

Murder: 2018

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	MARTIN (25) [2018] NSWSC 84 Hamill J	VG Murder s.27 s.33	<u>Indicative</u> 32y NPP 24y 15y NPP 11y 3m 8y NPP 6y <u>Aggregate</u> 37y NPP 27y 9m		No significant record	Stabbing Intent to kill	SNPP 20 years Killed father for insurance money / policy - took out three insurance policies over father's life unknown to father or family - initial attempt to kill unsuccessful – s.27 and s.33 offences committed in home of father and another victim – left two victims with life-threatening injuries – acted with at least one, and possibly two, other people in carrying out attack - murder committed shortly after father released from hospital – used samurai sword - substantially above mid-range – grave offences of violence – planned and premeditated attack Childhood neglect and abuse at hands of father - depressive illness

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2.	PETRYK (23) [2018] NSWSC 119 Wilson J [2020] NSWCCA 157	VG Murder s.97(2)	<u>Indicative:</u> 26y 8y <u>Aggregate</u> 26y NPP 19y 6m	Conviction AD	Lengthy record – breached conditional liberty	Shooting Constructive murder	SNPP 20 years Broke into home with two co-offenders and shot male occupant during confrontation – threatened second, elderly occupant - intended to steal money and drugs targeting drug dealer - borrowed gun from friend prior to robbery – spontaneous shooting – robbery pre-meditated – mid-range seriousness
3.	JK (31) [2018] NSWSC 250 Hamill J	PG (slightly more than 10%) Murder Sched: Inflict GBH	37y 6m NPP 28y		Minor	Assault Intent to GBH	SNPP 25 years Killing of 12y stepdaughter following sustained beatings over several days – horrific injuries through blunt force trauma – history of regular and increasingly violent assaults - tied to garage beam by hands and hit with electric cord, slapping, punching - tied to bed and whipped – torture – gratuitous cruelty – use of weapon - absence of intent to kill did not take case outside “worst case” Insight and remorse demonstrated - longstanding depression
4.	LY (35) [2018] NSWSC 197 Mathews AJ	PG (20%)	18y NPP 13y		drug offence in Queensland	Assault	SNPP 20 years Fatal assault on female partner who was seeking to end relationship – banged head on to concrete and attempted strangulation – offence on public street at night – found attempting to dispose of body in river – spontaneous offence – mid-point objective seriousness – culpability reduced by mental illness Suffering PTSD and depression after incarceration in Queensland – subsequent effect on new term of imprisonment - drug user – significant remorse
5.	FESUS (27 at offence – 48 at sentence) [2018] NSWSC 176 Johnson J	VG	22y NPP 16y 6m		nil record – before or after murder	Strangulation Intent to kill	(1997) killed 18y wife during argument over victim leaving – strangled victim and buried body near beach – two young children present in house – maintained wife had left him – made anonymous phone calls as to whereabouts of body when required to prove wife dead for social security Suffering cancer in remission

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6.	BOYD (53) [2018] NSWSC 380 Lonergan J	PG (10%) Murder s 33(1)(a) s 51B(1)	30y 6m NPP 22y 6m 6y 3m NPP 5y 3m 18m <u>Total:</u> 33y NPP 25y 6m		Assault – breached bond	Stabbing Intent to kill	SNPP 20 years Attacked long-term spouse after period of separation and arguments due to offender's issues with alcohol – assaulted son who arrived trying to assist victim – number of stab wounds to face and both sides of neck - multiple bruises and stab wounds in chest, back and shoulders - some stab wounds very deep (10-12cm) - savagery and brutality of violence - evident use of multiple weapons - alcohol induced and fuelled anger - well above mid-range Alcohol and anger issues – some little prospect rehabilitation
7.	BAILEY (29) [2018] NSWSC 411 Garling J	PG (25%)	21y NPP 15y 9m		AOABH	Stabbing Intent to kill	SNPP 20 years Stabbed male during evening of socialising with victim and other guests – erratic and violent behaviour towards guests – stabbed victim with hunting knife approximately six times – offender had brought knife with him - progressive violence - deep penetration of knife - vicious sustained and senseless attack - mid-range - spontaneous and unplanned – self-induced intoxication Mental disorders – remorse
8.	CLIFF (No.6) (29) [2018] NSWSC 587 Campbell J [2023] NSWCCA 15	VG Murder PG Agg BES Stealing	30y NPP 22y 3y 1y <u>Total:</u> 32y NPP 24y	Conviction AD	Not serious - property, driving, assault	Stabbing Intent GBH	SNPP 25 years Killed 16y brother of ex-partner during argument – offender upset by victim's remarks concerning breakup and property settlement with victim's sister – intoxicated by ice/methamphetamine – did not know killed victim until informed by police some hours later - large number of injuries by knife and blunt force trauma including blow to top of victim's head – one fatal deep stab wound to area around heart - mid-range Ongoing drug abuse – depressive symptoms
9.	HOMANN (36-37) [2018] NSWSC 757 McCallum J	VG	30y NPP 22y 6m		priors including violence	Stabbing Intent to kill	SNPP 20 years Stabbed pregnant partner in own home – 49 stab wounds – extreme frenzy of violence – suffering ice-induced psychosis at time of offence – offence committed in domestic context

