders convicted of alternative offences at trial for murder and attempt murder Father to A Jones and son of S Jones - exemplary conduct in custody – possibility of deportation – prospects of rehabilitation

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45.	A.Jones (21) [2007] NSWSC 1333 Buddin J [2009] NSWCCA 169 Co-offenders: AS JONES SM JONES S JONES E JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	VG (at murder trial – 15% for offer) Mansl Mal wound Assault	8y 3m NPP 5y 3m FT 18m FT 4m <u>Total</u> 9y NPP 6y	AD	Minor	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims’ family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – offender assaulted 16y female – not clear which offender responsible for fatal stabbing – element of self-defence and provocation – convicted of alternative offences at trial for murder and attempt murder Son of AS Jones - remorse – prospects of rehabilitation
46.	S.M.Jones (32) [2007] NSWSC 1333 Buddin J Co-offenders: AS JONES A JONES S JONES E JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	PG (15%) Mansl Mal wound	8y 3m NPP 5y 3m FT 18m <u>Total</u> 9y NPP 6y		Minor	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims’ family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – not clear which offender responsible for fatal stabbing – element of self-defence and provocation Evaded police and voluntarily surrendered during trial of other offenders

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
47.	S.Jones (64) [2007] NSWSC 1333 Buddin J Co-offenders: AS JONES A JONES SM JONES E JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	VG (murder trial) Mansl Mal wound	7y 9m NPP 4y 9m FT 18m <u>Total</u> 8y 6m NPP 5y 6m		Minor	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims’ family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – not clear which offender responsible for fatal stabbing – element of self-defence and provocation – offenders convicted of alternative offences at trial for murder and attempt murder Father to AS Jones and S Jones and grandfather of A Jones
48.	E.Jones (female) 63) [2007] NSWSC 1333 Buddin J Co-offenders: AS JONES A JONES SM JONES S JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	VG (murder trial) Mansl Mal wound	7y NPP 4y 6m FT 12m <u>Total</u> 7y 6m NPP 5y		Nil	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims’ family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – not clear which offender responsible for fatal stabbing – element of self-defence and provocation – offenders convicted of alternative offences at trial for murder and attempt murder Culpability slightly less – wife of S Jones, mother to AS Jones – health problems – isolation from family (most in custody)

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
49.	Kaiser (34) Hunt (19) [2007] NSWSC 1362 Barr J (Kasier) [2009] NSWCCA 130	Unlawful and dangerous - shooting Shooting – domestic Accessory	PG Sched: Supply amphet PG	10y 11m NPP 8y 2m 9y NPP 6y 9m	AD	Breached conditional liberty – record for ADVO offences Priors – breached conditional liberty	K angry with former lover over ending of relationship and drug debt – arranged for H to ‘deal with’ her – H fired three shots at house killing V – carefully planned offence – K accessory in sense of not being shooter K – instigator and planner – drug addictions – bipolar disorder in remission H – chose to use gun
50.	Frazer (52) Spencer (37) [2007] NSWSC 1449 Howie J	Accessory Shooting – general Unlawful and dangerous - shooting	VG VG	11y NPP 7y 6m 13y NPP 9y 6m		Old record Extensive record	S organised armed robbery of male flatmate in early hours of morning – F and co-offender participated in robbery - during robbery co-offender shot victim in head – both aware co-offender armed with loaded firearm but did not foresee would be used with required intent Co-offender Wilson sentenced for murder: [2008] NSWSC 238
51.	J.Taufahema [2007] NSWSC 1460 Grove J Co-offender: M.TAUFHEMA	Accessory Shooting – general Unlawful and dangerous - shooting	PG	11y NPP 7y <u>Total:</u> (see facts) 14y NPP 10y			One of four occupants in stolen car – co-offender shot police officer – participated in offence of unauthorised possession of firearms contemplating possible discharge of firearm without required intent Sentenced after earlier trial for related offences of unauthorised use of weapon to prevent lawful apprehension, attempted carjacking and use firearm without authority

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
52.	Ibrahim (27) [2008] NSWSC 268 Price J [2009] NSWCCA 15 Co-offenders: KR PR	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG (15%)	9y 4m NPP 6y 6m	AD	Priors – breached bail	Victim and brother lured to car park to discuss dispute – four men assaulted victim – victim stabbed in leg by co-offender causing death – aware of presence of knife – agreement to assault causing less than GBH – premeditated offence – joint criminal enterprise Difficult childhood
53.	Horan (20) [2008] NSWSC 990 Studdert AJ Co-offenders: BOXX CHARMAN	Unlawful and dangerous - assault Assault – general Accessory	VG (at murder trial – 40% offer to plead and assist) Sched: 3 x firearms	6y NPP 4y		Nil	Party to agreement to rob victim at home to obtain money and documents – visited residence earlier posing as security guard – accompanied co-offender to house at night and stood watch – victim fatally assaulted by co-offender with torch – motivated by financial gain Remorse – favourable prospects of rehabilitation – evidence against co-offender – onerous custodial condition
54.	KR (25) PR (21) [2008] NSWSC 970 Price J Co-offender IBRAHIM	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG (50% plea and assist) PG (50% plea and assist) Sched: assault	5y 2m NPP 3y 7m 5y 2m NPP 3y 7m		AOABH and intimidate police – not agg factor Intimidate police – not significant	Victim and brother lured to car park to discuss dispute – four men assaulted victim – victim stabbed in leg by co-offender causing death – aware of presence of knife – agreement to assault causing less than GBH – pre-planned offence – PK punched victim's brother Difficult childhood – remorse – good prospects of rehabilitation – unlikely to reoffend – valuable assistance in unrelated matter – protective custody and witness protection

