

## Murder: 2002

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	<b>PRIOR</b> <a href="#">[2002] NSWSC 56</a> Grove J	PG (20%)	16y NPP 12y		prior convictions for drug offences	Assault and strangulation	Bashed and strangled estranged wife to death when she ended relationship - buried in shallow grave. Serious and long term drug addiction
2.	<b>HUNT</b> (69) <a href="#">[2002] NSWSC 66</a> Dowd J  <a href="#">[2003] NSWCCA 301</a>	VG	14y NPP 10y	Conviction AD	minor	Stabbing  Intent to kill	Chased girlfriend through caravan park and stabbed her many times - volatile relationship due to alcohol - some degree of forethought - some degree of loss of control through drugs and alcohol Aboriginal - health problems including significant hearing loss- age - remorse - borderline intellectual impairment
3.	<b>EZOLD</b> (19) <a href="#">[2002] NSWSC 129</a> 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
4.	<b>MILES</b> (27) <a href="#">[2002] NSWSC 84</a> Hidden J  <a href="#">[2002] NSWCCA 276</a>	PG	25y NPP 19y	Crown AA Life	murder	Stabbing  Intent to kill	Serving jail sentence for murder of girlfriend in 1990 when 18 years of age - escaped from prison to be with new girlfriend - found her with another male - stabbed her in presence of her children – both killings have similar circumstances Had been model prisoner. On appeal: circumstances and nature of offence and dangerousness of offender warranted life sentence
5.	<b>KRAAYMAAT</b> (40) <a href="#">[2002] NSWSC 199</a> Howie J	VG	18y NPP 15y		lengthy record - including possession of firearm with intent to kill	Stabbing  Intent to kill	Stabbed acquaintance three times in chest while drinking one evening - drove body to isolated area and dumped it on side of road - no evidence as to motive - unpremeditated - loss of temper while intoxicated Long history of alcohol abuse - some elements of remorse and contrition - low prospects of rehabilitation

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6.	<b>HAMZY</b> (19) <a href="#">[2002] NSWSC 128</a> Bell J  <a href="#">[2004] NSWCCA 243</a>	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
7.	<b>COLLISSON</b> (31) <a href="#">[2002] NSWSC 229</a> Whealy J  (2003) 139 A Crim R 389 <a href="#">[2003] NSWCCA 212</a>	VG	24y NPP 18y	Conviction AD	no history involving violence	Shooting  Intent to kill	Shot young male stranger enjoying evening with girlfriend in park - 4-5 shots - robbery gone wrong
8.	<b>TRAN</b> (16 at offence / 22 at sentence) <a href="#">[2002] NSWSC 394</a> Sully J  Co-offenders: PHAM NGUYEN	PG Murder  Unlawfully imprison	14y NPP 9y  FT 12m (concurrent)		no criminal history	Shooting  Intent to kill	(1996) Involved in gang - agreed to shoot victim for older friend - took victim to oval at night and shot him four times - degree of coercion and manipulation Subsequently assaulted and moved interstate with girlfriend and baby daughter - established new life - 4 year delay - excellent work record - good prospects of rehabilitation - genuine remorse - assistance - protective custody

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9.	<b>P PHAM</b> (18 at offence)  <b>NGUYEN</b> (17 at offence) <a href="#">[2002] NSWSC 1261</a> Sully J  Co-offender: TRAN	VG  VG	16y NPP 11y  17y 38w NPP 11y 38w (cumulative to existing sentences – see facts)		record unclear but not significant  appalling record for violence - includes murder and manslaughter	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 N - Traumatized childhood - serious depression - Serving sentences for Murder: 29.10.1998 Kirby J Manslaughter: 20.11.1998 Kirby J Murder: [2000] NSWSC 1177 Total sentence 31y NPP 25y
10.	<b>FARRELL</b> (19) <a href="#">[2002] NSWSC 375</a> Barr J  Co-accused: EZOLD	VG	18y NPP 13y 6m		nil relevant	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.
11.	<b>KIRKMAN</b> (31) <a href="#">[2002] NSWSC 1133</a> Bell J	VG	18y NPP 13y 6m		history of assaults	Stabbing and assault  Intent to kill	With co-offender drove male to bushland with intention to fight and teach him a lesson - during fight formed intent to kill Remorse – de facto relationship with 4 children - above average prospects of rehabilitation - strict protection - assistance against co-offender
12.	<b>SUTESKI</b> (23) (2002) 129 A Crim R 559 <a href="#">[2002] NSWSC 457</a> Kirby J  (2002) 137 A Crim R 371 <a href="#">[2002] NSWCCA 509</a>  Co-accused: IRANI	VG Murder  PG 8 x s.178BA  s.178BA  Sched: 68 x s.178BA	22y NPP 16y  4y NPP 3y  FT 3y  Total: 24y NPP 18y	AD	nil	Stabbing  Accessory before the fact  Intent GBH	Female accounts clerk committed extensive frauds upon company - paid co-offender to injure supervisor to keep him away from work - assisted on night of killing - victim stabbed to death - agreement to inflict gbh - weapons discussed Committed earlier frauds on different company - no charges when father repaid money