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10.	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
11.	MEDICH (No. 43) (70) [2018] NSWSC 886 Bellew J [2021] NSWCCA 36	VG Murder Intimidation	36y NPP 27y 4y 6m <u>Total:</u> 39y NPP 30y	Conviction AD	Nil	Shot Intent to kill	SNPP 20 years Directed contract killing of former business associate – victim shot by hired contract killers outside home in front of young son – offender later arranged intimidation of victim’s wife with threats she would be harmed if she did not repay debts – history of disputes between offender and victim – paid for killing and intimidation – offences arose out of one joint criminal enterprise - at upper end of range of objective seriousness
12.	GATT (No.11) (23) [2018] NSWSC 991 Schmidt J Co-offender: BORG (2017)	VG	28y NPP 21y		breached conditional liberty – violence and drug offences	Shooting Accessory	SNPP 20 years One of two men who approached 18y victim in parked car – victim shot seven times – evidence of co-offender not reliable enough to establish who fired fatal shots – both offenders involved in drug dealing business - joint criminal enterprise – above mid-range – greater culpability than co-offender Totality to existing sentences
13.	GOODBUN (60) [2018] NSWSC 1025 Wilson J [2020] NSWCCA 77	PG (25%) Murder Contravene DVO Use unreg firearm AOABH	40y 6m 1y 6m 1y 6m 1y 6m <u>Total:</u> 41y 6m NPP 31y 1m	AD	breached AVO and bail – past history including assaulting police and firearms offence	Shooting Intent to kill	SNPP 20 years Shot estranged wife – dispute over property settlement – resolved to kill wife so obtained gun and ammunition and petrol – travelled 250km to family home in early hours of morning intending to kill wife and anyone who got in his way – argued with wife then shot her four times in front of adult daughter – threatened to shoot daughter and assaulted her – premeditated execution – cruelty of inflicting four shots – breach of trust in entering house with key and assuring daughter he would not shoot victim again before firing second shot – use of gun – towards very top of range of seriousness Mental health issues unrelated to culpability to prison conditions – some history of domestic trouble

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14.	SPITERI-AHERN (23) [2018] NSWSC 1072 Rothman J [2022] NSWCCA 56	VG	30y NPP 18y	AD	nil violence – stalking and dishonesty offences	Shooting Accessory Intent GBH	SNPP 20 years Female - arranged for co-offender to inflict at least GBH on ex-partner – motive unclear but probably angered by previous treatment by victim – organised over long period - execution murder in presence of mother and partner of victim – above mid-range Suffering PTSD and depression before and after offence – abusive childhood
15.	AFU (23 at offence – 51 at sentence) [2018] NSWSC 1127 RA Hulme J	VG Murder	20y NPP 15y		significant record at time of offending	Stabbing Intent to kill	(1990) paid \$10,000 by co-offender to kill wife in staged break in – entered house through balcony left unlocked by co-offender and stabbed victim 23 times – high range – co-offender Caleo convicted of solicit to murder Born in Tonga – difficult childhood in poverty – substance abuse since teenage years – at time of offending immersed in criminal world – subsequently returned to Tonga, married and has six children – good prospects of rehabilitation – isolation from family
16.	WALSH (77) [2018] NSWSC 1299 McCallum J	PG	Life		Serving two life sentences for murder - determinate sentences for third murder and attempted murder	Assault Intent to kill	SNPP 20 years Killed cellmate during lock-down – bashed victim with sandwich press – degree of planning – unprovoked attack when victim was in his own bed. Absence of any significant mitigating factors
17.	GRIFFITHS (38) [2018] NSWSC 1385 Campbell J	VG	16y NPP 12y		Violence in 1990s	Assault Intent GBH	SNPP 20 years Killed male victim following argument – single blow - elbowed victim who hit head on pavement causing death – substantially impaired by mental illness Schizophrenia – personality disorder and substance abuse disorder leading to abuse of prescription pain-killing medication

