

Murder

18-20 year old Offenders

Maximum Penalty: Life (s.19A (NSW) Crimes Act)

Standard non-parole period (offences committed on or after 1.2.2003)

20 years

25 years - Where the victim was a police officer, emergency services worker, correctional officer, judicial officer, health worker, teacher, community worker, or other public official, exercising public or community functions and the offence arose because of the victim's occupation or voluntary work

Standard non-parole period (where conviction entered or plea of guilty made on or after 1.1.2008)

25 years - Where the victim a child under 18 years of age

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|----|---|------|-----------------|----------------------|--------|------------|--|
| 1. | McCABE (19) NSWSC Abadee J 14.12.1990 NSWCCA 14.10.1991 | PG | MT 15y AT 5y | AA MT 9y AT 7y | minor | stabbing | Repeatedly stabbed elderly neighbour while attempting to rob. Mother of young baby. |

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| 2. | MIHAILOVIC (18y 5m) NSWSC B- Parker J 15.4.1991 HOWARD (18y 2m) NSWSC B- Parker J 30.8.1991 Co-Offender: MORGAN | VG | MT 10y AT 8y MT 8y AT 5y | AD (1992) 29 NSWLR 242 | nil minor | assault intent GBH / joint enterprise to assault | Gang homosexual bashing – victim lured to toilet and attacked - beating and kicking H some assistance to police. |
| 3. | PHILLIPS (18) NSWSC Mathews J 21.5.1991 NSWCCA 14.11.1991 | VG | MT 15y AT 9y | AD | nil | stabbing intent kill | Stabbed neighbour's wife in front of 2 young children Diminished responsibility rejected - psychiatric condition. |
| 4. | WEBSTER (18) NSWCCA 15.7.1991 | PG | MT 14y AT 6y | AD | nil | assault | Choked and crushed head with rock when 14y female resisted attempted rape at party Intoxicated. |
| 5. | MILES (18) NSWSC 23.3.1992 Mathews J NSWCCA 28.3.1995 | VG | MT 12y 6m AT 5y 6m | Conviction AD | nil | stabbing | Crime of passion against ex-girlfriend Diminished responsibility rejected. |

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| 6. | KNOWLSON (18y 9m) PERKINS (18y 3m) NSWSC Enderby J 21.5.1992 | PG PG | MT 12y AT 6y MT 8y AT 7y | | prior offences | strangulation / stabbing intent kill | Premeditated killing of old man K dominant offender P suffering brain damage from petrol sniffing and intellectual disability |
| 7. | SHARPE (19) NSWSC Wood J 10.9.1992 | PG | MT 10y AT 8y | | minor - disregarded | assault and strangulation intent GBH | Went to aunt's home in early hours of morning to sexually assault her - struck her with poker and strangled with cord. |
| 8. | DAVISON (19) NSWSC Wood J 11.9.1992 | PG | MT 13y 5m AT 7y | | nil | strangulation / stabbing | Killed girlfriend – assault causing fractures to head - set body alight after death |
| 9. | GILL (18) NSWSC Mathews J 9.2.1993 | VG | MT 10y 6m AT 6y 6m | | very minor | assault reckless indifference | Affected by liquor - assaulted girlfriend - kicked 27m old stepson, picked him up by ankles and threw to ground. |
| 10. | CATON (18) McDONALD (19) NSWSC Levine J 12.3.1993 (McDonald) NSWCCA 18.8.1994 | VG Murder PG Rob in Co PG | MT 10y AT 5y MT 18y AT 6y | | minor AA MT 15y AT 7y | shooting common purpose robbery intent kill | Intending to steal taxi told driver to get out and run - shot to prevent identification. |

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| 11. | O'BRIEN (19) NSWCCA 10.6.1993 | PG | MT 10y AT 6y | Crown AA MT 12y AT 6y | BES – stealing – AOABH - mal damage | shooting felony murder | Entered bedroom with loaded rifle and shot victim when challenged. Crown appeal - withdrew offer to assist |
| 12. | MOORE (19) NSWSC Wood J 5.8.1993 NSWCCA 21.6.1995 | VG | MT 10y AT 5y | Conviction AD | minor | stabbing | Drunken fight between friends – victim stabbed 6 times Offender called ambulance - claimed self defence |
| 13. | CAMPBELL (20) NSWSC Abadee J 3.9.1993 | VG | MT 5y 7m AT 4y | | lengthy record – property, assault and robbery offences | assault | Victim bashed with punches, kicks and striking of head with brick - body weighted down with bricks and thrown into river - group involved. |
| 14. | NORRIS (18) NSWSC 27.9.1993 James J | PG | MT 10y AT 5y | | minor | assault Intent GBH | Fatally assaulted 2y daughter of de facto –sustained assault to entire body – hit head against wall – hit head with architrave Intoxicated and distressed after grandmother's funeral – alcohol problem – immature – contrition |
| 15. | DAVIS (18y 3d) NSWSC Campbell J 28.10.1993 Co-offender: WIGGINS | PG | MT 13y AT 7y | | mainly dishonesty | shooting intent kill | Victim lured to isolated area and shot - offenders believed he was ripping them off over drug crop they all involved in. |
| 16. | HUNGERFORD (20) NSWCCA 15.12.1993 | PG | MT 18y AT 6y | AD (top of range) | nil of consequence | assault | Abducted and sexually assaulted 49y woman - bashed skull with piece of concrete. |

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| 17. | SCROOP (20) NSWSC Barr AJ 16.9.1994 | PG | MT 12y AT 6y | | AOABH | assault | Attacked female following sexual intercourse – met victim that evening – unprovoked, prolonged and violent attack resulting in severe injuries to victim – offender just “snapped” - hid victim’s body in nearby concrete pipe Difficult aggressive behaviour since childhood – alcohol and substance abuse |
| 18. | HUGHES (20) NSWSC 16.12.1994 B-Parker J Co-offender: ASHFIELD | PG | MT 16y AT 5y | | | assault intent GBH | Assault on 6y old son causing death from head injuries - extensive bruises to head and body - head forced into wall – placed phone book on head and hit with hammer - initially blamed gang then tried to shift major blame to other offender - claimed victim had interfered with younger sister |
| 19. | PILLER (20) NSWSC Dowd J 6.7.1995 Co-offender: KRAMER | VG | MT 13y AT 5y | | Nil | Shooting Felony murder | Shooting of Pizza Hut employee during armed robbery with shotgun – K waited in car |
| 20. | DANIELSON (18) NSWSC Smart J 27.6.1995 | VG | MT 9y AT 5y | | minor | stabbing with glass intent GBH | In early hours of morning confrontation developed between victim and acquaintance of offender – victim kicked acquaintance and made threats – offender stabbed victim in neck with broken glass – spontaneous – excessive defence of another – major over-reaction Islander heritage - prior good character at school and church – deep remorse and shame – good prospects of rehabilitation – father to young child |
| 21. | JOHNSON (18) NSWSC Ireland J 24.4.1996 Co-offender: GAC | VG Murder Rob with wounding | MT 8y AT 4y | | record | assault felony murder / common purpose | Group of young persons assaulted elderly vagrant in park. |