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
55.	Kari (19) H (16) [2008] NSWSC 993 Hidden J	Unlawful and dangerous - shooting Juvenile offender Shooting – general Accessory	PG (15%) Sched: Home invasion PG (15%) Sched: Rob in co	7y NPP 4y 6m 6y NPP 3y 6m		Dishonesty and drug offences – breached bail and bond Alarming record for violence – breached probation	Part of group of men attending victim's house intending to shut down drug operation – K handed gun by H at last minute – during subsequent struggle K fired shot voluntarily but without intent hitting victim fatally in chest – reluctant participants K – remorse – family support – good prospects of rehabilitation H – prospects of rehabilitation
56.	Jackson [2009] NSWSC 168 Howie J	Unlawful and dangerous- stabbing Stabbing – general Accessory	PG (15%)	8y NPP 5y 6m		Lengthy record – breached parole	Involved in armed robbery of restaurant with co-offender – co-offender entered restaurant armed with club lock from stolen car and stabbed employee during struggle – offender waited outside in car then entered to take cash register – foresaw use of weapon to inflict injury only Aboriginal with deprived upbringing – drug addiction – protection – genuine remorse Co offender sentenced for murder – Webb [2008] NSWSC 1351
57.	Boxx (19) [2009] NSWSC 298 Studdert AJ Co-offenders: HORAN CHARMAN	Unlawful and dangerous - assault Assault – general Accessory	VG (at murder trial)	10y NPP 7y 6m		Nil priors – subsequent drug offence	Party to agreement to rob victim at home to obtain money and documents – accompanied Horan into house armed with torch – victim fatally assaulted with torch – unclear who inflicted blows – joined plan late – victim had mild degree of mental handicap Fair prospects of rehabilitation

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
58.	Jeffrey (40s) Mealey (34) [2009] NSWSC 202 Fullerton J	Unlawful and dangerous - assault Assault – general Accessory (Mealey)	PG (25%) Manslaughter Rob in Co PG (25%) Manslaughter Rob in Co	6y NPP 3y 6m 2y 6m (concurrent) 4y NPP 2y 2m FT 18m (concurrent)		Record including assault in similar circum – breached bond dishonesty	M knocked on door of unit of neighbour to J – J forced open door knocking 87y male occupant to ground – victim robbed of money and left injured in unit behind locked door – no attempt to obtain assistance - hospitalised for fractured hip and died of complications ten days later – J dominant offender – intent to rob for money to buy drugs – M sentenced as aider and abettor and failure to provide assistance – victim vulnerable and deliberately chosen by J J – female - difficult marriage resulting in drug addiction – some prospects of rehabilitation in view of family support M – female - aboriginal with difficult childhood including sexual abuse – abusive relationship with boyfriend – drug addiction – low intelligence – homeless – influenced by co-offender – recent attempt at rehabilitation makes positive prospects of rehabilitation - remorse
59.	TT (20) RT (17) ET (25) [2009] NSWSC 437 Lathan J	Excessive self defence Juvenile offender Stabbing – general Fight - stabbing Accessory (TT and ET)	PG (15%)	6y 3m NPP 3y 3m 6y 6m NPP 3y 6m 6y NPP 3y		Breached bond for minor offence Nil Nil	TT and RT became involved in fight on street with group of men including victim – woke brother and returned to scene armed with sword and knife – victim stabbed by RT – TT and ET charged on basis of participation in affray in knowledge that serious physical injury could result – moderately below mid-range TT and ET suffered skull fractures from affray – good prospects of rehabilitation – no problem with alcohol and drugs - remorse

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
60.	DGP (16) PB (16) [2009] NSWSC 1154 Hall J [2010] NSWSC 1408 Hall J Co-offender: CW	Unlawful and dangerous Assault – general Juvenile offender Accessory	PG (20%) PG (20%)	8y NPP 5y 7y 11m 20d NPP 4y 11m 20d (sentence adjusted) 5y NPP 3y		Nil Limited history	Joint criminal enterprise – three young males kicked and assaulted intoxicated male walking across oval – mistakenly believed victim had called out abuse – spontaneous attack with no pre-planning – kicked to head by co-offender – PB initiated verbal attack but no actual physical attack and therefore lesser culpability – seriousness of offence towards high end of range DGP – prior good character – intoxicated – low intelligence – remorse – good prospects of rehabilitation – aboriginal descent – sentence adjusted to allow total time in detention centre PB – remorse – rehabilitation – good prospects of rehabilitation
61.	CW (16) [2009] NSWSC 1155 Hall J [2011] NSWCCA 45 Co-Offenders: DGP PB	Unlawful and dangerous - assault Assault – general Juvenile offender Accessory	VG (at murder trial)	9y NPP 6y	AD	Nil	Joint criminal enterprise – group of three young males kicked and assaulted male on oval – offender kicked victim on ground – spontaneous attack with no pre-planning – unprovoked attack Prior good character

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
62.	Whitmore (35) [2009] NSWSC 520 Adams J	Accessory Stabbing - general	PG (10%)	6y 6m NPP 4y		Assaults	Male victim stabbed in back during argument with offender and sister over dogs – unclear who inflicted fatal stab wound but offender sentenced on basis armed with knife and inflicted only minor wounds during argument – did not advert to possibility lethal blow could be inflicted by someone with intent to kill or inflict GBH – lower range of culpability - sister sentenced for murder History of alcohol and drug abuse – suffering depression – good prospects of rehabilitation
63.	AA (17) AC (17) SS (17) [2010] NSWSC 495 Kirby J (AA) [2010] NSWSC 703 Kirby J	Accessory Assault – general Juvenile offender	VG (at murder trial – 10% for offer) VG (at murder trial – 25% for offer) VG (at murder trial – 15% for offer)	6y 3m NPP 3y 7m 5y 3m NPP 3y 5y 11m NPP 3y 4m		Nil Nil Nil	Victim fatally assaulted by group of youths – retaliation for victim’s abuse of ex-partner known to AC and SS – after discussion at fast food restaurant weapons collected at nearby house and victim assaulted while walking along road – opportunistic offence of short duration – metal pole, wooden axe handle and golf club used - equal culpability AA – physically involved in attack – struck V with weapon – limited involvement – tried to pull attackers away when realised attack gone too far – born in Kuwait – good rehabilitation in custody – profound remorse SS - probably struck victim with wooden handle on legs twice – also tried to pull attackers away – outstanding rehabilitation - remorse AC – drove assailants to and from attack – major turnaround in custody with good rehabilitation - remorse Co-offenders Tatchell and Wildsmith sentenced for murder: [2010] NSWSC 495 / [2012] NSWCCA 116
64.	Scott (26 at offences – 37 at sentence) [2010] NSWSC 1026 Hidden J	Accessory Shooting – general Unlawful and dangerous - shooting	PG (15%) Mansl Armed Ass w/l rob	11y NPP 8y FT 5y <u>Total:</u> 12y NPP 9y		nil	Accessory before fact – arranged for co-offenders to cause ex-business partner physical harm and steal money – angered by soured business relationship – provided photo of victim and gun but no ammunition – victim shot dead in struggle – paid co-offender \$50,000 after being threatened – reasonable person would have anticipated risk of serious injury – no intent to have victim shot Co-offender Grupe [2007] NSWSC 1303 sentenced for murder