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13.	<b>KALACHE</b> (22) <a href="#">[2002] NSWSC 507</a> Dowd J	VG	22y NPP 17y		lengthy	Shooting  Intent to kill	Arranged meeting with victim at park - shot him 5 times - no evidence of motive or animosity - cold, callous killing Little prospects of rehabilitation - no attempt made to overcome drug addiction
14.	<b>MARTIN</b> (23) <a href="#">[2002] NSWSC 577</a> Barr J	PG (10%)	16y NPP 12y		included assaults on victim	Assault  Intent to kill	Assaulted ex de facto wife - motivated by jealousy - previously made threats to kill - offence committed within 24h of being released after serving sentence for assaults on victim. Aboriginal with deprived childhood resulting in early alcohol abuse - feared retribution in custody - some prospects of rehabilitation
15.	<b>TNT</b> (16 at offence / 22 at sentence) <a href="#">[2002] NSWSC 537</a> Hidden J  Co-offender: MHN (1998)	PG (combined 50%)	10y NPP 6y  (cumulative to existing sentences – see facts)			Stabbing  Accessory	(1996) With 2 co-offenders took 18y victim from coffee shop to nearby street and assaulted him – victim tied up in house then taken to garage - further assaults committed in garage - victim stabbed in throat by co-offender in absence of offender Disturbed childhood - at time of killings involved in gang and under influence of co-offender - subsequent to killings left gang and seriously assaulted - moved interstate with pregnant girlfriend - evidence of good character - volunteered guilt - assistance to authorities Sentenced one month earlier for unconnected murder committed 8 days earlier: Tran [2002] NSWSC 394 Total Sentence: 23y 3m NPP 14y 3m
16.	<b>CHAN</b> (19) <a href="#">[2002] NSWSC 544</a> 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

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17.	<b>PHAM</b> (17) <a href="#">[2002] NSWSC 567</a> Hulme J  <a href="#">[2005] NSWCCA 9</a>	VG	25y NPP 20y	AA 20y NPP 16y	record not serious but displayed contempt for law	Shooting	Shot drug dealer in car three times - motive unclear - not satisfied offender entered car with weapons - satisfied offender and friend agreed to kill if circumstances warranted course - cold-blooded execution of business associate
18.	<b>KANAAN</b> (23)  <b>MAWAS</b> (21)  <b>EL ASSAAD</b> (21) <a href="#">[2002] NSWSC 774</a> Wood CJ at CL  <a href="#">[2006] NSWCCA 109</a>	VG  VG  VG	Life  25y NPP 19y  24y NPP 18y	AD  AD  AA 22y NPP 16y 6m	Serving life sentence for 2 murders - breached bond  lengthy but relatively minor - no violence  lengthy - mostly motor vehicle - no violence	Shooting  Intent to kill  Accessory before fact	Gangland killing of notorious and vicious principal in extensive criminal organisation involved in drugs and protection by associates – victim gunned down in car by K and M - E acted as lookout, advising shooters of victim's movements - motive was to improve offender's own criminal activities - use of firearms an aggravating circumstance K - Principal - hardened criminal M - Reacted badly to death of mother at 16y - suicidal and drug addiction - follower not initiator E - Close family - exposed to anarchy and violence in Lebanon - prospects of rehabilitation - Immaturity
19.	<b>FYFFE</b> (33) <a href="#">[2002] NSWSC 751</a> Barr J  <a href="#">[2005] NSWCCA 3</a>  Co-offender: HORE	VG	Life	AD	lengthy record	Assault  Intent to kill	Carefully planned killing of fellow prisoner in prison - sandstone block dropped on head of victim several times- extensive and horrendous injuries - three offenders involved although cannot identify precise role of each - no evidence as to motive - execution of coolest kind Deprived and cruel childhood
20.	<b>HORE</b> (34) <a href="#">[2002] NSWSC 749</a> Barr J  <a href="#">[2005] NSWCCA 3</a>  Co-offender: FYFFE	VG	Life	AD	murder - poor prison record - continued violence	Assault  Intent to kill	Carefully planned execution of fellow prisoner in prison - sandstone block dropped on head of victim several times- extensive and horrendous injuries - 3 offenders involved although cannot identify precise role of each - no evidence as to motive Anti-social personality traits

