

Murder

Gang Related

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	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	ROSE [1999] NSWCCA 327	PG 5 x murder	Life	AD	not stated	Not stated Intent to kill	5 gangland / contract murders over ten years - facts not stated in appeal judgment but described as murders of revenge and gangland style and of opportunity No contrition or remorse – no reduction for assistance
2.	TRAN (16 at offence / 22 at sentence) [2002] NSWSC 394 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

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
3.	P PHAM (18 at offence) NGUYEN (17 at offence) [2002] NSWSC 1261 Sully J Co-offender: TRAN	VG VG	16y NPP 11y 17y 38w NPP 11y 38w (cumulative to existing sentences – see facts)		record unclear - 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
4.	TNT (16 at offence / 22 at sentence) [2002] NSWSC 537 Hidden J Co-offender: MHN	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
5.	KANAAN (23) MAWAS (21) EL ASSAAD (21) [2002] NSWSC 774 Wood CJ at CL [2006] NSWCCA 109	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

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
6.	MTN (17) [2002] NSWSC 1160 O'Keefe J	VG Murder PG Mal wound Affray	16y 6m NPP 11y FT 3y FT 12m <u>Total:</u> 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
7.	GEORGIU (33) HARRISON (39) [2003] NSWSC 1240 Greg James J (2005) 153 A Crim R 288 [2005] NSWCCA 189	VG 3 x murder VG 3 x Murder	33y NPP 28y 33y NPP 28y	Conviction AD	traffic matters nil	shooting intent kill	Shooting of four members of Biekie Club by member and ex-member of rival Club in basement of café - close range - deliberate executions but unable to determine if pre-planned. G: father to young child - good character evidence - concurrent sentence for contempt for refusal to answer question in cross-examination. H: father to young daughter - positions of responsibility in gaol Earlier conviction at trial quashed on appeal: [2000] NSWSC 287 Dowd J [2001] NSWCCA 464
8.	D.NGUYEN (22) [2006] NSWSC 850 Hulme J (2007) 180 A Crim R 267 [2007] NSWCCA 363	VG Murder s.33	31y NPP 23y 9y 4m NPP 7y <u>Total:</u> 33y NPP 25y	AA 27y 4m NPP 20y 9y 4m NPP 7y <u>Total:</u> 29y 4m NPP 22y	drugs and driving offences	Shooting Intent to kill	SNPP 20 years Four offenders entered Billiards Hall armed with gun and samurai sword – walked up to group partying and shot dead female and injured male – wrong victim – motivation unclear – cold-blooded execution – brazen offence – substantially above mid-range offence – equal culpability Other offenders conviction quashed on appeal

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
9.	<p>DARWICHE (26/28)</p> <p>EL-ZEYAT (23)</p> <p>AOUAD (22)</p> <p>[2006] NSWSC 1167 Bell J</p> <p>(Darwiche)</p> <p>[2011] NSWCCA 62</p> <p>(El-Zeyat, / Aouad)</p> <p>[2015] NSWCCA 196</p>	<p>VG 2 x Murder</p> <p>Mal discharge firearm with intent</p> <p>Shoot with intent to murder</p> <p>2 x Murder</p> <p>2 x Murder</p>	<p>2 x Life</p> <p>2 x Life</p> <p>2 x Life</p>	<p>Conviction AD</p> <p>Sentence AD</p> <p>Sentence AD</p>	<p>Relatively minor – breached bond</p> <p>Relatively minor</p> <p>Relatively minor – Breached bond</p>	<p>Shooting</p> <p>Intent to kill</p>	<p>SNPP 20 years Ongoing dispute between two families originally over drug business – ongoing violence June 2001 – D entered bedroom with co-offender - fired five shots at male – intent to kneecap not kill – serious injuries Aug 2003 – D and co-offender fired 55 round from SKS semi-automatic rifles at house after luring out occupants – no one injured Oct 2003 – D, E and A fired at house using SKS rifles and pistols –sleeping female and male killed</p> <p>(NB – E and A sentenced to life for unrelated third murder – conviction quashed on appeal [2011] NSWCCA 61 – no further proceedings taken)</p>
10.	<p>PERISH (42)</p> <p>LAWTON</p> <p>[2012] NSWSC 355 Price J</p> <p>[2016] NSWCCA 89</p>	<p>VG Murder</p> <p>Conspiracy murder</p> <p>VG Murder</p> <p>Conspiracy murder</p>	<p>24y NPP 18y</p> <p>14y NPP 10y 6m (concurrent)</p> <p>20y NPP 15y</p> <p>10y NPP 7y 6m (concurrent)</p>	<p>Conviction AD</p>	<p>Attempt dissuade witness from giving evidence; no violence</p> <p>Not significant</p>	<p>Died while in boot of car</p> <p>Intent to kill</p>	<p>(2001) victim killed and body dismembered - offenders believed victim killed grandparents of Perish brothers and was police informer against Motorcycle Club of which one offender a member - recruited others to abduct victim in vehicle and bring to location where victim would be killed by offenders - victim died en route - sentenced on basis victim already died before arrival at location P - mastermind behind elaborate plan - recruited others – co offenders followed his directions – motivated by revenge for killing of grandparents - lessens need for personal deterrence and protection of community – supportive family L - intention to kill and to participate in dismemberment of body – not engaged in planning of offence – supportive family Co-offender Perish sentenced for conspiracy to murder</p>