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
65.	Colley (No.4) (18) [2010] NSWSC 1475 Rothman J	Accessory Unlawful and dangerous act - assault Assault - general	VG	4y 6m NPP 16m		nil	Assisted brother in assault on male victim – told victim had assaulted sister – also suggestion sister had been raped – directed brother to victim’s home and waited outside during assault – entered house and pulled brother off attack – both left house without realising assault had killed victim Remorse and attempted suicide – suffering depression - prior good character – restrictive bail conditions
66.	Pirini (21) [2011] NSWSC 1395 RA Hulme J Co-offenders: LA ROSA AOULI COSTA MENZIES HAWI	Accessory Stabbing – general Assault – general Fight – assault / stabbing Unlawful and dangerous – assault / stabbing	PG (20%) Manslaughter Affray	6y NPP 3y FT 2y 2m <u>Total:</u> 6y 6m NPP 3y 6m		Driving offences	Member of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell’s Angels club killed – member of rival club pursued and assaulted inside security gate by Comancheros including offender – involved in scuffle but did not punch or kick – during affray outside security area involved in fight with single member of rival club but did not use weapon and did not assault manslaughter victim – during common purpose to intimidate contemplated possibility that unlawful and dangerous act would be committed with appreciable risk of serious injury Left Club - good prospects of rehabilitation – remorse
67.	La Rosa (37) [2011] NSWSC 1394 RA Hulme J Co-offenders: PIRINI AOULI COSTA MENZIES HAWI	Accessory Stabbing - general Assault – general Fight – stabbing / assault Unlawful and dangerous – assault / stabbing	PG (15%) Manslaughter Affray	6y 7m NPP 3y 3m FT 2y 4m <u>Total:</u> 7y 1m NPP 3y 9m		Driving offences – on bail for driving offence	Treasurer of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell’s Angels club killed – member of rival club pursued and assaulted inside security gate by Comancheros - affray outside security area where manslaughter victim fatally assaulted and stabbed – present but no physical acts during either incident - during common purpose to intimidate contemplated possibility that unlawful and dangerous act would be committed with appreciable risk of serious injury Left Club - good prospects of rehabilitation - remorse

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68.	Aslett (18) [2011] NSWSC 650 Harrison J Co-offender: WA ASLETT	Accessory Shooting – general Unlawful and dangerous - shooting	VG (at murder trial - 25% for offer)	7y NPP 4y 6m		Extensive	Argument with male victim over alleged burning of cousin's car – with cousins confronted victim at his home – offender and cousin armed with machete and baseball bat – aware other cousin armed with handgun – victim offered unarmed fistfight – cousin shot victim in back – all offenders fled scene – joint criminal enterprise to threaten or use unlawful violence - just below mid-range Anger management problems
69.	Aouli (28) [2011] NSWSC 1393 RA Hulme J [2012] NSWCCA 104 Co-offenders: PIRINI COSTA LA ROSA MENZIES HAWI	Accessory Stabbing - general Assault – general Fight – stabbing / assault Unlawful and dangerous – assault / stabbing	PG (12.5%) Manslaughter Affray	5y 8m NPP 3y FT 2y 5m <u>Total:</u> 6y 2m NPP 3y 6m	AD	Priors including assault – breached bail	Member of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell's Angels club killed – flew in from Melbourne with other members of club having arranged for additional members to meet at airport - member of rival club pursued and assaulted inside security gate by Comancheros including offender – did not throw punch – present during affray outside security area where manslaughter victim fatally assaulted and stabbed but not physically involved – during common purpose to intimidate contemplated possibility that unlawful and dangerous act would be committed with appreciable risk of serious injury Left Club - good prospects of rehabilitation – remorse – good employment history

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
70.	Costa (29) [2011] NSWSC 1392 RA Hulme J Co-offenders: PIRINI AOULI LA ROSA MENZIES HAWI	Accessory Stabbing - general Assault – general Fight – stabbing / assault Unlawful and dangerous – assault / stabbing	PG (12.5%) Manslaughter Affray	6y 7m NPP 3y 4m FT 2y 4m <u>Total:</u> 7y 1m NPP 3y 9m		Nil	Secretary of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell’s Angels club killed – met Club members alighting from plane having arranged for attendance of other members at airport - member of rival club pursued and assaulted inside security gate by Comancheros including offender - involved in scuffle but did not punch or kick – present during affray outside security area where manslaughter victim fatally assaulted and stabbed but not physically involved – during common purpose to intimidate contemplated possibility that unlawful and dangerous act would be committed with appreciable risk of serious injury Left Club - good prospects of rehabilitation – remorse – good work ethic – married with two children
71.	Barghachoun (21) [2011] NSWSC 1534 Johnson J Co-offender: AH SMITH	Accessory Fight - stabbing Stabbing – general Unlawful and dangerous - stabbing	PG (20%)	4y NPP 2y 3m		Short record	Involved in fight between two groups of youths and men at night – responded to call for assistance and attended scene armed with metal pole and expecting fight - male from second group stabbed in chest – offender not aware of knife nor of stabbing until group left scene – unlawful and dangerous act was affray Good prospects of rehabilitation - remorse
72.	AH (16) [2011] NSWSC 1535 Johnson J [2013] NSWCCA 32 Co-offender: BARGHACHOUN SMITH	Accessory Fight - stabbing Stabbing – general Juvenile offender Unlawful and dangerous - stabbing	PG (20%)	4y NPP 2y	AD	Record – breached bond	An instigator of fight between two groups of youths and men at night – agreed to several confrontations – continuing argument with male from second group – called for assistance and attended scene armed with metal pole and expecting fight - male from second group stabbed in chest – offender not aware of knife nor of stabbing until group left scene – unlawful and dangerous act was affray Immaturity