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| 22. | GLASBY (20) NSWSC Sully J 11.11.1997 | PG | MT 9y AT 3y | | minor | shooting intent kill | Female - lured victim away on pretence of sex – victim shot by dominating husband to fulfil contract killing |
| 23. | SPEDDING (20) NSWCCA 11.12.1997 | VG Murder 2 x conceal dead body | MT 11y AT 4y | AD | | shooting | Group of four travelling / living together - during argument shot victim - buried body in the bush. |
| 24. | GRAFF (20) LEAITUALES (19) NSWSC Barr J 25.9.1998 [2001] NSWCCA 3 Co-offender: RT | PG Murder Rob in Co Sched: AOABH Mal inflict gbh PG Murder Rob in Co | MT 18y AT 5y MT 10y AT 6y | AD | minor record - on bail at time of offending no significant history | assault | Punched and kicked taxi driver in the head and body - stripped and whipped him with his belt - drove off in taxi - no reason for attack - equal culpability. Robbery of taxi driver nine days earlier - took taxi and money. G: History of alcohol and violence - low intellectual functioning - considered leader of group. L: Difficult background - previously stabbed - alcohol addiction - low intellectual functioning and depression lessened criminal responsibility |
| 25. | HEARNE (19) [1999] NSWSC 605 Wood CJ at CL (2001) 124 A Crim R 451 [2001] NSWCCA 37 | PG Murder Mal wound W/I to do GBH | MT 20y AT 7y FT 6y (concurrent) | AA 18y NPP 13y FT 6y Total: 21y NPP 16y | insignificant | stabbing intent GBH | Stabbed two off-duty police after offering them illegal drugs and they asked for identification - seeking to prevent apprehension - impulsive - not aware police officers. Remorse - surrendered self to police - youth. |

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| 26. | COX (18) [1999] NSWCCA 246 | PG | MT 11y AT 5y | AA MT 9y 6m AT 4y 6m | nil | stabbing intent GBH | Female - stabbed 14y girl over money owed. Good character – rehabilitation |
| 27. | GIRI (19) KARKI (20) (1999) 109 A Crim R 499 [1999] NSWSC 1269 Studdert J (2001) 121 A Crim R 568 [2001] NSWCCA 197 [2002] NSWCCA 67 | VG VG | MT 12y AT 5y MT 12y AT 5y | Conviction AD Conviction AD | nil nil | assault | Nepalese males assaulted intoxicated 27y male outside nightclub - culmination of confrontations and arguments during evening. Genuine remorse - offence out of character - good prospects of rehabilitation. |
| 28. | BOWHAY (18) (2000) 111 A Crim R 271 [2000] NSWCCA 54 | VG | MT 16y AT 7y | AD | custody | assault and stabbing intent kill | Met victim in hotel earlier in evening - lured victim to park then strangled, stabbed and assaulted him - saw victim as easy target for aggression - decided to have fun at victim's expense. Youth – intoxicated - deprived childhood. |
| 29. | HODGE (18 at offence – 31 at sentence) [2000] NSWSC 897 Dunford J [2002] NSWCCA 10 | VG | 15y NPP 7y | Conviction AD | minor record subsequent to offence | assault intent GBH | (1988) Picked up hitch-hiking late at night and accompanied him home for drinks – bashed victim to death with mallet when woken up by homosexual advances. Contrition - married with young family - established successful life |

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| 30. | VALERA (19) [2000] NSWSC 1220 Studdert J [2002] NSWCCA 50 | VG 2 x murder | Life | AD | nil | assault / strangulation intent kill | Bashed to death 59y male in victim's home then mutilated body - two weeks later bashed and strangled 68y male in victim's home and mutilated body - savage attacks - random and utterly senseless killings – mutilation and treatment of bodies showed utter contempt for victims and exuded evil Physically and verbally abused by father throughout childhood - mother left home when offender aged 3y |
| 31. | GOSLING (18) [2001] NSWSC 850 Howie J [2002] NSWCCA 351 | VG | 16y NPP 12y | Conviction AD | on bond for assault on father | shooting intent GBH | Shot dead victim during attack with three co-offenders as pay back for alleged insulting behaviour of victim towards mother of one co-offender - culpability somewhat reduced by mental disorder - manipulated by co-offender |
| 32. | RATU (18) [2001] NSWSC 1183 Levine J [2003] NSWCCA 258 Co-offender: HOLMES | PG (25%) | 16y NPP 12y | AD | nil relevant | assault intent GBH | Taxi driver attacked after attempting to prevent offenders running off - kicked, punched and stomped for over 10 minutes. Genuine contrition and remorse- good prospects of rehabilitation |
| 33. | EZOLD (19) [2002] NSWSC 129 Barr J Co-accused: FARRELL | VG | 16y NPP 12y | | nil | assault and drowning intent to kill | Group assault on male acquaintance - led group to place of assault and struck first blow with bottle - victim drowned by co-offender - planned offence - under strong and brutal influence of co-offender Genuine remorse - evidence of rehabilitation |