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
11.	NK (No.3) (27) [2015] NSWSC 1257 Hamill J	PG (60% plea and assist) Murder s.113(3) Supply drug 2 x s.33 Sched: 9 offences	<u>Indicative</u> 14y NPP 10y 6m 2y 5m 19m NPP 14m 4y 10m NPP 3y 7.5m <u>Aggregate:</u> 21y NPP 15y 9m		Robbery in company, armed robbery - on parole.	Shooting Intent to kill	SNPP 20 years Contract killing of victim orders from leaders of Brothers for Life gang – shot victim in his home in front of partner and close proximity to twin 6y daughters – 4 shots to upper body – duress - threatened by leaders partner’s child would be killed if did not carry out execution - well above mid-range but not top of range. Background of deprivation and alienation.
12.	AC (No.7) (34) [2016] NSWSC 404 Hamill J	PG (50% combined) Murder Accessory before s.33A(1)(a) Sched: Participation in a criminal group - s.93T	8y NPP 5y 4y 6m NPP 3y <u>Total:</u> 9y 6m NPP 6y 6m		Nil	Accessory before the fact Shooting	Female – acting under duress - associated with Brothers for Life gang members involved in gangland violence / turf war - worked for solicitor representing various gang members – told FQ she heard LC planned to kill him – drove 3 gang members who intended to kill LC to home where LC was – HM shot dead by mistake - attended cafe location of another intended shooting with gang members - identified proposed target and his car – target later shot - mid-range objective seriousness - carefully planned execution of rival gang member Fearful of FQ who threatened her and family but remained involved with gang knowing they were involved in serious gangland activity - good prospects rehabilitation – assistance - onerous custodial conditions

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY	
13.	<p>F. QAUMI (31) [2017] NSWSC 774 Hamill J</p> <p>[2019] NSWCCA 60 (conviction appeal against murder dismissed)</p> <p>[2020] NSWCCA 163 (conviction appeal against two counts allowed – sentence appeal allowed)</p> <p>Co-offender: M.QAUMI NK</p>	<p>VG Murder</p> <p>2 x s.33(1)(b) (GBH/GBH)</p> <p>Consp to murder</p> <p>2 x Solicit murder</p> <p>Attempt murder</p> <p>s.93GA(1B) – fire at dwelling</p> <p>3 x unauth poss firearm</p> <p>Supply lge comm qty drugs</p> <p>s.93T(4A) direct criminal group</p> <p>(10% for offer) Manslaughter</p> <p>Unauth poss firearm</p>	<p><u>Indicative</u> 45y NPP 33y 9m</p> <p>10y NPP 7y 6m (each)</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>6y NPP 4y 6m</p> <p>4y NPP 3y</p> <p>6y NPP 4y 6m</p> <p>8y</p> <p>14y</p> <p>6y NPP 4y 6m</p> <p><u>Aggregate</u> 60y NPP 43y</p>	<p>AA <u>Indicative</u> 45y NPP 33y 9m</p> <p>10y NPP 7y 6m (each)</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>Conviction AA</p> <p>4y NPP 3y</p> <p>6y NPP 4y 6m</p> <p>8y</p> <p>14y</p> <p>6y NPP 4y 6m</p> <p><u>Aggregate</u> 58y NPP 42y</p>	Lengthy record	Shooting	<p>Joint criminal enterprise</p> <p>Intent to kill</p>	<p>SNPP 20 years Leader of criminal gang - directed multiple shooting incidents over one month – premeditated and planned incidents in context of violent gangland war – co-offenders included brothers</p> <p>Murder committed for contract payment of substantial amount of money – gave orders and supplied weapons</p> <p>Manslaughter act of excessive self-defence after hearing about contract put out on life by rival gang – shooters opened fire on garage of suburban house killing one occupant and seriously injuring second - shooting of several rival gang members at their homes - teenage girl suffered serious and permanent injuries - ordered drive by shooting at home of mother of intended victim – on arrival shooter hesitated due to presence of women and children and shot at group of gang members nearby injuring one</p> <p>Found in possession of 1,894.4g relatively new psychoactive substance</p> <p>Refugee from Afghanistan – suffered extreme and traumatic violence as a child – continued to suffer trauma in India and later in Australia under father and as witness to school killing – early drug abuse – PTSD, substance abuse disorder and anti-social personality disorder – some reduction in moral culpability but also dangerousness – harsh custodial conditions</p> <p>No life sentence because of subjective features</p> <p>On appeal: conviction appeal for s.93GA(1B) allowed – error in SNPP for several offences</p>