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18.	IMPSON (38) [2018] NSWSC 1490 Walton J	VG	18y NPP 12y		Minimal – AOABH, contravene AVO	Stabbing Intent GBH	SNPP 20 years Female – single stabbing of male in back - believed victim had killed offender's cat – spontaneous – incident took place near offender's place of abode which was a tent on unpopulated island - low range objective seriousness - mental illness contributed to conduct – reduced moral culpability Itinerant lifestyle – isolated – estranged from family at time of offence - mental health - bipolar affective disorder; borderline personality disorder - good progress in custody - unlikely to re-offend - reasonably good prospects of rehabilitation - re-established strong and supportive connection to family
19.	FAZLILAR (33) [2018] NSWSC 1663 N Adams J [2023] NSWCCA 183	VG Murder Possess firearm	24y NPP 18y 6y NPP 4y 6m <u>Total</u> 26y NPP 19y 6m	Conviction AD	AOABH (work-related assault as security guard)	Shot Intent GBH	SNPP 20 years Lived with deceased male victim and D in apartment – consumed alcohol, cocaine and methamphetamine for several hours – saw on deceased's mobile phone a number saved under description “police crime” - confronted deceased, called him a “dog” and slapped across face – drew gun and shot deceased in thigh severing major blood vessel – internal blood loss caused death - deliberate act of shooting – not planned - impulsivity - possession of pistol not an isolated event. No remorse. Childhood characterised by domestic violence - severe substance use disorder - prospects of rehabilitation reasonably good.
20.	DARBANOU (44) [2018] NSWSC 1672 Loneragan J	PG (25%) Murder	21y NPP 15y 9m			Stabbing Intent to kill	SNPP 20 years Stabbed wife to death in their home 60 times to face, chest and upper limbs – aggravating factors were use of weapon and offence committed in home of victim – frenzied and purposeful attack likely driven by anger or jealousy Born in Iran – isolation in custody – some mental health issues

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21.	RUSSELL (No.3) (54) [2018] NSWSC 1673 Rothman J	VG Murder	24y NPP 14y			Stabbing Intent GBH	SNPP 20 years Killed male victim with single stab wound – almost no force used – picked up knife from table – homeless and at house of victim either for drugs or short-term stay – more intoxicated than friends had ever seen him before – spontaneous offence – upset over payment for drugs Aboriginal – started drinking aged 5y – dysfunctional and violent childhood - drug addiction – offered plea to manslaughter - only issue at trial was intent and intoxication – requirement of significant supervision and support upon release – remorse
22.	AKB (No.8) (45) [2018] NSWSC 1628 Davies J	VG Murder	36y NPP 27y		nil	Fire Intent to kill	SNPP 20 years Set fire to bedroom and prevented wife from leaving – also stopped son opening door for wife - angered that victim intended to leave marriage – committed in front of children in home of victim – gratuitous cruelty – some planning – risk of injury to boys in adjacent bedroom Born in Afghanistan – refugee
23.	POYNTON (No.4) (21) [2018] NSWSC 1693 Schmidt J	PG (25%) Murder Murder	<u>Indicative</u> 13y 6m NPP 10y 1m 19y 6m NPP 14y 6m <u>Aggregate:</u> 24y 9m NPP 18y 6m		Yes but no details	Shot Intent to kill	SNPP 20 years Shot male at close range through car window after arguing over drugs – shot victim's girlfriend in upper body as she tried to flee – hit her to head as she defended herself then shot her in head and left her to die – first shooting in mid-range – premeditated – second shooting significantly above mid-range - horrific and painful murder – victim running for her life after witnessing boyfriend's death – mental impairment reduce moral culpability Previously found unfit to be tried due to mental illness – dysfunctional childhood -psychotic illnesses, drug addiction, and schizophrenia - using drug ice - remorse - acceptance of responsibility - not good prospects of rehabilitation