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| 34. | HAMZY (19) [2002] NSWSC 128 Bell J [2004] NSWCCA 243 | VG Murder Mal wound w/i GBH Mal discharge weapon w/i Threaten to use weapon Conspiracy to murder Sched: 3 offences | 21y NPP 15y 9m FT 5y FT 3y FT 3y 12y NPP 6y <u>Total:</u> 27y 9m NPP 21y 9m | AD | Sentence imposed partially cumulative to sentence for unrelated drug offences committed between commission of murder and arrest | shooting intent to kill | Fired at group of men involved in disturbance outside nightclub - deliberately fired while victim on ground - no premeditation but went to nightclub armed with gun - shot at other men and pointed weapon at police attempting to apprehend - left country – while in custody on remand attempted to arrange murder of Crown witness. Disturbed childhood - exposed to serious criminal activity of father at early age - heavy drug use - totality |
| 35. | P PHAM (18 at offence) [2002] NSWSC 1261 Sully J Co-offender: TRAN NGUYEN | VG | 16y NPP 11y | | record unclear but not significant | shooting intent to kill | (1996) Execution in context of gang involvement - victim taken to oval by offenders at night and shot four times by co-offender PP - Vietnamese - difficult childhood - refugee - drugs - need for psychiatric care - important co-operation with police |
| 36. | FARRELL (19) [2002] NSWSC 375 Barr J Co-accused: EZOLD | VG | 18y NPP 13y 6m | | no relevant criminal history | assault intent to kill | With co-offenders bashed to death victim on deserted beach - group of homeless young people who had made "pact" to kill victim - had consumed alcohol and LSD - premeditated Deprived background. |

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| 37. | CHAN (19) [2002] NSWSC 544 Ireland AJ | VG | 14y NPP 9y | | nil | shooting | Shot service station operator in chest after victim had verbal exchange with offender's friend Substantial impairment defence rejected - suffering Tourette's syndrome, obsessive compulsive disorder and schizophrenic psychosis - also aggressive and given to acting impulsively and recklessly - capacity to control self substantially impaired but not so as to reduced offence to manslaughter Native of Hong Kong - family support - delay - prospects of rehabilitation |
| 38. | MCLEAN (18) [2002] NSWSC 1042 Wood CJ at CL Co-offender: SJB | PG (20%) Murder Take and drive conveyance | 19y NPP 13y FT 6m (concurrent) | | no violence | stabbing intent to kill | McL angered by sexual affair between SJB (female) and victim -agreed to stab victim - multiple stab wounds in car - equal involvement in killing Both suffered limited intellectual resources, impulsiveness and ADHD - offence out of character - offenders involved in destructive relationship |
| 39. | WILSON (18) [2004] NSWSC 597 Simpson J (2005) 152 A Crim R 257 [2005] NSWCCA 112 | PG (25%) | 12y NPP 8y | Crown AA 15y NPP 11y | Nil | Stabbing Intent GBH | Stabbed taxi driver in remote area during argument over fare – no premeditated intent to rob – burned taxi and stole money Originally found unfit to plead and sentenced after special hearing – dysfunctional childhood – low intelligence and depression – successful efforts at rehabilitation |
| 40. | GONZALES (20) [2004] NSWSC 822 James J (2007) 178 A Crim R 232 [2007] NSWCCA 321 | VG 3 x Murder | Life | AD | Nil | Stabbing - striking and strangling Intent to kill | Stabbed father, mother and 18y sister in their home - made it look like racially motivated attack – premeditated – tried to poison mother 10 days before murder - false alibi – no mitigation of objective seriousness of offence – no contrition - dangerousness |
| 41. | VANN (20) [2004] NSWSC 988 Dunford J | PG (13%) Murder Assault | 19y NPP 14y 3m FT 18m (concurrent) | | Possess knife in public place | Shooting Intent to kill | Shot 16y male stranger with SKS rifle during fight outside cinema – called to cinema to assist |

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| 42. | O'CONNELL (18) [2004] NSWSC 1120 Davidson AJ [2006] NSWCCA 82 | PG (20%) | 35y NPP 25y | AD | Juvenile record for serious crimes of violence | Assault and stabbing Intent to kill | SNPP 20 years Killed 15y girl with whom he was having casual relationship – horrific wounds – 49 injuries, including 10 stab wounds - violent sexual proclivities – disposed of body in nearby garbage bin – deliberately attempted to divert suspicion Victim of abuse by stepfathers – drug and alcohol problems – dyslexia/ADHD – remorse – youth – but for youth and plea, life sentence would have been imposed – limited protective custody |
| 43. | CLEVERLY (18) [2004] NSWSC 1279 Mathews AJ [2007] NSWCCA 169 | VG Sched: Agg kidnap Att pervert course of justice | 24y NPP 18y | Conviction AD | Nil | Strangulation Intent to kill | Strangled aunt in her home – possibly motivated by financial gain – premeditated – higher end of range Brain injury at least affected judgment. |
| 44. | DEHAYBI (20) [2005] NSWSC 128 Levine J (2006) 160 A Crim R 392 [2006] NSWCCA 31 | VG Murder s.33 AR | 24y NPP 18y 12y NPP 9y FT 6y <u>Total:</u> 26y NPP 20y | AD / Crown AD | Breached bond for dishonesty offences | Stabbing Intent GBH | SNPP 20 years With brother pre-planned armed robbery of family attempting to sell engagement ring – during struggle fatally stabbed adult son and stabbed father in chest |
| 45. | EM (19) [2005] NSWSC 212 James J [2006] NSWCCA 336 | VG: Murder s 97(2) s 93G(1)(c) PG 5 x s 97(2) | 25y NPP 16y FT 10y FT 2y FT 12y <u>Total:</u> 36y NPP 27y | AD | Driving offences | Shooting Constructive murder | Home invasion with co-offender – 5 occupants forced to lie on floor – victim shot and killed in struggle – victim's wife shot in thumb – 10 days later, similar offence with 2 co-offenders - robbery completed and 5 occupants left tied up in house Cambodian – poly substance abuse – mood disorder |