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
14.	<p>M. QAUMI (29) [2017] NSWSC 774 Hamill J</p> <p>[2019] NSWCCA 60 (conviction appeal against murder dismissed)</p> <p>[2020] NSWCCA 163 (conviction appeal against two counts allowed – sentence appeal allowed)</p> <p>Co-offender: F.QAUMI NK</p>	<p>VG Murder</p> <p>s.33(1)(b)</p> <p>s.33(1)(b)</p> <p>Consp / Solicit / Attempt murder</p> <p>Solicit murder</p> <p>3 x shoot with intent to murder</p> <p>s.93GA(1B) – fire at dwelling</p> <p>2 x unauth poss firearm</p> <p>Supply lge comm qty drugs</p> <p>s.93T(4A) direct criminal group</p> <p>VG Manslaughter</p> <p>PG Contempt</p>	<p><u>Indicative</u> 38y NPP 26y</p> <p>8y NPP 6y</p> <p>8y NPP 6y</p> <p>10y NPP 7y 6m</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>6y NPP 4y 6m</p> <p>4y NPP 3y</p> <p>4y NPP 3y</p> <p>3y</p> <p>12y</p> <p><u>Aggregate</u> 50y NPP 36y</p> <p>10m (accumulated)</p>	<p>AA <u>Indicative:</u> 38y NPP 26y</p> <p>8y NPP 6y</p> <p>Conviction AA</p> <p>10y NPP 7y 6m</p> <p>12y NPP 9y</p> <p>12y NPP 9y</p> <p>Conviction AA</p> <p>4y NPP 3y</p> <p>4y NPP 3y</p> <p>3y</p> <p>12y</p> <p><u>Aggregate</u> 46y NPP 33y</p> <p>10m (accumulated)</p>	<p>Early record – seven year gap prior to these offences</p>	<p>Shooting</p> <p>Joint criminal enterprise</p> <p>Intent to kill</p>	<p>SNPP 20 years Member of criminal gang – brother to leader - murder committed for contract payment of substantial amount of money – involved in arranging shooters and weapons Involved in arranging 5 shooting incidents over one month – premeditated and planned incidents in the context of violent gangland war - manslaughter act of excessive self-defence after hearing about contract put out on life of brother by rival gang – shooters opened fire on garage of suburban house killing one occupant killed and seriously injuring second – shooting of several rival gang member at their homes – teenage girl suffered serious and permanent injuries - arranged shooting of rival gang member without knowledge of brother – two males shot and injured waiting in car outside café - involved in arranging drive by shooting at home of mother of intended victim – on arrival shooter hesitated due to presence of women and children and shot at group of gang members nearby injuring one. Found in possession of 1,894.4g relatively new psychoactive substance Contempt committed by violent attack on co-accused in court Refugee from Afghanistan – suffered extreme and traumatic violence as a child – suffering anxiety disorder and depressive illness – reasonable prospects of rehabilitation – harsh custodial conditions On appeal: conviction appeal for s.93GA(1B) and s.33(1) allowed – error in SNPP for several offences</p>

