

Manslaughter
During Fight / Brawl Involving More Than Two People
Assault

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	Grenenger (22) [1999] NSWSC 380 Sully J	Unlawful and dangerous - assault Fight - assault Assault - general	VG	MT 18m AT 18m		nil	Struck victim with bar stool during pub fight Good character and remorse
2.	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
3.	Khouzame (19) [1999] NSWSC 979 Grove J [2000] NSWCCA 505	Unlawful and dangerous - assault Fight - assault Assault - general	VG Mansl AOABH	MT 3y AT 2y FT 3m (concurrent)	AD	nil	Struck another teenager in street with block of wood - part of fight between Lebanese and Turkish groups Good character - close and supportive family - good prospects of rehabilitation

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4.	Risteski (22) [1999] NSWSC 1248 Dunford J	Unlawful and dangerous - assault Fight - assault Assault – general	PG	MT 3y 6m AT 2y		minor record reflecting alcohol problem	Killed English tourist with one punch to back of head during brawl between friends and English tourists after watching soccer match on TV - attempted to punch and kick deceased while on ground - intoxicated Good character - supportive friends and family - excellent prospects of rehabilitation
5.	CK (16) [2002] NSWSC 942 Studdert J [2004] NSWCCA 116	Unlawful and dangerous - assault Juvenile offender Assault – general Fight - assault	PG (25%)	7y 6m NPP 4y	AD	nil	Present during series of confrontations between Asian and Australian youths throughout evening of killing - threw solid metal bar at car being driven by 17y male - bar penetrated skull of victim Born to Korean parents - contrition - uncharacteristic behaviour - hardship to family
6.	King (36) Bugmy (33) CJ (16) [2006] NSWSC 161 Buddin J	Fight - assault Assault - general Accessory Juvenile offender	PG (20%)	6y NPP 3y 8m 7y 6m NPP 4y 4m 4y 4m NPP 2y 8m		Minor Extensive including violence – breached parole nil	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 K – stable family life – good conduct in custody despite onerous conditions B – tragic background – partially blind – alcohol problems CJ – difficult childhood – good use of time in custody – low cognitive skill – good character
7.	Hopley (35) [2008] NSWCCA 105	Unlawful and dangerous - assault Fight – assault Assault - general	VG	5y NPP 3y	AD	Priors – less serious	Punched male stranger twice in altercation outside nightclub – altercation between two groups began inside nightclub – spontaneous response to violence initiated by third person – acted in anger not self defence Sole parent to 13y son - remorse

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8.	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
9.	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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10.	<p>Aouli (28) [2011] NSWSC 1393 RA Hulme J</p> <p>[2012] NSWCCA 104</p> <p>Co-offenders: PIRINI COSTA LA ROSA MENZIES HAWI</p>	<p>Accessory</p> <p>Stabbing - general</p> <p>Assault – general</p> <p>Fight – stabbing / assault</p> <p>Unlawful and dangerous – assault / stabbing</p>	<p>PG (12.5%) Manslaughter</p> <p>Affray</p>	<p>5y 8m NPP 3y</p> <p>FT 2y 5m</p> <p><u>Total:</u> 6y 2m NPP 3y 6m</p>	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
11.	<p>Costa (29) [2011] NSWSC 1392 RA Hulme J</p> <p>Co-offenders: PIRINI AOULI LA ROSA MENZIES HAWI</p>	<p>Accessory</p> <p>Stabbing - general</p> <p>Assault – general</p> <p>Fight – stabbing / assault</p> <p>Unlawful and dangerous – assault / stabbing</p>	<p>PG (12.5%) Manslaughter</p> <p>Affray</p>	<p>6y 7m NPP 3y 4m</p> <p>FT 2y 4m</p> <p><u>Total:</u> 7y 1m NPP 3y 9m</p>		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

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12.	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
13.	Field (39) [2014] NSWSC 1797 Fullerton J [2015] NSWCCA 332	Assault – general Unlawful and dangerous - assault Fight - assault	VG (at murder trial)	10y NPP 7y 6m	AD	nil	Punched male victim once to jaw in hotel car park during fight – unprovoked attack – escalating tensions between two groups in hotel during evening – fatal punch caused neck to rotate releasing arterial blood into cranial cavity Offence out of character – retired rugby league player – community involvement
14.	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

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15.	Matia (34) [2015] NSWCCA 79	Assault – general Unlawful and dangerous - assault Fight - assault Excessive self defence	VG	3y NPP 18m	Crown AD	Nil	Security guard - part of group that pursued group including victim away from hotel – victim armed himself with paint scraper – single punch to head of victim - acted in defence of another Good character – offence out of character – security licence revoked – carer for mother – father to young child – genuine remorse
16.	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
17.	ST (17) [2022] NSWSC 1696 Davies J	Unlawful and dangerous - assault Assault – general Fight - assault Accessory	PG (25%)	6y 9m NPP 4y 1m		AOABH – offences while in custody including affray	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 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 Co-offenders sentenced for murder and affray

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