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73.	Forbes (20) [2011] NSWSC 1547 Harrison J Co-offender: SHEDDEN	Accessory Fight Shooting – general Unlawful and dangerous - shooting	PG (50% plea and assist)	3y NPP 1y 6m		nil	Continuation of earlier confrontation between two groups – offender one of group who gathered and planned assault – co-offender armed with gun – car driving victim and others stopped by group – victim emerged from car armed with weapon and shot by co-offender – offender was not armed but aware co-offenders were – shooting was not intended – no planning – contemplated unlawful and dangerous act was AOABH Protective custody – special circumstances – assistance to authorities - prior good character. Second co-offender sentenced for murder Shedden [2012] NSWSC 854
74.	Menzies (26) [2012] NSWSC 158 RA Hulme J Co-offenders: PIRINI AOULI LA ROSA COSTA HAWI	Accessory Stabbing - general Assault – general Fight – stabbing / assault Unlawful and dangerous – assault / stabbing	PG (15%) Mansl VG Affray	7y 2m NPP 3y 8m 3y <u>Total:</u> 7y 8m NPP 4y 2m		Two incidents of violence in public place	Member of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell’s Angels club killed – flew in from Melbourne with other members of club – involved in affray where member of rival club pursued and assaulted inside security gate by Comancheros – present during affray outside security area where manslaughter victim fatally assaulted and stabbed - sentenced for participation in joint criminal enterprise to commit unlawful and dangerous act in circumstances which objectively carried appreciable risk of serious injury being caused Aboriginal - left Club - good prospects of rehabilitation – genuine remorse
75.	Humphries (25) [2012] NSWSC 419 RA Hulme J	Unlawful and dangerous - assault Assault – general Accessory	PG (15%)	6y NPP 3y 9m		Nil	With W and others, assaulted victim during planned “drug deal rip-off” – not principal offender but armed with bat and assisted in assault and bringing victim to ground – assisted with disposal of body – role of “back-up” - blindly followed W’s lead who was manipulative – at time of assault, offenders did not know that they had killed victim Prior good character – employed – suffered injuries through employment – support of family, friends – remorse – rehabilitation prospects - special circumstances – first period of imprisonment Co-offender White sentenced for murder [2012] NSWSC 1573

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
76.	HT (17 / 34) [2012] NSWSC 656 Hidden J	Accessory Juvenile offender Stabbing – general Victim under 18y	VG (at murder trial – 30% for offer to plead and assist) Rob in Co	6y 6m NPP 2y 3m FT 3y 6m (concurrent)		Little of significance	1995 – robbed 16y school boy walking home from sports training – co-offender armed with knife – victim stabbed by co-offender during struggle – aware of knife and contemplated use to scare victim Evidence of rehabilitation – assistance against father of co-offender for accessory after fact to murder
77.	Aslett (22) [2012] NSWSC 711 Harrison J Co-offender: WA ASLETT	Accessory Shooting – general Unlawful and dangerous - shooting	VG (at murder trial - 25% for offer)	6y 3m NPP 4y		Assault	Argument with male victim over alleged burning of brother's car – with cousin and brother confronted victim at his home – offender and cousin armed with machete and baseball bat – brother armed with handgun – victim offered unarmed fistfight – brother shot victim in back – all offenders fled scene – joint criminal enterprise to threaten or use unlawful violence - while armed just below mid-range Difficult childhood – temper problem – partner with young child
78.	Shedden (31) [2012] NSWSC 759 Fullerton J [2013] NSWCCA 225 Co-offender: FORBES	Unlawful and dangerous - shooting Shooting – general Fight - shooting Accessory	PG (25% plea and assist)	9y NPP 6y 9m	AD	violence	Male shot dead emerging from car that had been lured into suburban street – attack retaliation for earlier assault by victim on several members of group – offender allowed house to be used for planning of assault on victim and was present during attack - aware someone in group had gun – played principal role – high degree of criminality Protective custody - lost all contact with family, wife and children Brother sentenced for murder <i>Shedden</i> [2012] NSWSC 854

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79.	O'Brien (19) McManus (19) Williams (23) [2012] NSWSC 1503 Price J	Unlawful and dangerous act - shooting Shooting - general Accessory	PG (15%) Manslaughter s97(1) att rob in company PG (15%) Manslaughter s97(1) att rob in company PG (15%) Manslaughter s97(1) att rob in company	7y 10m NPP 5y 6m FT 4y 3m (concurrent) 7y 8m NPP 5y 4m FT 4y 1m (concurrent) 8y 1m NPP 5y 9m FT 4y 6m (concurrent)		Malicious wound, rob in co Rob in co, Driving with drugs Assaults, AOABH, on bond	Victim was part of group who had arranged to supply ecstasy to offenders – offenders planned to rob suppliers and on-sell drugs for significant financial gain - victim died from gunshot wound to head during robbery attempt – gun fired from vehicle driven by offenders - each offender sentenced on basis he did not fire gun and did not know of weapon O'Brien – substance abuse – schizophrenia McManus – substance abuse – good rehabilitation prospects Williams – tragic early life following death of mother – early use of drugs and alcohol – prospects of employment – family support - special circumstances
80.	Brown (20) [2013] NSWSC 715 Grove AJ	Unlawful and dangerous – stabbing Stabbing general Accessory	VG (murder trial)	5y NPP 3y		Reckless GBH	With three co-offenders confronted victim over belief offender had damaged prized motor vehicles – victim arrived armed with gun and discharged shots – all offenders chased and assaulted victim – co-offender inflicted stab wound – element of provocation – offender acted with no intent to cause GBH Aboriginal – deprived upbringing – mild intellectual disability Co-offenders sentenced for murder