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
15.	WESTERN [2017] NSWSC 1385 Rothman J Co-offender: ROLFE	VG	34y NPP 25y 6m		Significant	Shooting Intent GBH	SNPP 20 years Sergeant at arms of Bikie Club – with two others attended workshop of victim with intent to cause GBH – dispute over bike belonging to victim and seized by Club – shot victim twice in stomach and groin – not contract killing but assertion of authority – well above mid-range Disturbed and abusive childhood – significant psychological issues
16.	ROLFE [2017] NSWSC 1393 Rothman J Co-offender: WESTERN	PG (slightly above 50% plea and assist) Murder Possess firearm Sched: Possess ammo	13y NPP 8y 6m 7y 4m NPP 5y 6m <u>Total:</u> 13y NPP 5y 8m		Includes inflicting grievous boldly harm	Shooting Intent GBH Joint criminal enterprise	SNPP 20 years New member recruited by Sergeant at arms of Bikie Club to 'touch up' victim – arranged cars to travel to victim's workshop - attended workshop with intent to cause GBH – dispute over bike belonging to victim and seized by Club – co-offender shot victim twice in stomach and groin – not contract killing but assertion of authority – offender carried gun but did not intend to use it – less culpable than shooter – offence well above mid-range Believed would be subjected to discipline if did not accompany co-offender – significant assistance resulting in protective custody and witness protection - remorse

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
17.	LUO (31)	VG Murder	<u>Indicative</u> 24y NPP 17y		Record for drugs and violence – breached bail	Shooting	SNPP 20y Offences took place in context of organised crime involving drug dealing – offenders involved in supply of 56g ice prior to shooting – lower range - offenders approached Buddhist 'temple' with intent to use firearm to intimidate male acquaintance in relation to drug debt – Luo and Liu entered premises – in subsequent argument formed intent to kill and Liu fatally shot bystander then shot at fleeing acquaintance – Fan present outside temple as part of joint criminal enterprise to intimate – poorly executed plan that escalated LUO – planned but unexplained shooting at house three days prior to killing – mid range - murder and attempted murder towards upper end of mid-range – difficult childhood with neglect and early drug abuse – limited reduction to culpability LIU – actual shooter for murder and attempt murder but similar culpability to LUO – upper end of mid-range – less substantial record and some prospects of rehabilitation FAN – significantly lesser criminality for offences although still serious – lower mid-range – good prospects of rehabilitation and unlikely to re-offend – health issues – isolation in custody
		Att murder	12y NPP 8y				
		PG (5%) s.93GA	5y 6m NPP 3y				
		Supply	9.5m				
			<u>Aggregate:</u> 30y NPP 20y				
	LIU (33)	VG Murder	<u>Indicative</u> 24y NPP 17y		Lesser sentence – minor drug and violence	Joint criminal enterprise to intimidate – intent to kill	
		Att murder	12y NPP 8y				
		PG (10%) Supply	9m				
			<u>Aggregate:</u> 28y NPP 19y				
FAN (45) [2021] NSWSC 1500 Hamill J	VG Murder	<u>Indicative</u> 20y NPP 15y		Limited record	Extended joint criminal enterprise to intimidate		
	Att murder	10y NPP 7y					
	PG (5%) Supply	9.5m					
		<u>Aggregate:</u> 22y NPP 16y 6m					

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
18.	<p>SULTANI (27)</p> <p>MUNSHIZADA (27-28) [2021] NSWSC 1654 Fagan J</p> <p>Co-offenders: BAINES DANISHYAR</p>	<p>PG 3 x Murder</p> <p>VG 3 x Murder</p>	<p>Life</p> <p>Life</p>		<p>Drug and violence offences</p>	<p>Shooting</p> <p>Intent to kill</p>	<p>SNPP 20y Three unrelated killings over nine month period – shot dead drug dealer outside his home on street late at night after arranging drug deal – S and M both fired shots – motive unclear but linked to organised criminal activity – 7 months later shot dead second drug dealer standing by his car with finance waiting inside – victim lured to trap - S fired from car then alighted and pursued victim to fire additional shots – M drove car - possible contract killing – final victim shot dead 9 weeks later – S believed victim, an underworld figure, involved in killing of offender’s close friend – S and co-offender B shot victim while M drove – D aware of plan to kill and drove second getaway car - each killing carefully planned, merciless and committed in residential streets – all offenders part of inner circle of criminal organisation S – principal planner - dangerous to community – ‘demonstrated readiness to kill for no cause’ – no remorse – no positive prospects of rehabilitation M – similar culpability to S – willing participant with knowledge of intended offences – dysfunctional childhood – no remorse and no positive prospects of rehabilitation</p>
19.	<p>BAINES (23-24)</p> <p>DANISHYAR (23) [2021] NSWSC 1654 Fagan J</p> <p>Co-offenders: SULTANI MUNSHIZADA</p>	<p>VG Murder</p> <p>VG Accessory before the fact to murder</p> <p>Accessory after the fact to murder</p>	<p>36y NPP 27y</p> <p>15y NPP 11y</p> <p>FT 2y</p>		<p>One prior offence of violence – prison offences</p>	<p>Shot</p> <p>Intent to kill</p>	<p>SNPP 20y (Baines only) Involved in last of three killings committed by co-offenders - all offenders part of inner circle of criminal organisation – co-offender S believed victim, an underworld figure, involved in killing of close friend – S and B shot victim while co-offender M drove – D aware of plan to kill and drove second getaway car - killing carefully planned, merciless and committed in residential street B – motivated by desire to ingratiate with co-offenders – subordinate to co-offenders and influenced by them – dysfunctional childhood although no link to offending D – knew about plan to kill when accepted role of second getaway driver – M’s cousin – no remorse – no positive prospects of rehabilitation – risk of re-offending</p>