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| 46. | WEIGHTMAN (20) [2005] NSWSC 1354 Hidden J Co-offender: DONAI | PG (combined 30%) 2 x Murder | 25y NPP 19y Total: 28y NPP 22y | | Minor | Asphyxiation Intent to kill | Killed adoptive parents for financial reasons – planned killing with co-offender – victims sedated in own home and smothered – bodies placed in car crash scene – co-offender killed mother – assisted in killing of father Early stages of mental illness at time of offences – influenced by drugs and co-offender – favourable prospects of rehabilitation |
| 47. | HOHAIA (18) [2006] NSWSC 866 Kirby J [2015] NSWCCA 91 Co-offender: ABDULKADER | VG Murder Rob in Co AOABH | 24y NPP 18y FT 18m FT 9m (concurrent) | AA 24y NPP 18y FT 18m FT 9m (concurrent) | Priors – no violence | Assault Intent GBH | SNPP 20 years Sustained assault on male acquaintance over several hours – victim assaulted by H in home of H's mother – victim robbed of mobile phone and wallet, forced to reveal PIN and taken to ATM to obtain money – subjected to further assault by both offenders and left for dead – H principal offender – A lesser offender but involved in second, fatal assault on victim - no clear motive H - also sentenced for assault on male in company with friend three months earlier – sustained attack with no motive - disrupted childhood with early drug abuse |
| 48. | NGUYEN (20) [2007] NSWSC 389 Whealy J | PG (25%) | 18y NPP 13y 6m | | Criminal record for lesser offences – breached parole | Stabbing Felony murder | SNPP 20 years Stabbed shop owner during attempted robbery of newsagency – repeated stabbing - below mid-range – spontaneous and unplanned killing Long history of drug addiction |
| 49. | HOURI (19) [2007] NSWSC 615 Buddin J Co-offender: A | PG Murder Sched: 3 x BES | 18y NPP 12y 6m | | Nil relevant | Stabbing Felony murder / intent GBH | SNPP 20 years Stabbed console operator during armed robbery of service station – unprovoked attack on co-operating victim – use of weapon – in company – vulnerable victim – mid range offence Troubled childhood with heavy drug and alcohol addiction – reasonable prospects of rehabilitation – serious physical disability resulting from shooting subsequent to offence - depression |
| 50. | ZARO (18) [2007] NSWSC 756 Howie J [2009] NSWCCA 219 | VG | 22y NPP 16y 6m | AD | Nil | Stabbing Intent to kill | SNPP 20 years Fatally stabbed male friend after evening of drinking and playing computer games – made younger friend watch deliberate killing – angered by perceived breakdown in relationship with girlfriend – intoxicated – above mid-range seriousness Born in Iraq – no mental disorder – family support |

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| 51. | HARVEY (18) [2007] NSWSC 871 Howie J | PG (15%) | 16y NPP 10y | | Minor | Assault Intent GBH | SNPP 20 years After evening of drinking assaulted male friend with piece of wood – fatal head injuries – no motive – suffering severe mental illness – paranoid schizophrenia – spontaneous offence – well below mid-range Long history of mental illness |
| 52. | TA'ALA (20) [2008] NSWCCA 132 | PG (13%) Murder Murder | 26y NPP 19y 6m 35y NPP 26y 6m <u>Total:</u> 47y NPP 38y 6m | AA 26y NPP 19y 6m 35y NPP 23y 3m <u>Total:</u> 47y NPP 35y 3m | | Bashing and stabbing Intent to kill | (2002) - Beat first victim with cricket bat over head – argument as to drug dealing – bashed and stabbed second female victim who had witnessed attack – extreme violence. On appeal corrected SJ's intention to set NPP at 75% of total sentence |
| 53. | POCOCK (20) [2008] NSWSC 1435 Latham J | PG (15%) | 19y 6m NPP 14y 9m | | Breached bond for violence offences | Assault Intent GBH | SNPP 20 years Confronted male victim in street about stolen handbag – punched and kicked victim and stomped on head – no threat or provocation offered by victim – failed to provide assistance – under influence of alcohol and ecstasy – below mid-range Remorse – exposed as a child to domestic violence |
| 54. | SHAMOUIL (20) [2009] NSWSC 24 Hidden J | PG (15%) | 19y NPP 14y 6m (partially concurrent with existing sentences for attempt murder and drug supply) | | Attempted murder – breached bail – committed subsequent offence of supply comm. qty amphet | Shooting Intent GBH | SNPP 20 years Co-offender arranged to meet victim at service station to discuss argument with offender's female cousin – Offender shot victim three times during argument – spontaneous offence – below mid-range. Assyrian – difficult childhood – carried gun as protection after exposure to violence – remorse Co-offenders sentenced for accessory after fact to murder |

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| 55. | BARRETT (20) [2009] NSWSC 338 Mathews AJ Co-offender FORDHAM | PG (12.5%) | 22y NPP 16y | | Nil | Stabbing Intent to kill | SNPP 20 years Female offender - arranged murder of ex-partner – victim became frustrated at offender’s lack of response and sent threatening SMS messages – disproportionate response to threats due to heavy cannabis consumption – meticulously planned killing with male friend – lured victim interstate – multiple stab wounds inflicted by co-offender – both offenders inflicted final stab wound – instigator of plan – above mid-range Abusive childhood – smoking marijuana by 12y – remorse – two young children |
| 56. | CARR (18) [2009] NSWSC 995 McClellan CJ at CL | PG (15%) | 16y NPP 12y | | Lengthy criminal record including violence – breached conditional liberty | Stabbing Intent GBH | SNPP 20 years Single stab wound to chest of male acquaintance outside party – spontaneous offence – earlier argument inside house – offence moderately below mid-range Aboriginal - under influence of alcohol, ice and cannabis – severe drug addiction – deprived background |
| 57. | DENNIS (19) [2009] NSWSC 1357 Barr AJ [2012] NSWCCA 120 [2015] NSWCCA 61 | VG | 26y 8m NPP 20y | Conviction AD Sentence AD | Nil | Assault Intent GBH | SNPP 25 years Assaulted 23m son of girlfriend while in his care – hit head with blunt instrument or forced head against wall – placed child back in cot – spontaneous offence – circumstances of offence unclear Exemplary character – reasonable prospects of rehabilitation – protective custody |
| 58. | WONG (18) [2010] NSWSC 171 Buddin J Co-Offender: LEE | PG (20%) Murder s.33 | 19y 6m NPP 14y 6y NPP 4y 6m Total: 21y NPP 15y 6m | | Minor – breached conditional liberty | Stabbing Intent GBH | SNPP 20 years Followed three male Koreans from fast food restaurant after arranging to meet co-offender – approached victims and stabbed one male in chest – second male tripped while fleeing and struck by co-offender with hammer – stabbed by offender multiple times – claimed angered because first victim stared at him in fast food restaurant – slightly below mid-range Chinese parents – drug user causing hypersensitivity and paranoia |