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21.	<b>HOLTON</b> (25) <a href="#">[2002] NSWSC 775</a> Davidson AJ  <a href="#">[2004] NSWCCA 214</a>	VG Murder  Sched: 5 lesser offences	16y NPP 12y	Crown AD	extensive, although nothing as serious	Driving  Reckless indifference	While driving stolen vehicle passenger committed bag snatch - subsequently became involved in high speed police pursuit - struck police officer attempting to stop car by placing road spikes and stick on road Troubled childhood - sexually assaulted – remorse
22.	<b>MTN</b> (17) <a href="#">[2002] NSWSC 1160</a> O'Keefe J	VG Murder  PG Mal wound  Affray	16y 6m NPP 11y  FT 3y  FT 12m  Total: 17y 6m NPP 12y		not relevant	Stabbing  Intent GBH	(1997) Gang attack on 2 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 - leader of attack Remorse - married with one child - borderline intelligence - good prospects of rehabilitation - disturbed background
23.	<b>SLD</b> (13y 10m) <a href="#">[2002] NSWSC 758</a> Wood CJ at CL  (2003) 142 A Crim R 503 <a href="#">[2003] NSWCCA 310</a>	PG	20y NPP 10y	AD		Stabbing  Intent to kill	Broke into neighbouring home at night and abducted 3y sleeping girl - removed clothes and stabbed her in chest once - discarded body in long grass - misled police during inquiries - callous and cold-blooded killing - motive unclear Seriously affected by background of upheaval, abuse and lack of emotional support - intellectual and speech disability and dysmorphic appearance - sexually abused by half-brother - disturbed individual - history of aggressive and unacceptable behaviour - significant level of future dangerousness, although difficult to assess at this stage
24.	<b>SOUTHAMMAVONG</b> (23) <a href="#">[2002] NSWSC 854</a> Buddin J  <a href="#">[2003] NSWCCA 312</a>	VG Murder  Mal wound w/i GBH	19y NPP 14y  FT 8y  Total: 21y NPP 16y	Conviction AD	minor	Shooting  Intent to kill	Involved in long running argument with acquaintances at home of victim - tension escalated into confrontation outside house - shot victim at close range in head and abdomen - several other men shot and injured by offender and co-offender - intent formed immediately before offences Laotian parents - disrupted and abusive childhood - excellent behaviour in custody