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
20.	<p>CRANE, C (55 at sentence)</p> <p>CRANE, J (57 at sentence)</p> <p>SYMONS (36 at offence, 42 at sentence)</p> <p>McDONALD (25 at offence, 30 at sentence)</p> <p>ROBERTSON (28 at offence, 34 at sentence)</p> <p>[2022] NSWSC 1545 Fagan J</p>	<p>VG Acc before fact</p> <p>VG Acc before fact</p> <p>VG</p> <p>VG</p> <p>VG</p>	<p>16y NPP 10y 9m</p> <p>6y NPP 4y</p> <p>18y NPP 12y</p> <p>17y 6m NPP 11y 6m</p> <p>19y NPP 13y</p>		<p>Nil relevant.</p> <p>off behaviour, assaults, malicious injury, AOABH</p> <p>driving, cultivate proh plant</p> <p>nil significant</p> <p>assault hinder police, fail to leave premises, agg B&E</p>	<p>Assault</p> <p>Intent GBH</p>	<p>SNPP 20 years 2017 - C Crane and brother J Crane accessories before fact - assisted principals Symons, McDonald and Robertson (and offender McDonough convicted of manslaughter) who participated in severe, targeted bashing of male deceased at request of C Crane who had animosity with deceased – concerted kicking and stomping attack - all members of Rebels outlaw motorcycle gang - joint criminal enterprise. C Crane: accessory before fact - wanted deceased beaten – communicated to principals who did not act of their own spontaneous volition – provocation by threats by deceased – special circumstances – poor health – mental health issues – no risk reoffending. J Crane: accessory before fact - minimal contribution – informed others of whereabouts of deceased – low probability of reoffending. Symons: drug use, ADHD – excellent rehabilitation prospects. McDonald: excellent rehabilitation prospects – continuous employment – poor health. Robertson: disadvantaged upbringing – lack of employment skills.</p>
21.	<p>NH (57) [2023] NSWSC 428 Yehia J</p>	<p>PG (50% combined)</p>	<p>13y NPP 8y 6m</p>		<p>Nil relevant</p>	<p>Shooting</p> <p>Intent to kill</p> <p>Accessorial liability</p>	<p>SNPP 20 years Part of joint criminal enterprise to shoot dead president of rival bikie gang – drove four co-offenders to rural home of victim at night – entered house and bedroom of victim with three offenders, all armed and disguised – victim shot dead by co-offender – drove co-offenders from property, burned car and provided false alibi – joined enterprise two days prior to killing – lesser role than others - not principal and not involved in decision making – ‘minion’ – offence committed in home of victim, in company and involved planning – above mid-range Strong subjective case – sexually abused as a teenager for two years by employer – ongoing mental health issues – prior good character – remorse – good prospects of rehabilitation and unlikely to re-offend – two-year life expectancy due to cancer – onerous custodial conditions – special circumstances</p>

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
22.	BE (15) [2023] NSWSC 1007 RA Hulme AJ Co-offender: BL [2024] AD [2024]	PG (25%)	15y 6m NPP 10y		Minor	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 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 – offender delivered at least 52 hits, 3 kicks and hair grab Difficult and disadvantaged childhood involving violence, neglect and exposure to alcohol and drug abuse – exposure to gang culture - uncontrollable behaviour, ADHD and Conduct Disorder – genuine remorse but continued violence in detention makes assessment of rehabilitation prospects difficult – some family support TB [2024] sentenced for manslaughter
23.	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

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
24.	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
25.	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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
26.	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

Last Updated: Apr 2024

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.