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| 59. | <p>TATCHELL (18)</p> <p>WILDSMITH (20) [2010] NSWSC 495 Kirby J</p> <p>(Wildsmith) [2012] NSWCCA 116</p> | VG | <p>18y NPP 13y 6m</p> <p>16y NPP 12y</p> | AD | <p>Breached bail</p> <p>Breached bond for assault</p> | <p>Assault</p> <p>Intent GBH / joint criminal enterprise</p> | <p>SNPP 20 years Victim fatally assaulted by group of youths – retaliation for victim’s abuse of ex-partner known to co-offenders – 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 T – intent GBH – multiple blows with weapon – below mid-range – drug addiction / depression – some behaviour problems in custody - remorse W – not as involved – joint criminal enterprise aware possibility co-offender would use weapon to do grievous bodily harm – reluctant – supported Tatchell – assaulted in custody as result of offence – guarded prospects of rehabilitation Co offenders AA, SS and AC convicted of manslaughter</p> |
| 60. | <p>LEE (18) [2010] NSWSC 632 Price J</p> <p>[2011] NSWCCA 169</p> <p>Co-offender: WONG</p> | <p>PG (12.5%)</p> <p>Sched: Assault s 61</p> | <p>19y 3m NPP 13y 3m</p> | <p>AA 17y 6m NPP 12y 3m</p> | Nil | <p>Stabbing</p> <p>Intent GBH</p> | <p>SNPP 20 years With co-offender confronted victim and friends because thought victim had been “staring” – co-offender stabbed victim to heart – with co-offender chased victim – offender struck victim with hammer – co-offender inflicted more stab wounds – victim died from stab wound to heart - lesser role than co-offender. Remorse</p> |
| 61. | <p>LUONG (18) [2011] NSWSC 562 McCallum J</p> <p>Co-offender: TVN NGUYEN</p> | <p>PG (10%) 2 x Murder</p> | <p>24y NPP 17y</p> <p><u>Total</u> 28y NPP 21y</p> | | Nil | <p>Stabbing</p> <p>Common purpose to inflict GBH</p> | <p>SNPP 20 years Victims stabbed during attack by four males outside bar – not known who inflicted fatal wounds – attack a response to earlier attack on first offender by one victim and friends – delay between incidents and degree of planning – mid range offences – disregard for public safety L – stabbed both victims</p> |

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|-----|--|-------------------|----------------|----------------------------|---|--------------------------------|--|
| 62. | SHIELS (20) [2011] NSWSC 1177 Barr AJ | VG | 20y NPP 13y | | Bonds for assaults including assault on victim – committed while mentally ill | Stabbing Intent to kill | SNPP 20 years Stabbed father in temple during argument at party – both intoxicated - history of violent arguments with father – spontaneous offence – issue at trial was substantial impairment, provocation and self defence Suffering schizophrenia – regular user of marijuana and alcohol – voluntary surrender to police – remorse – prospects of rehabilitation |
| 63. | ATAI (18) [2011] NSWSC 1617 Grove J [2014] NSWCCA 210 | VG | 24y NPP 18y | AD | Custodial record | Shooting Recklessness | SNPP 20 years Approached house with group of men – fired shots into front window of house killing occupant after being advised had wrong house – motive for approach to house and shooting unclear Afghani refugee with links to bikie gang |
| 64. | ISKANDAR (19) [2012] NSWSC 149 Davies J [2013] NSWCCA 235 Co-offender: ISKANDAR | VG | 25y NPP 18y | AA To backdate sentence | nil | Stabbing Intent to kill | SNPP 20 years With father took action against mother's lover – together waited for victim to return home – victim attacked in street by offender with hammer and stabbed by father with knife – left home that evening with father intending to kill victim Father somewhat dominating and controlling |
| 65. | KLEIN (18) [2012] NSWSC 634 Mathews AJ [2014] NSWCCA 29 Co-offender MILAT | PG (CCA – 25%) | 32y NPP 22y | AA 27y NPP 20y | No violence | Axe Intent to kill | SNPP 25 years (for Klein only) Offenders and another friend invited victim to accompany them to Belanglo Forest – M took double sided axe from vehicle and struck victim in torso and to back of head – killing recorded by K on mobile phone - "thrill kill" – planned and premeditated - in company - gratuitous cruelty. K – impressionable and strongly influenced by M - no psych illness - prospects of rehabilitation at least moderate and more favourable – within serious range |
| 66. | TAHA (20) [2012] NSWSC 903 Latham J | VG | 22y NPP 16y | | nil | Stabbing Intent GBH | SNPP 20 years Jealous and angry that girlfriend in car with victim and his girlfriend – armed with knives and gun – picked fight with victim who left car with intention to disarm offender – victim stabbed in heart - jury rejected self defence Offender intoxicated |

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| 67. | AMOS (20) [2012] NSWSC 1021 Hall J | VG | 28y NPP 21y | | Nil | Shooting Intent to kill | SNPP 20 years Involved in armed robbery with co-offender of male drug dealer who owed money – formed intent to kill and shot victim eight times – returned to house with co-offender and stole property – victim shot in own home – only robbery planned – high level of culpability – committed for financial gain Deprived and neglected childhood |
| 68. | NATUBA (19) TAMAPUA (20) [2012] NSWSC 1569 Johnson J Co-Offenders: MA BYQUAR RAMOS KHOURY KARIMI MIR | PG (50%) Murder AR Sched – Robbery PG (50%) Murder Sp Agg BES Poss Firearm Poss weapon Sched:- 3 x Robbery | 14y NPP 10y 5y NPP 3y 9m <u>Total:</u> 15y NPP 11y 14y NPP 10y 4y NPP 3y 3y NPP 2y FT 2y <u>Total:</u> 15y 6m NPP 11y 6m | | Agg robbery – breached bond. Robbery, assault, breach AVO - on bond | Assault with meat cleaver / machete Joint criminal enterprise | SNPP 20 years Home invasions committed over three-day period with number of other young males - armed with meat cleavers - occupant at one home seriously injured - occupant of another house killed while resisting offenders N – threatened victim with cleaver T - organisational role – did not enter homes Each received discount for assistance to authorities - undertaking to give evidence against co-accused - youth – drug and alcohol abuse |

