

Murder: 2024

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.	BL (15) [2024] NSWSC 51 RA Hulme AJ Co-Offender: BE [2023] AD [2024]	PG (25%)	15y 6m NPP 10y		Of marginal significance	Assault Intent GBH Accessorial	One of group of people bashed 16y male victim over 33 minutes – victim suspected of stealing airpods so lured to home of owner – offender phoned and texted victim and was one of four who collected victim from station – victim assaulted by adult male in bedroom while offender and others looked on – when adult male left offender and others continued assault – sustained and extremely vicious involving kicking, punching and stomping – attack filmed Traumatic and dysfunctional childhood including exposure to family violence – PTSD – some evidence of progress in custody – remorse – reasonable prospects of rehabilitation – special circumstances permitting offender stay in juvenile custody until 21y TB [2024] sentenced for manslaughter

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2.	HAWKINS (45) [2024] NSWSC 80 Hamill J	VG	32y NPP 24y		Record since 13y – mostly drugs, dishonesty and property offences – breached conditional liberty	Shooting Intent kill	SNPP 20 years Shot grandmother in her home in front of daughter and newborn grandson – cold-blooded execution – victim not known to offender – acted on behalf of associate who had fallen out with victim – some involvement in planning several days before offence – form of reward unclear – above mid-range Childhood of profound deprivation including violence, abuse, substance abuse and early involvement in criminal system – Indigenous heritage – <i>Bugmy</i> and <i>Millwood</i> applied to reduce moral culpability and justify determinate sentence – substance abuse disorder – difficult custodial conditions due to Covid - reasonable prospects of rehabilitation Co-offender (driver of car) convicted of manslaughter
3.	AB (32) [2024] NSWSC 108 Weinstein J	PG (25%) Murder Sched: Damage property offence	16y 6m NPP 11y		Nil	Stabbing Intent to kill	SNPP 20 years Female drove to mother's home late at night and stabbed her in her own home – went to confront mother about identity of father – formed intent to kill after several minutes of conversation – multiple stab wounds – longstanding dysfunctional relationship with mother – offender mentally unwell in weeks prior to killing – place of killing an aggravating factor – below mid-range Mental health and dysfunctional childhood related issues and reduced moral culpability – background included physical, emotional and sexual abuse, exposure to violence and substance abuse, neglect, out of home care, homelessness and chronic self-harm from early age – borderline personality disorder and PTSD – developing remorse – prospects of rehabilitation guarded although unlikely to re-offend – custody more onerous due to vulnerabilities – impact of Covid

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4.	TRAN [2024] NSWSC 116 Loneragan J	PG (5%) Murder Enter house with intent to commit: s.111(1) AOABH: s.59 s.166 Certificate: Use carriage service to menace, harass and offend	<u>Indicative:</u> 24y NPP 18y 4y NPP 3y 2y NPP 18m <u>Aggregate:</u> 28y NPP 21y 6m (concurrent)		Limited – subsequent conviction for possession child abuse material	Stabbing Intent to kill	SNPP 20 years Met victim through massage parlour and erroneously came to believe she was his girlfriend – engaged in obsessive behaviour when she attempted to end contact – messaged and called victim, accessed her social media accounts and attended home uninvited on multiple occasions – broke into victim’s unit and waited in bedroom with kitchen knife for her to return – stabbed victim multiple times to all parts of body – vicious and prolonged attack – failed to call for help – angry and jealous – stabbed victim’s boyfriend in arm when he attempted to intervene - well above mid-range Pleaded guilty after defence relating to mental illness fell through – facilitated administration of justice – chronic schizophrenia not relevant to offending but taken into account in relation to deterrence and custodial conditions – remorse
5.	DASTAN [2024] NSWSC 55 Harrison CJ at CL	VG Murder s.93T(1) Participate in crim group	21y NPP 15y 6m 18m (concurrent)			Shooting Intent to kill	SNPP 20 years Vigilante act of revenge for assault on brother – mistakenly believed victim responsible – attended home of victim and shot him four times – planned confrontation – recruited co-offenders – upset by assault on brother but failed to clarify circumstances of assault and response disproportionate – slightly above mid-range Extremely unfortunate childhood – violence, parental incarceration and exposure to substance abuse – took responsibility for younger brother – mental health issues and substance abuse – little or no prospect of re-offending in similar way – special circumstances