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
81.	<p>McCulloch (23)</p> <p>B.Biffin</p> <p>A.Biffin (31)</p> <p>[2013] NSWSC 894 Rothman J</p>	<p>Unlawful and dangerous - assault</p> <p>Accessory</p> <p>Assault - general</p>	PG 1/6th	<p>6y 8m NPP 3y 4m</p> <p>7y 1m NPP 3y 7m</p> <p>5y 10m NPP 2y 11m</p>		<p>Violence – dishonesty – BES - driving</p> <p>Stealing - illegal use MV - BES; mal damage – drugs - driving.</p> <p>Drug offences</p>	<p>Four co-offenders planned to rob drug dealer – victim assaulted at premises and died – all party to assault although definite cause of death undetermined</p> <p>McCulloch - difficult upbringing – drug and alcohol abuse from young age – little formal schooling - rehabilitation – remorse – special circumstances</p> <p>B.Biffin - difficult upbringing – drug and alcohol abuse from young age – children - rehabilitation – special circumstances</p> <p>A.Biffin – difficult upbringing – drug and alcohol abuse – children – little formal schooling – employed from time to time – rehabilitation – remorse – family support – special circumstances</p> <p>Co-offender <u>Smith</u> sentenced for murder: [2012] NSWSC 1565</p>
82.	<p>Barnes (30)</p> <p>[2013] NSWSC 1627 Price J</p> <p>[2014] NSWCCA 224</p> <p>Co-offender TUIVAGA</p>	<p>Assault - general</p> <p>Unlawful and dangerous - assault</p> <p>Accessory</p>	PG (12.5%)	7y NPP 5y	AD	<p>Agg BES – AR – breached parole</p>	<p>Drove 4 co-offenders to house of victim for confrontation and waited in car – during confrontation victim struck on head with gun which discharged causing death – offender aware gun had been brought - party to joint criminal enterprise to assault victim although did not foresee either death / GBH or it being achieved by use of a weapon</p> <p>Remorse</p> <p>Two other co-offenders charged with murder</p> <p><u>Lockett</u>: [2013] NSWSC 1555</p> <p><u>Brown</u> [2013] NSWSC 1557 / [2015] NSWCCA 11</p>
83.	<p>Tuivaga (29)</p> <p>[2013] NSWSC 1626 Price J</p> <p>[2015] NSWCCA 145</p> <p>Co-offenders: BARNES</p>	<p>Assault - general</p> <p>Accessory</p>	PG (12.5%)	6y 6m 23d NPP 4y 6m	AD	<p>Reckless wounding – breached bail</p>	<p>Joint criminal enterprise to assault victim with 4 co-offenders - became involved in physical fight – co-offender struck victim on head with the gun which discharged killing victim – cowardly attack by group – aware co-offender intended to assault male victim over money and text messages – unaware of presence of gun</p> <p>Father to three young children – wife suffering cancer – onerous custodial conditions – suffering depression</p> <p>Two other co-offenders charged with murder</p> <p><u>Lockett</u>: [2013] NSWSC 1555</p> <p><u>Brown</u> [2013] NSWSC 1557 / [2015] NSWCCA 11</p>

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
84.	Page (24) [2013] NSWSC 1711 Latham J	Accessory Assault - general	VG (at murder trial – 25% for offer) Mansl s.98	9y NPP 6y 6y NPP 4y (concurrent)		Breached bail for similar offences – offences for violence	With co-offender attempted to rob elderly man on train – co-offender struck victim on head with pane of glass causing death
85.	Robertson (44) [2014] NSWSC 1401 Harrison J [2015] NSWCCA 251	Unlawful and dangerous - stabbing Accessory Stabbing – general Victim under 18y	PG (15%)	10y 8m NPP 8y	AD		Part of a joint criminal enterprise involving unlawful and dangerous act – agreement to "rough up" or assault male target in return for drugs – offender drove co-offender to place where target worked – stayed in car – co-offender mistakenly and fatally stabbed 15y son of target in chest - no knowledge co-offender armed with knife/weapon or would kill or inflict GBH Rehabilitation prospects – good family support – no previous violence Co-offender sentenced for murder: McArthur [2014] NSWSC 1401
86.	Hunter (No 15) (37) [2014] NSWSC 1456 Button J	Unlawful and dangerous - assault Accessory Assault – general	VG (murder trial)	8y NPP 6y		Violence offences – lengthy record	One of several people who confronted victim and his son outside their home - victim hit offender with metal pole on head three times – offender left scene but returned with two others to home of victim who was brutally assaulted with weapons – not satisfied offender inflicted assault – joint criminal enterprise to bash – moving party in assault - revenge attack – planned – small degree of provocation Cognitive functioning affected to a limited degree at time of offence by earlier blows to head - disadvantaged deprived background – Aboriginal

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
87.	Dennis (26) Elwood (21) [2014] NSWSC 1615 Hulme J (Elwood) [2016] NSWCCA 18	Accessory Stabbing - general	VG (murder trial) Mans VG (murder trial) Mans Assault with intent to rob	5y NPP 3y 4y 6m NPP 2y 6m 3y 6m NPP 2y 6m <u>Total:</u> 5y NPP 3y	AD	Violent offences – breached bond nil	Four males attended home of victim with intent to rob – victim sold small amounts of cannabis on regular occasions – victim surrounded by all four men in front yard - stabbed four times by co-offender McKellar – party to joint enterprise to rob and / or assault victim foreseeing possibility of harm D - party to assault – not aware of weapon – Aboriginal – father to seven children – evidence of rehabilitation – remorse E - party to robbery – aware of presence of weapon – subordinate to McKellars – Aboriginal – prospects of rehabilitation - remorse Co-offenders E & B McKellar sentenced for murder: [2014] NSWSC 1243
88.	D'Ambrosio (50) [2014] NSWSC 1685 Adamson J	Unlawful and dangerous - assault Accessory Assault - general	PG (10%)	9y 10m NPP 7y 5m		Drug offences - on parole	Threatened with violence by victim over non-payment of drug debt so arranged for group of men to come to home at time appointed for repayment for protection - victim struck by mallet and baseball bat - offender orchestrated conflict that led to victim's death – planning and deliberation - limited remorse. Criminal history began late in life and resulted from drug addiction
89.	Tabbah (22) [2014] NSWSC 1764 Schmidt J [2019] NSWCCA 324	Accessory Shooting general	VG (murder trial)	14y NPP 10y	AA 13y NPP 8y 6m	Lengthy - rob in company – AOABH	Co-offender shot victim at close range in chest at night through window – joint criminal enterprise to commit robbery – planned offence - remained to assist co-offender knowing he had loaded gun and contemplated gun would be discharged High risk of committing further violent offences – special circumstances Co-offender sentenced for murder On appeal: error in application of aggravating factors