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|-----|---|-------------------------|------------------------------------|------------------------------------|-------------------|-------------------------------------|--|
| 69. | BYQUAR (18) | PG (25%) Murder | 23y NPP 16y | | AOABH, Rob in co. | Joint criminal enterprise. | SNPP 20 years Home invasions committed over three-day period with number of other young males - armed with meat cleavers - occupant at one home seriously injured - occupant of another house killed while resisting offenders. B – struck victim - drug / alcohol abuse - remorse R – outside house assisting – remorse, rehabilitation |
| | | AR | 8y NPP 6y | | | Wounded with meat cleaver / machete | |
| 69. | RAMOS (18) [2012] NSWSC 1527 Johnson J | PG (25%) Murder | 17y NPP 12y | AA 14y 3m NPP 10y | Nil | | |
| | (Ramos) [2015] NSWCCA 313 Co-Accused: MA NATUBA TAMAPUA KHOURY KARIMI MIR | Sp Agg BES | 4y NPP 3y | 4y NPP 3y | | | |
| | | AR | 5y 6m NPP 4y | 5y 6m NPP 4y | | | |
| | | Sched: AR | <u>Total:</u> 25y NPP 18y | <u>Total:</u> 16y 3m NPP 12y | | | |
| 70. | KAEWKLOM No.3 (18) [2013] NSWSC 59 Johnson J | PG (25%) Murder | 20y NPP 13y 6m | | Nil | Assault | SNPP 20 years Attacked and killed 69y fellow prisoner in courthouse cell - kicked and stomped – four days earlier had assaulted 15y former girlfriend - kicked and stomped on victim due to rejection. Matter brought back to correct sentence for s.35 offence |
| | [2013] NSWSC 504 Johnson J | Recklessly cause GBH | 3y 9m NPP 2y 9m | | | Intent GBH | |
| | | | <u>Total:</u> 22y NPP 15y 6m | | | | |

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| 71. | LOVERIDGE (18) [2013] NSWSC 1591 Adams J Co-offender: AB | VG Murder PG s.112(3) s.96 Recruit child to commit crime Influence witness | 45y NPP 30y 10y NPP 7y 6m 1y 8m NPP 1y 3m FT 3y FT 3y (all concurrent) | | Minor record – breached bond | Stabbing Intent to kill | SNPP 20 years Broke into neighbouring house at night – assaulted 87y female occupant with walking stick – made threats – stole property Premeditated and unprovoked attack on three male strangers walking down the street – L slashed knife against neck of one male – knocked second male to ground – 'cowardly, sadistic, pitiless, deadly attack, stabbing and cutting him repeatedly' – left scene then returned to continue assault – attack included intent to torture – both represent danger to community – worst case L – seriously deprived childhood affecting ability to make moral judgments – low intelligence – drug and alcohol abuse |
| 72. | MIR (20) [2013] NSWSC 1761 Johnson J [2022] NSWCCA 132 Co-offenders: KARIMI KHOURY NATUBA TAMAPUA MA BYQUAR RAMOS | VG Murder AR AR | 26y NPP 19y 10y NPP 7y 11y NPP 7y <u>Total:</u> 31y NPP 24y | AD | Minor | Assault with meat cleavers Joint criminal enterprise Intent to kill | SNPP 20 years Home invasions committed over three-day period by young males armed with meat cleavers linked to drug dealing - occupant at one home seriously injured - occupant of another house killed with meat cleaver while resisting offenders – planned to engage subsequent fight to death Mir – foot soldiers - Afghani |
| 73. | E McKELLAR (18) [2014] NSWSC 1243 RA Hulme J Co-offender: B McKELLAR | VG Murder Wound with intent Att AR | 20y NPP 14y 8y NPP 6y 5y NPP 3y 9m <u>Total:</u> 24y NPP 18y | | Lengthy – breached parole | Stabbing Intent GBH Extended joint criminal enterprise | SNPP 20 years Four males attended home of victim with intent to rob – victim sold small amounts of cannabis on regular occasions – group brought machete and knife to scene - victim assaulted by BMcr at door to house – BMc pursued by victim and 17y son – son stabbed by EMc twice at request of BMc to 'kill the cunt' – victim surrounded and assaulted by four offenders – stabbed four times by EMc – spontaneous assault Aboriginal brothers with difficult background including domestic violence - very low intellectual functioning |

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| 74. | M BARBIERI (19) [2014] NSWSC 1808 Hulme J | PG (15% on appeal) Sched: 4 offences | 35y NPP 26y | AA 21y 3m NPP 15y | nil | Stabbing Intent to Kill | SNPP 25 years Male lived with mother on rural property - relationship with neighbour became antagonistic – fired crossbow at workers on neighbour's property – siege developed between police and offender and mother – attacked police with knife and sledgehammer – police officer fatally stabbed - mother was dominant offender Mother pleaded guilty to manslaughter Mother suffered serious mental illness causing paranoia and social isolation for both offenders – offender also developed serious mental illness - mandatory life sentence does not apply because of serious cognitive impairment |
| 75. | KENNEDY (18) [2015] NSWSC 327 Wilson J [2016] NSWCCA 114 Co-offenders: SMITH SMITH | PG (5% on appeal) | 21y NPP 15y 9m | Sentence AA 20y NPP 15y | Not as serious as co-offenders | Assault Joint criminal enterprise / intent GBH | SNPP 20 years Three men broke into home of 75y male occupant – victim severely assaulted in attempt to obtain access to safe – left for nearly a day – moral culpability high but lower than co-offenders Drug addicted – aboriginal – exposed to drugs early - low intelligence – poor schooling |
| 76. | MAAKA (18) [2015] NSWSC 358 RA Hulme J | PG (20%) Sched: 16 offences | 20y NPP 15y | | BES, AOABH, Larceny | Assault Intent GBH | SNPP 20 years Severe and violent attack upon 53y male homeowner during break in– struck victim and smashed drawer on victim's head - unbridled, gratuitous and extreme violence – acted with 2 co-offenders - affected by drugs - not planned or premeditated Disrupted upbringing – drug abuse |
| 77. | KELSALL (20) [2015] NSWSC 480 RA Hulme J | VG Murder Indecent assault | 40y NPP 30y FT 1y Total: 40y 3m NPP 30y 3m | AD | nil | Stabbing Intent to kill | SNPP 20 years Followed male stranger home late at night – entered through unlocked door – found male stranger in bedroom asleep or intoxicated – touched penis and stabbed multiple times (more than 20 wounds) – no motive although had previously reported thoughts of killing random stranger No remorse – questionable prospects of rehabilitation |