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6.	PETTIFORD (34) [2024] NSWSC 319 Dhanji J	VG Murder Att murder	33y 3m NPP 20y 3m 14y 3m NPP 10y 8m Total: 39y NPP 26y		Minor violence	Assault Intent to kill	SNPP 20 years Fatal assault on male sleeping rough using three rocks from nearby seawall – had developed idea of killing victim earlier in day when walked past sleeping area – admitted long held desire to kill in police interview – on remand slashed throat of inmate using weapon made of wire and razor blades – intent to kill – both victims strangers to offender but targeted as persons ‘less dead’ – callous, senseless and unprovoked killings lacking humanity – high range seriousness Jury rejected defence of mental illness and substantial impairment – some reduction of moral culpability, denunciation and deterrence due to undiagnosed bi-polar disorder – do not need to decide if life sentence otherwise appropriate – guarded prospects of rehabilitation – 5% discount for extensive and frank participation in interviews and further discount for efficient conduct of trial
7.	SULTANI (27 at offence) [2024] NSWSC 338 Ierace J	PG (10%) Murder	31y 6m NPP 23y		Currently serving sentences for four murders as well as other offences	Shooting Intent to kill	SNPP 20 years (2015) this murder second of five unrelated killings – acting as president of chapter of bikie gang at time of killing – victim Sergeant at arms of different chapter – offender in part motivated by anticipated problems with victim over intention of offender and others to leave gang – shot victim in back of head four times during meeting at night – no significant pre-planning – stored body for several days before having it dumped in bushland by associate – callous execution style killing No remorse – onerous custodial conditions – serving three life sentences for subsequent murders
8.	DANISHYAR (No.2) (23 – 31 at sentence) [2024] NSWSC 353 N.Adams J Co-offender: SULTANI [2021] MUNSHIZADA [2021]	PG (10%) Accessory before the fact murder	10y 9m NPP 4y 9m (partially concurrent with existing sentence for murder - effective additional time) 3y 9m NPP 2y 9m		Minor record prior to offence – serving lengthy sentence for murder committed 8 months later)	Shooting Accessorial – intent GBH	(2016) Handed over encrypted BlackBerry to senior members of criminal group knowing that it would be used to lure victim out of his home with intention to inflict grievous bodily harm - not present when victim shot – below mid-range Dysfunctional childhood mitigating factor – drug user – sexually assaulted in juvenile detention – mental health issues – limited remorse – some prospects of rehabilitation – difficult custodial conditions

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9.	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.
10.	SMITH (37) [2024] NSWSC 437 McNaughton J	VG (12.5% - s.22A CSPA)	20y NPP 15y		Poor record including violence and possess/use weapon - carry cutting implement; custody knives; assault, AOABH, assault (domestic violence); stalk / intimidate. On bail.	Stabbing Intent GBH	SNPP 20y Single stab wound to chest – long-standing animosity with deceased over both being in a relationship with same woman – deceased arrived at offender's home 'looking for a fight' - offender obtained his hunting knife - stabbing occurred in midst of both wrestling, trying to get at each other - deceased trying to grab knife and offender waving knife around - jury rejected self-defence - intent GBH rather than intent to kill makes very little difference to objective criminality in this case. Significant degree of pre-trial disclosure – discount for facilitation administration of justice - background of substance abuse and violence – indigenous – no evidence of remorse - rehabilitation guarded

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11.	AD (13y 11m) [2024] NSWSC 444 RA Hulme AJ Co-Offender: BE [2023] BL [2024]	PG (20%)	14y 4m NPP 9y 3m		nil	Assault Constructive murder Accessorial	One of group of people bashed 16y male victim over 33 minutes – victim suspected of stealing airpods so lured to home of owner – victim assaulted by adult male in bedroom while offender and others looked on – when adult male left offender and others continued assault – offender punched, kicked, and stomped on victim – kicked victim to face with such force head hit wall - sustained and extremely vicious assault involving kicking, punching and stomping – attack filmed – liability of offender based on constructive murder resulting from foundational offence of specially aggravated detain for advantage – offender did not intend or contemplate GBH and played no role in luring victim to house Youth – remorse – reasonable prospects of rehabilitation – difficult childhood including exposure to violence and substance abuse, gang membership and lack of parental guidance reducing moral culpability TB [2024] sentenced for manslaughter

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