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
90.	F Barbieri (45) [2014] NSWSC 1808 Hulme J	Accessory Substantial impairment Stabbing - general	PG (10%) Mansl Use off weapon to prevent apprehend Sched: 2 offences	9y NPP 6y 6m FT 4y 6m Total: 10y NPP 7y 6m		nil	Female lived with 19y son on rural property - relationship with neighbour became antagonistic – son fired crossbow at workers on neighbour's property – siege developed with police – attacked police with knife and sledgehammer – police officer fatally stabbed by son – mother aware of possibility of infliction of GBH – mother was dominant offender Suffered serious mental illness causing paranoia and social isolation Son sentenced for murder
91.	AN (15) [2014] NSWSC 1879 Hall J [2015] NSWSC 308 Hall J Co-offenders: JP JH	Accessory Juvenile offender Unlawful and dangerous - assault Assault – general Victim under 18y	PG (15%)	5y 11m NPP 3y (Order made to remain in juvenile detention until 21 years)		Nil prior – subsequent break and enter offences	Present in group of 6 during attack on 17y victim outside a party – victim struck to head with wine bottle and died of head injuries – intentional and unprovoked attack – attack was retaliation for victim speaking to police after being robbed months earlier – did not strike victim and not initiator of attack – bottom of hierarchy of co-offenders Good prospects of rehabilitation
92.	JH (15) [2014] NSWSC 1878 Hall J [2017] NSWCCA 22 Co-offenders: JP AN	Accessory Juvenile offender Unlawful and dangerous - assault Assault – general Victim under 18y	VG (at murder trial)	10y NPP 7y	AD	nil	Present in group of 6 during attack on 17y victim outside a party – victim struck to head with wine bottle and died of head injuries – intentional and unprovoked attack – attack was retaliation for victim speaking to police after being robbed months earlier – part of group decision to attack victim

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
93.	Hawi (28) [2015] NSWSC 206 Hoeben CJ at CL Co-offenders: PIRINI COSTA LA ROSA MENZIES AOULI	Stabbing – general Assault - general Accessory Fight – stabbing / assault Unlawful and dangerous – stabbing / assault	PG (17.5%)	6y 2m NPP 3y 6m		Nil significant	President of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell’s Angels club killed – member of rival club pursued and assaulted inside security gate by Comancheros - affray outside security area where victim fatally assaulted and stabbed – present but no physical acts during either incident - common purpose to intimidate and contemplated possibility unlawful and dangerous act would be committed with appreciable risk of serious injury – aggravating factor that it took place in public airport Good prospects of rehabilitation – good family support
94.	Telemete (30) [2015] NSWSC 909 Adams J	Unlawful and dangerous - assault Assault – general Fight - assault Accessory	VG (murder trial – 25% for offer)	7y 6m NPP 4y 6m		Trivial offence	Fight between group of Samoan born men and victim and friends after midnight on street – all intoxicated – victim assaulted and kicked by co-offender – offender inflicted some injuries – victim died from positional asphyxiation – offender left scene unaware of seriousness of injuries Genuine remorse – out of character – good prospects of rehabilitation
95.	Duffy (No.7) (34) [2015] NSWSC 1321 Davies J [2017] NSWCCA 77	Unlawful and dangerous - assault Assault - General Accessory	VG (murder trial) Mansl PG (25%) Steal from dwelling house	12y NPP 8y FT 2y <u>Total:</u> 12y 8m NPP 8y 8m	AD	Contravening domestic violence restrictions, break and enter, behave offensive manner.	Co-offender strangled female victim with belt around her neck while offender held victim down - victim met co-offender at hotel and invited offender, co-offender and others to parents’ place – all parties affected by drug and alcohol – victim killed after sexual involvement with offender – buried in shallow grave at property – guns and other property stolen from property after killing - spontaneous killing - above mid-range of objective seriousness No psychiatric or psychological issues - drug and alcohol abuse – lack of remorse – poor prospects of rehabilitation – continued illicit drug use in custody - supportive family. Co-offender sentenced for murder: <i>Evans</i> [2015] NSWSC 254

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
96.	RC (46) [2016] NSWSC 98 RA Hulme J	Unlawful and dangerous - assault Assault - general Accessory	PG (40% - plea and assist) Mansl Rob in Company	5y NPP 3y 7m FT 3y (concurrent)		Extensive record although minor violence – breached parole	Joint plan between four offenders - victim lured by co-offender to park for robbery - beaten to death by co-offender D – well acquaintance with D's propensity to violence – lesser role than co-offenders – element of duress (fear of D) – assaulted in prison and in dock by D Itinerant and anti-social lifestyle – drug use – limited cognitive resources reducing moral culpability and deterrence – remorse One co-offender sentenced for rob in company - D sentenced for murder: [2016] NSWSC 444
97.	Tarrant (24) [2016] NSWSC 1155 Fagan J [2016] NSWCCA 21 [2018] NSWSC 774 Johnson J	Substantial Impairment Accessory Unknown	VG (murder trial - 35% for offer to plead and assistance)	10y 8m NPP 8y	AA Matter remitted for sentence 8y NPP 5y	Nil	Female arranged killing of partner by male lover – fed victim sleeping tablets then called co-offender to house – victim killed in unknown manner and body disposed of by co-offender – abusive relationship with victim since 15y – suffering chronic depressive disorder, PTSD and Battered Women's Syndrome - aggravating factors were use of stupefying drug, in company, in victim's home and planning Gave evidence against co-offender – remorse - mother to five children – exposed to serious domestic violence as a child – good prospects of rehabilitation - delay Co-offender <i>Roff</i> sentenced for murder: [2016] NSWSC 1151 / [2017] NSWCCA 208
98.	Wilkinson (39) [2019] NSWSC 235 Hamill J Co-offender: HUTCHINSON	Assault – domestic Accessory	VG (at murder trial – 25% for offer)	8y NPP 4y 9m		minor offences	Planned assault of partner's ex-husband to obtain confession to his assaults on son – victim lured to his own home where he was assaulted by co-offender – offender involved in assault to lesser extent - injuries and ligature caused asphyxiation – committed in company, in presence of victim's 9y son and in home of victim – panicked when victim died and dumped body by side of dirt road Prior good character – good prospects of rehabilitation - remorse