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| 78. | WONG (20) [2015] NSWSC 1612 RS Hulme AJ | VG | 22y NPP 16y 6m | | Nil | Stabbing Intent to kill | SNPP 20 years (2006) – student from Malaysia on visa – worked for male victim who owned restaurant – financial pressures – argument with victim over job termination and payment of wages – physical altercation - stabbed victim numerous times – took money and left for Malaysia – extradited to Australia in 2014. Good character – good prospects rehabilitation. |
| 79. | TOWNEY (20) [2016] NSWSC 97 Fagan J [2018] NSWCCA 65 | VG | 24y NPP 18y | Conviction AD | Violence offences – breached bond and bail – gaol misconduct charges | Stabbing Intent to kill | SNPP 20 years Engaged in fist fight with male acquaintance outside party at offender's house – retrieved knife from house and pursued victim who had left area on foot, stabbing him in neck several times – violent and spontaneous impulse Aboriginal – childhood of violence and deprivation – early drug abuse – some degree of remorse |
| 80. | FULLER (18) [2016] NSWSC 815 Rothman J [2017] NSWSC 1351 Rothman J [2021] NSWCCA 194 | PG (not full 25%) Sched: Add offences | 24y 6m NPP 18y 4m | Conviction AD | Long record | Assault Intent GBH | SNPP 20 years Believed victim owed offender money for stolen goods sold on behalf of offender – lured victim to meeting – punched victim twice then frenzied attack with blunt end of tomahawk – feared victim would report stolen goods to police Aboriginal with violent and abusive childhood - aggressive and psychopathic personality disorder |
| 81. | PERKINS (18) [2016] NSWSC 1080 Button J [2018] NSWCCA 62 | PG (10%) | 20y 6m NPP 15y | AD | Nil | Stabbing Intent to kill | SNPP 20 years Spent evening with girlfriend and female friend drinking and smoking cannabis – confrontation early in night with boyfriend of female friend – boyfriend returned later in evening and waited in car at request of girlfriend – offender found knife in kitchen and stabbed victim three times – victim in car restrained by seatbelt – no provocation – motivation unknown – formed intent shortly before offence Remorse – support of family – no history of substance abuse or mental illness |

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| 82. | KADDOUR (19 at offence – 23 at sentence) [2017] NSWSC 586 Mathews AJ | VG | 20y NPP 15y | | Minor | Assault Intent GBH | SNPP 20 years Co-offender AZ pinched on bottom by male friend – probably gesture of friendship but AZ felt very insulted – offender, AZ and another co-offender attacked victim with various objects and a pole – suffered serious blunt force injuries - unprovoked attack – spontaneous rather than premeditated – mid-range Good prospects rehabilitation – youth - no remorse – drug abuse – supportive family and community – employed – well-regarded |
| 83. | BROOKS (19) [2017] NSWSC 824 Hamill J | VG Murder s.33 | 20y NPP 14y 6m 7y 6m NPP 5y <u>Total:</u> 22y NPP 14y 6m | | Nil | Stabbing Intent GBH | SNPP 20 years Stabbed male stranger once to chest in altercation outside pizza place late at night – stabbed second male in chest twice – spontaneous offence – protective of brother who had been pushed to ground but no self-defence – carrying knife in public place – below mid-range Good prospects of rehabilitation – prior good character – some reduction for conduct of trial |
| 84. | MOTTRAM (19) [2018] NSWSC 873 Hidden AJ | PG (25%) | 18y NPP 13y 6m | | nil | Stabbing Intent to kill | SNPP 20 years While staying with mother snapped – assaulted her with bottle then stabbed her multiple times including in face – suffering borderline personality disorder and substance induced psychosis – mother had history of mental illness resulting in difficult childhood and difficult relationship Remorse |
| 85. | AKOK (19) [2019] NSWSC 1235 Button J | PG (25%) | 16y NPP 12y | | Armed robbery - assault with intent to rob - AOABH | Assault including broken bottle Intent to kill | SNPP 20 years Fight with acquaintance following argument - attacked deceased with broken glass – grossly intoxicated – spontaneous offence Refugee background - grossly disrupted and deprived early years - mental illness – schizophrenia. |

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| 86. | HARWOOD (19) [2019] NSWSC 1695 Walton J | PG (25%) | 16y 6m NPP 12y | | Nil | Stabbing Intent to kill | SNPP 20 years Stabbed grandmother in her home during argument – spontaneous and unplanned offence – grew up with victim after being abandoned by mother – heavily intoxicated and emotionally distressed – slightly below mid-range Suffering borderline personality and depressive disorder – reduction of moral culpability and deterrence - complex and difficult relationship with grandmother and mother – no history of personal violence – youth – intoxication may partly explain loss of control – remorse – accepted responsibility – reasonably good prospects of rehabilitation |
| 87. | DONG (19) [2020] NSWSC 1277 Hidden AJ [2021] NSWCCA 82 | PG (25%) | 18y NPP 13y 6m | Crown AA 21y NPP 15y 8m | Nil | Unknown Intent to kill | SNPP 20 years Killed female flatmate in her own room and left body in gully beside major road – motive and method of killing unclear – some planning – considerable seriousness – aggravated by being in victim's home and disposal of body Long standing schizophrenia and subnormal intelligence of some bearing on moral culpability – difficult background – guarded prospects of rehabilitation – Chinese national – isolated and vulnerable in custody On appeal: SJ failed to consider protection of community |
| 88. | FLETCHER (19 at offence / 21 at sentence) [2020] NSWSC 1478 RA Hulme Co-offenders: GARVEY JONES | PG (35% combined) | 15y NPP 11y 3m | | Children's Court offences – affray | Machete / assault Accessory | SNPP 20 years Joint criminal enterprise – with two co-offenders targeted home invasion to steal drugs – co-offenders attacked victim with machete, knife and baseball bat – sustained vicious attack Reasonably good prospects of rehabilitation and of not reoffending – assistance – youth, immature, remorseful |
| 89. | BOTRUS (No.6) (18) [2021] NSWSC 199 Walton J | VG | 20y NPP 14y | | On bail in Children's court. | Single stabbing Intent GBH | SNPP 20 years Stabbed male victim seated at barber's - victim known to accused – “targeted” - victim had no warning of attack – single blow – planning, premeditation Substance abuse disorder – social disadvantage – tumultuous early childhood in Iraq – refugee background – remorse – rehabilitation |