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25.	<b>KATARZYNSKI</b> (33) <a href="#">[2002] NSWSC 924</a> Howie J  <a href="#">[2005] NSWCCA 72</a>	VG	24y NPP 18y	AA 20y NPP 15y	nil	Shooting  Intent to kill	Verbal confrontation with victim in hotel - victim assaulted offender - upon leaving hotel offender beckoned to victim then shot him three times - premeditated Uncharacteristic behaviour - remorse
26.	<b>YEO</b> <a href="#">[2003] NSWSC 315</a> James J  <a href="#">[2005] NSWCCA 49</a>	VG	24y NPP 18y	AD	nil	Shooting  Intent to kill	Female offender - commenced relationship with victim while working as nurse in psychiatric hospital – victim was a patient at hospital – relationship soured - shot victim in head and neck – body dismembered and disposed of
27.	<b>KRSTEVSKI</b> (25) <a href="#">[2002] NSWSC 977</a> Kirby J	VG	24y NPP 18y		minor fraud offences	Assault  Intent to kill	Assaulted employer with heavy metal object - instant death - intended to cover up fraud and commit further fraud - premeditated offence
28.	<b>LAMB</b> (22)  <b>THURSTON</b> (25) <a href="#">[2002] NSWSC 1025</a> Dunford J  <a href="#">[2004] NSWCCA 98</a> (Thurston)	VG  VG	18y NPP 13y 6m  17y NPP 12y 9m	  AD	lengthy history for violence  lengthy history for violence	Assault	Step brothers attacked male in park intending to steal wine and cash - savage kicking and stomping - L slightly more culpable Aboriginals with deprived background - extensive history of drug and alcohol abuse
29.	<b>SJB</b> (15)  <b>MCLEAN</b> (18)  <a href="#">[2002] NSWSC 1042</a> Wood CJ at CL	PG (25%)  PG (20%) Murder  Take and drive conveyance	15y NPP 10y  19y NPP 13y  FT 6m (concurrent)		nil  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

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30.	<b>TAYLOR</b> (23) <a href="#">[2002] NSWSC 1139</a> Whealy J  <a href="#">[2003] NSWCCA 194</a>	VG	18y NPP 14y	AD	no significant history	Shooting  Intent to kill	Became emotionally volatile after girlfriend broke off relationship - angered by finding victim at girlfriend's house - took gun and during subsequent confrontation shot victim twice, once in back - not premeditated - extremely troubled state of mind Previous history of violence and threats
31.	<b>MERRITT</b> (30) <a href="#">[2002] NSWSC 1159</a> Greg James J  (2004) 146 A Crim R 309 <a href="#">[2004] NSWCCA 19</a>	PG (15% on appeal) 3 x Murder	Life	AA 24y NPP 18y  24y NPP 18y  24y NPP 17y  <u>Total:</u> 34y NPP 27y	minor	Suffocation  Intent to kill	Father killed his 3 children aged 11w, 11m and 6y on custody visit - no explanation for killing - incomprehensible action - no evidence of mental disorder On appeal: insufficient weight given to depressive state – sentence patterns show life not imposed in cases of parents murdering children.
32.	<b>MEHMET</b> (38) <a href="#">[2002] NSWSC 1154</a> Bell J  <a href="#">[2004] NSWCCA 24</a>	VG	18y NPP 13y 6m	AD		Stabbing  Intent to kill	During argument with estranged wife stabbed her in chest 7 times - attempted to clean up scene - some degree of provocation and loss of self-control – unpremeditated Uncharacteristic behaviour
33.	<b>SIEVERS</b> (58) <a href="#">[2002] NSWSC 1257</a> Sully J  (2004) 151 A Crim R 426 <a href="#">[2004] NSWCCA 463</a>	VG	Life	AD	serious record for violence - shooting murder of estranged wife	Stabbing  Intent GBH	Stabbed de facto wife during argument - disposed of body in country - volatile and violent relationship - element of provocation Protective custody - health problems - disturbed and violent childhood - personality disorder making him dangerous in domestic situations involving extreme stress

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34.	<b>PETERS</b> (32) <a href="#">[2002] NSWSC 1234</a> Wood CJ at CL	PG (15%) 2 x Murder  Sched: 6 x s.178BA(1)	17y NPP 9y  <u>Total:</u> 21y NPP 13y		relatively minor record	Stabbing  Intent to kill	Killed homosexual lover by stabbing in neck - mutilated and disposed of body - used credit card to withdraw money - 6 months later stabbed to death new lover - decapitated body found in bath - on both occasions badly affected by drugs - element of provocation - Battered Woman's Syndrome - not premeditated - mutilation done after killing Borderline personality disorder - infected by HIV by first partner - manipulated by both partners - low risk of re-offending provided remain drug free - significant reduction in life expectancy
35.	<b>ELETER</b> (24) <a href="#">[2002] NSWSC 1224</a> Dunford J	PG (20%)  Sched: Agg AR	18y NPP 13y 6m		common assault and mal damage to property	Shooting  Reckless indifference	With group attended brothel to take revenge for earlier fight between brother and worker at brothel - during argument fired 10 shots at window killing person in office area

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