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	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
99.	Bentley (29) Davies (29) Thomas (29) Tilley (33) [2019] NSWSC 1649 Harrison J [2021] NSWCCA 18	Unlawful and dangerous Assault general Accessory	(Each) PG Mansl (10%) Dispose body (25%) Supply comm qty drugs (20%)	(Each) 12y NPP 8y FT 3y 3y NPP 2y Total: 15y NPP 11y	(Each) AA 12y NPP 7y FT 3y 3y NPP 2y Total: 15y NPP 10y	nil nil limited limited	Offenders and victim fell out in relation to drug dealing – offenders formed agreement to assault victim – chased victim into shed at victim’s home – victim died from blood loss caused by assault – equal culpability – offenders disposed of body refusing to disclose location – body unlikely ever to be recovered – manslaughter offence above mid-range – disposal offence well above mid-range – drug dealing offence below mid-range - other offences taken into account Bentley – supplied 950g methamphetamine over 5 months – supply 20g cocaine and receiving stolen property taken into account – reasonable prospects of rehabilitation – unlikely to re-offend – remorse tempered by failure to disclose location of body Davies – supplied 505g methamphetamine over 5 months – aggravated break, enter and steal taken into account – difficult childhood - reasonable prospects of rehabilitation – unlikely to re-offend – remorse tempered by failure to disclose location of body Thomas – supplied 567g methamphetamine over 5 days – very disadvantaged childhood - reasonable prospects of rehabilitation – unlikely to re-offend – remorse tempered by failure to disclose location of body – young daughter Tilley – supplied 950g methamphetamine over 5 months – supply 20g cocaine and aggravated break, enter and steal taken into account – reasonable prospects of rehabilitation – unlikely to re-offend – remorse tempered by failure to disclose location of body CCA: Failure to consider cumulation of sentence as a special circumstance.

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100.	LK (38) [2019] NSWSC 605 Hamill J Co-offenders: FEROZ NGUYEN TRINH	Stabbing – general Unlawful and dangerous - stabbing Accessory	PG (50% combined)	5y NPP 2y 9m		Not significant	Drug deal gone wrong – joint criminal enterprise - organised and brutal attack – acted as driver to five co-accused - limited role in offence. Special circumstances – first time custody - extensive long-standing drug dependence – reasonably good character - no previous offences of violence – remorse – good prospects of rehabilitation Co-offenders HO and HOANG sentenced for murder (2020)
101.	M.Basanovic (47 at offence – 54 at sentence) [2019] NSWSC 1770 Button J Co-offender: W.BASANOVIC	Excessive self defence Shooting – general Accessory	PG (20% total) Mansl s.33	11y 2m NPP 7y 9m 7y 5m <u>Total:</u> 13y 8m NPP 10y 3m		sparse but significant – firearms and violence	Deeply entrenched in drug and criminal milieu – falling out with victim led to well-founded fear of being killed – attended business premises of victim with son intending to ‘get in first’ and kill victim – son fatally shot victim with gun provided by offender – victim unarmed - uninvolved employee ‘accidentally’ shot and seriously wounded – excessive self- defence - joint criminal enterprise – offender was instigator and as culpable as son – very grave example of offence Convicted of murder at first trial (successful conviction appeal) – in segregated custody for 6 years – long history of depression and cognitive impairment from accident
102.	O’Brien (31) Paterson (38) [2020] NSWSC 221 Bellew J (Paterson) [2021] NSWCCA 273	Unlawful and dangerous - assault Assault – general Accessory (O’Brien)	PG (15%) Sched: Possess drug PG (25%) Sched: 4 x possess drug	8y NPP 5y 6m 16y 6m NPP 12y 5m		AA 12y NPP 9y	record – no violence – breached bail record for violence – breached parole Intoxicated victim forcibly removed from club – exchanged abusive words with group arriving at club including offenders – P attempted to punch victim – victim pursued by offenders 165 metres – O’B punched victim once causing fall – P kicked victim in head and stomped on head – victim lying prone on road and run over by car – liability based on joint criminal enterprise O’B – culpability below mid-range – genuine remorse P – long history of depression and troubled childhood – ADHD CCA: sentence manifestly excessive – error in assessing objective seriousness of applicant’s offence as being at highest end of range - conduct did not warrant characterisation as something close to or towards worst category of manslaughter.

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103.	<p>Martinez (21 at offence - 26 at sentence)</p> <p>Tortell (18 at offence - 24 at sentence)</p> <p>[2020] NSWCCA 267 Johnson J</p> <p>(Martinez) [2022] NSWCCA 12</p>	<p>Stabbing – general</p> <p>Accessory</p> <p>Unlawful and dangerous - stabbing</p>	<p>VG (at murder trial – 10% for offer)</p> <p>VG (at murder trial - 5% for offer)</p>	<p>10y 6m NPP 7y 7m</p> <p>8y 5m NPP 5y 6m</p>	<p>Martinez: AA 9y 3m NPP 6y 11m</p>	<p>Intimidate police, AOABH</p> <p>Nil</p>	<p>Stabbing of victim - joint criminal enterprise to cause harm short of GBH - inability to find beyond reasonable doubt which offender killed victim – prior animosity between M and victim – M confronted victim, victim retreated and both offenders chased victim – T did not have motive but followed M</p> <p>M: higher objective gravity and moral culpability - reasonable prospects of rehabilitation – moderate risk reoffending</p> <p>T: good prospects of rehabilitation - low risk of reoffending</p> <p>CCA Martinez: error as to guilty plea discount of 5% - correct discount 10% applied.</p>