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| 90. | <p>NEY (20) [2021] NSWSC 529 Johnson J</p> <p>[2023] NSWCCA 252</p> | <p>PG (10%) Murder</p> <p>s.33</p> <p>Sched: Assault Possess</p> | <p><u>Indicative:</u> 40y NPP 30y</p> <p>8y NPP 6y</p> <p><u>Aggregate:</u> 44y NPP 33y</p> | <p>AA <u>Indicative:</u> 36y NPP 27y</p> <p>8y NPP 6y</p> <p><u>Aggregate:</u> 40y NPP 30y</p> | Limited – breached conditional liberty – subsequent custodial offences | <p>Stabbed</p> <p>Intent to kill</p> | <p>SNPP 20 years</p> <p>Travelled from home suburb to city with intent to kill - booked escort and upon arrival at unit fatally stabbed female victim, filmed scene and sent footage to friends – donned balaclava to engender fear and ran through city streets brandishing knife – attempted to stab one female then stabbed second female in shoulder – subdued by civilians – several days earlier had assaulted sister in family home during argument Turkish / Cypriot background – mental health issues since 14y but treatment resistant – at time of offending suffering mental disorder which did not impede capacity – no major depressive illness – obsessed with mass killings and violent, interactive fantasy games - dangerous man – importance of community protection – expressed desire to die at hands of police of limited mitigating value</p> <p>Declined to impose life sentence because of mental health issues – no double counting in setting determinate term</p> <p>On appeal: error found in failure to consider impact of mental health issues on custodial conditions</p> |
| 91. | <p>HOPKINSON (18y 10m)</p> <p>ROBERTSON (18y 8m) [2021] NSWSC 861 Ierace J</p> <p>[2022] NSWCCA 80</p> | <p>PG (25%)</p> <p>PG (45% combined)</p> | <p>12y 9m NPP 8y 3m</p> <p>13y 2m NPP 9y</p> | Crown AD | nil | <p>Assault / constructive / extended JCE</p> <p>Assault / intent to kill / JCE</p> | <p>SNPP 25 years</p> <p>17y victim detained in home of offenders over 8 hours – subjected to severe beating by co-accused S and fatally stabbed by S – offence aggravated by use of weapon and commission in company</p> <p>H watched assault and on several occasions took responsibility to keep victim detained – assisted in concealing offence – mid range seriousness</p> <p>R asleep during initial assault – later helped detain victim in car and assaulted victim to head with cricket bat to ‘put him out of his misery’ – non-exculpatory duress - above mid-range</p> <p>H – difficult childhood – some mental health issues – genuine remorse – very good prospects of rehabilitation</p> <p>R – unusually immature – high prospects of rehabilitation – genuine remorse – prior good character - assistance</p> <p>On appeal: sentences light but not manifestly inadequate – discussion as to SNPP where age gap between victim and offenders small</p> |

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| 92. | TAUMALOLO (18) [2021] NSWSC 1412 Davies J | PG | 18y 10m NPP 14y 1m | | Nil – dealt with for assaults on remand | Assault Intent GBH Joint criminal enterprise | SNPP 20y Group of youths fatally assaulted 18y male victim outside party – victim kicked, punched and stomped to head and face for several minutes while defenceless on ground – part of joint criminal enterprise to inflict GBH – did not know victim or reason for assault – vicious and unprovoked attack – spontaneous – gratuitous violence – main perpetrator – in company – under influence of drugs and alcohol – slightly below mid-range Some difficulties in childhood – low intellectual functioning – substance abuse since early teens – remorse – limited insight – reasonable prospects of rehabilitation – low risk of re-offending – relevance of youth but also general deterrence Co-offenders sentenced for manslaughter and affray |
| 93. | MILLER (No.2) (20) [2022] NSWSC 1347 Cavanagh J | VG | 20y NPP 13y | | Nil | Strangulation Intent to kill | SNPP 20 years Assaulted and strangled 18y female partner while suffering delusion he was being attacked by a demon – not intoxicated but suffering temporary effect of LSD taken 11 days prior – spontaneous offence well below mid-range and towards lower end – moral culpability reduced Prior good character – remorse – good prospects of rehabilitation – assistance with administration of justice – no history of psychotic episodes |
| 94. | ERDOGAN (19 at offence; 23 at sentence) [2023] NSWSC 101 Ierace J | VG | 35y NPP 24y | | Larceny, common assault, driving, contravening ADVO. On bail. | Assault and stabbing Intent to kill | SNPP 25 years With 2 co-offenders - instigated murder of 17y male - assaulted over approximately two hours - motive for assaults, until time of intention to kill, was anger towards victim since earlier argument - tortured over extended period and repeatedly stabbed – hit to head with cricket bat or wrench and kicking or stomping - stabbed in neck area 22 times, snapping blade of knife – degree of premeditation. No remorse - guarded prospects rehabilitation - violence and fact and mode of killing of remain essentially unexplained behaviour – ADHD - long-standing mental health issues sufficiently serious to destabilise education and functioning in society. |

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| 95. | KOVALEFF (19) [2023] NSWSC 302 Rothman J | PG (15%) Murder Wound with intent cause GBH | 34y NPP 24y 6y 9m NPP 4y 9m <u>Total:</u> 36y NPP 26y | | | Stabbed Intent to kill | SNPP 25y Stabbed 17y female and wounded 17y girlfriend – previously told girlfriend he wanted to kill her – attended hotel room with both victims intending to kill girlfriend – premeditated and planned two murders – wrapped girlfriend with her clothing and duct tape to keep her alive so as to have sex with her – rang and told father he had stabbed victims Motive elusive - feigned psychiatric illness for two years - impossible to find offender suffers personality disorder - no psychosis or sexual disorder – pathological interest in Ted Bundy, serial killer - borderline intellectual capacity |
| 96. | AA (a pseudonym) (18) [2024] NSWSC 409 Huggett SCJ | PG (25%) Sched: Use offensive weapon with intent to intimidate | 12y 3m NPP 8y | | Assault, AOABH, receiving, driving unlicensed | Suffocate Intent to kill | SNPP 25y Female - young mother suffocated 11-month-old baby daughter - precise mechanism of suffocation not known - no other violence, neglect or abuse - volatile relationship with child's father - irrational motive that her conduct would lead to resumption of relationship with child's father – belief arose from post-traumatic stress disorder and personality disorder existing at time of offence. Intent to kill but intention formed impulsively, without planning and fleeting - mental health impairments closely connected to offending that objective seriousness reduced. Traumatic background – remorse – positive rehabilitation prospects - special circumstances. |

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