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24.	FANTAKIS (44) [2018] NSWSC 1700 Wilson J [2023] NSWCCA 3	VG	24y NPP 18y	Conviction AD	Nil	Circumstances unknown Intent to kill	SNPP 20 years Killed male neighbour under delusion that victim had killed offender's brother who had committed suicide – took victim to location for killing – placed victim's body in van and disposed of body in undisclosed location with help of co-offender – writings by offender about killing discovered – moral culpability reduced by mental illness Suffering from delusional disorder stemming from extreme stressors including brother's death - previously fully employed – good character – supportive family - difficult to be confident of rehabilitation where there is no acceptance of wrongdoing Co-offender sentenced for accessory after fact
25.	O'CONNOR (61) [2018] NSWSC 1734 RA Hulme J	VG 3 x Murder	Life (each)		minor – old assaults	Shooting Intent to kill	SNPP 20 years Became enraged upon learning girlfriend had gone home with male acquaintance following argument with offender – drove out to property of male victim and shot him, girlfriend and male victim's 28y son in head and chest – set fire to caravan with body of male victim – motivated by jealousy - shot son to eliminate potential witness – “intended to blast every essence of life from each of his victims ... causing the most horrific injuries imaginable” – had time to consider actions – offences aggravated by being related to domestic relationship and committed in home of two victims Prior good character
26.	DENNIS (49) [2018] NSWSC 1733 RA Hulme J	VG Murder Sched: s.33B	18y 9m NPP 14y		lengthy – includes violence – breached bonds and suspended sentence	Stabbing Intent GBH	SNPP 20 years After drinking all day continued drinking at friend's house – walked to kitchen to get knife and stabbed 26y female friend who arrived at house – single stab wound to chest – superficial cuts to face – spontaneous but extreme aggression – just below mid-range - possibly motivated by jealousy or rejection – left house and maintained threatening presence near male friend while carrying knife – intoxicated and ice-affected Aboriginal – early drug and alcohol abuse – violence and sexual abuse - remorse

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27.	HOLDEM (34 at offence – 44 at sentence) [2018] NSWSC 1677 RA Hulme J	PG 2 x Murder	Life		includes assault and child sexual assault	Assault / Suffocation Intent to kill	SNPP 20 years / 25 years Travelled with 20y female and her 2y daughter from Northern Territory – took adult victim to Belangalo Forest and murdered her by stomping or leaning on chest and throat – motive for killing unclear – complete disdain for victim as human being - sexually abused victim at time or shortly after death and took photos – took victim’s daughter and suffocated her en route back to Northern Territory – dumped body in suitcase by side of road – planned to sexually assault child although not clear if this occurred – prompted in part by need to cover up killing of mother - bodies remained unidentified for many years – sent phone messages to victim’s mother and accessed victim’s bank account for several years Abusive childhood – regular drug user
28.	DUNSTALL (45) [2018] NSWSC 1923 Button J	VG Murder Sched 2 dishonesty offences	32y NPP 24y		lengthy record for dishonesty offences	Shooting Intent to kill	SNPP 20 years Offered to source large amount of cannabis for criminal associates – paid some money in advance – arranged to meet up with victim to deliver drugs – had lied about existence of cannabis so drove victim to isolated area and shot him in head – blamed victim for loss of cannabis – pre-meditated – cold-blooded and merciless
29.	WOOD (26) [2018] NSWSC 1855 Bellew J [2019] NSWCCA 309	PG (25%) Murder Sched: Breach AVO	25y 6m NPP 19y 1m	AA 24y NPP 18y	record for domestic violence offences – breached conditional liberty	Stabbing Intent to kill	SNPP 20 years Stabbed female partner in her home late at night after long period of drinking – multiple other injuries – above mid-range – ‘on again / off again’ relationship characterised by violence – decision to become intoxicated an aggravating factor in view of link to violent behaviour. CCA: error in finding offending involved gratuitous cruelty in respect of other injuries

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