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104.	<p>Feroz (31)</p> <p>Nguyen (38)</p> <p>Trinh (36)</p> <p>[2020] NSWSC 341 Hamill J</p> <p>Co-offender: LK</p>	<p>Stabbing – general</p> <p>Accessory</p> <p>Unlawful and dangerous - stabbing</p>	<p>VG (at murder trial)</p> <p>s.166 firearms offences</p> <p>VG (at murder trial)</p> <p>VG (at murder trial – 10% for offer)</p>	<p>9y NPP 6y</p> <p>12m (concurrent)</p> <p>9y NPP 6y</p> <p>9y NPP 6y 9m</p>		<p>nil relevant</p> <p>serious but old offences</p> <p>record reflective of being drug dealer</p>	<p>Co-offender arranged meeting with victim in suburban street in broad daylight after victim failed to pay for drugs – victim assaulted by group of men then stabbed fatally in chest – joint criminal enterprise to inflict unlawful violence – offence aggravated by use of weapon</p> <p>All offenders entitled to benefit for facilitation of trial under s.22A and delay</p> <p>F – drug user who was unaware of purpose of meeting – unaware violence or knife would be used until saw stabbing – struck victim with curtain rod – attempted to stop co-offender stabbing victim – called ambulance – supportive family and employer – excellent prospects of rehabilitation</p> <p>N – drug user with no involvement in planning and no act of violence during assault – aware violence to be used after getting into car – aware weapons to be used after getting out of car but not aware of knife – genuine remorse – good prospects of rehabilitation – PTSD from background and shooting in bar</p> <p>T – out of pocket due to drug deal – played role in setting up meeting – played no part in violence – mid-level drug dealer and user – abusive childhood and exposed to criminal element early in life – prospects of rehabilitation</p> <p>Additional co-offenders HO and HOANG sentenced for murder (2020)</p>
105.	<p>Ahmad (33)</p> <p>[2020] NSWSC 1195 Button J</p> <p>[2021] NSWCCA 30</p>	<p>Fight - shooting</p> <p>Shooting – General</p> <p>Accessory</p>	<p>PG (25% combined on appeal)</p>	<p>7y NPP 5y 3m</p>	<p>AA 6y NPP 4y 6m</p>	<p>Violence: AOABH, affray, firing firearms, possess loaded firearm</p>	<p>Extended joint criminal enterprise - altercation between two groups resulting in gunfight – offender's brother shot and killed victim - spontaneous and unexpected involvement by offender - did not bring weapon and not aware of altercation – picked up weapon from wounded associate – saw opposing male point gun - fired warning shot.</p> <p>Loving husband and father - difficult family upbringing, including civil war in Lebanon - chronic anxiety and substance abuse.</p> <p>On appeal: SJ failed to give discount for assistance – 5% discount imposed.</p>

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106.	<p>Butler (27)</p> <p>Russell (34)</p> <p>[2021] NSWDC 666 Haesler SC DCJ</p> <p>(Russell) [2023] NSWCCA 196</p>	<p>Unlawful and dangerous</p> <p>Motor vehicle</p> <p>Accessory</p>	<p>VG Mansl</p> <p>2 x s.52A(3)</p> <p>PG (5%) Police pursuit</p> <p>Take and drive</p> <p>VG Mansl</p>	<p><u>Indicative:</u> 10y</p> <p>3y 6m</p> <p>1y 5m</p> <p>1y 5m</p> <p><u>Aggregate:</u> 13y NPP 9y 3m</p> <p>4y NPP 2y 11m</p>	<p>Conviction AD</p>	<p>Extensive record including police pursuit offence – breached parole and bail</p> <p>Lengthy</p>	<p>After attempting to extort money from male at service station offenders engaged in high speed pursuit of car with male and three other persons – matched speed and lane changes of pursued car at 160kph over 12km on motorway – pursued car struck by tanker due to speed resulting in death of passenger and serious injuries to second passenger and driver – offenders did not stop for accident and B took steps to avoid apprehension - car driven by B – R engaged in JCE to intimidate and stalk – supported B by presence and lesser culpability – serious motor vehicle offence</p> <p>B – Australian Aboriginal – difficult childhood aggravated by abuse suffered in juvenile detention – substance abuse - institutionalised</p> <p>R – substance abuse – institutionalised – family support</p>
107.	<p>ST (17)</p> <p>[2022] NSWSC 1696 Davies J</p>	<p>Unlawful and dangerous - assault</p> <p>Assault – general</p> <p>Fight - assault</p> <p>Accessory</p>	<p>PG (25%)</p>	<p>6y 9m NPP 4y 1m</p>		<p>AOABH – offences while in custody including affray</p>	<p>Group of youths assaulted 18y male victim outside party – victim kicked, punched and stomped to head and face for several minutes while defenceless on ground – assault fatal – offender joined brother in assault – kicked, punched and stomped on victim but did not cause death – contemplated grievous bodily harm – unprovoked, cowardly and vicious assault - sentenced separately for unrelated assault committed at party earlier in night</p> <p>Low intellectual functioning – substance abuse since early teens – remorse – some evidence of rehabilitation progress – prospects of rehabilitation good and risk of re-offending low – special circumstances</p> <p>Co-offenders sentenced for murder and affray</p>

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108.	Garland (63) [2024] NSWSC 80 Hamill J	Shooting – general Accessory Unlawful and dangerous - shooting	VG (murder trial)	7y NPP 3y		Nil violence – recent drug supply offences – breached parole	Drove male acquaintance to residential area at night – became party to agreement to commit unlawful and dangerous act of violence although unaware of gun or identity of victim – waited in car – co-offender shot dead grandmother in her home – significant disconnect between joint criminal enterprise offender a party to and magnitude of crime committed – knew little of plan and involved for very short time Difficult life developing PTSD after near fatal poisoning – depressive disorder and physical health issues resulting in substance abuse – difficult custodial conditions – remorse – good prospects of rehabilitation – unlikely to re-offend – sentence reduced from 10y for unstated reasons – special circumstances based on partial accumulation to existing sentence Co-offender sentenced for murder
109.	TB (13y 3m) [2024] NSWSC 447 RA Hulme AJ	Assault – general Unlawful and dangerous – assault Accessorial	PG (25%)	7y 6m NPP 4y 6m		nil	One of group of people bashed 16y male victim over 33 minutes – victim suspected of stealing airpods so lured to home of owner – victim assaulted by adult male in bedroom while offender and others looked on – when adult male left offender and others continued assault – offender stomping on victim’s chest - sustained and extremely vicious assault involving kicking, punching and stomping – attack filmed Moral culpability reduced by youth and background of serious neglect, trauma, violence and transience – cultural disconnection – mental health issues – genuine remorse – good prospects of rehabilitation Co-offenders sentences for murder: BE [2023]; BL [2024]; AD [2024]

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