

Recklessly Cause GBH

s.35(2) (NSW) *Crimes Act*

s 35 (2) Cause grievous bodily harm to any person reckless as to causing actual bodily harm

Maximum Penalty: 10 years

Standard non-parole period: 4 years (where conviction entered or guilty plea accepted on or after 1.1.2008)

Commenced: 27.9.2007

Wording substituted: 21.6.2012

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|----|--|---------|--------------------------|---------------------------|---------------------------|-------------------|--------------------------------|--|
| 1. | Thawer (33) [2009] NSWCCA 158 | s.35(2) | PG (15% on appeal) | 16m suspended sentence | Crown AA 3y NPP 16m | Knife | Nil | SNPP – 4 years Resident of Wesley Mission stabbed another resident during argument – three stab wounds to abdomen – excessive response to self-defence and provocation – towards lower end of mid-range Mental condition |
| 2. | Gillon (37) [2009] NSWCCA 277 | s.35(2) | PG (25%) | 4y NPP 3y | AD | Punch and kick | Lengthy - assault, violence | SNPP – 4 years Assaulted victim after victim hit de facto who was offender's cousin - kicked and punched victim while on ground – various injuries including fractured jaw, nose and ribs - mid-range offence. Aboriginal background. |
| 3. | Spooner (18) [2009] NSWCCA 247 | s.35(2) | PG (25%) | 4y NPP 1y 10m | AD | Glass | Nil | SNPP – 4 years Smashed glass in victim's face during altercation at club – victim had arm in plaster cast – victim lost sight in one eye as a result of incident - above mid-range objective seriousness. |
| 4. | Butters (21) [2010] NSWCCA 1 | s.35(2) | PG (25%) | 4y 6m NPP 3y | AD | Glass | Nil | SNPP – 4 years Victim intervened after offender grabbed female companion on buttocks at hotel - smashed glass into victim's face – eye later surgically removed – intoxicated Prior good character but history of alcohol abuse - 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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|---|--------------------------|--|--|-------------------|--|---|
| 5. | Dunn [2010] NSWCCA 128 | s.35(2) | PG (17%) | 2y 6m NPP 15m | AD | Punch and knee | | SNPP – 4 years Involved in fight with neighbour in street – both men exchanged punches – grabbed victim to head and kneed him in face causing facial fractures and loss of sight to eye – long term feud |
| 6. | Campbell- Stephen [2010] NSWCCA 204 | s.35(2) Sched: Common assault | PG | 3y 6m NPP 2y | AD | Punch | | SNPP – 4 years Single blow to victim who fell and hit head on pavement – suffered serious head injury with multiple skull fractures and brain swelling – argument at club - mid-range objective seriousness. |
| 7. | Dosen (50) [2010] NSWCCA 283 | s.35(2) | PG (25%) | 3y NPP 18m | AD | Glass | Breached bond for assault | SNPP – 4 years Offender and two companions forcefully ejected from hotel by victim – threw glass at victim striking him in head – angry at treatment – spontaneous offence – significant injuries – slightly less than mid-range Suffering depression and back injury |
| 8. | Mumberson [2011] NSWCCA 54 | s.35(2) | PG (10% on appeal) | 1y 8m Suspended sentence | Crown AA 2y 3m NPP 1y 3m | Car | High range PCA | SNPP – 4 years Riding as passenger in vehicle being driven by girlfriend – Highly intoxicated and in emotional and aggressive state following argument on phone with friend - told girlfriend where to drive – grabbed steering wheel causing vehicle to collide – girlfriend suffered serious spinal injuries – no recollection of events - unusual case. Good character. |
| 9. | Moss (48) [2011] NSWCCA 86 | s.35(2) | VG | 3y 9m NPP 2y | AD | Punch | Stealing, assault, street offences, breach AVO (same victim) - history stopped in 1997 and did not resume until 2008 | SNPP – 4 years Lived in same Department of Housing development as 53y female victim – history of altercations – punched victim several times – victim suffered fractured nose – injuries at lower end of spectrum. Mental illness – on bond |
| 10. | Weir [2011] NSWCCA 123 | s.35(2) s.195 – Destroy property | PG (10%) | 4y NPP 1y 6m FT 3m (concurrent) | AA 3y NPP 1y 6m FT 3m (concurrent) | Claw hammer | Lengthy | SNPP – 4 years Attacked neighbour in apartment block following history of disputes – struck victim in forearm and to forehead – damaged victim's door - mid-range. Mental illness On appeal - denial of procedural fairness at sentence |

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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|-------------------------------------|----------------|--|---|-------------------|---|---|
| 11. | Reberger (25) [2011] NSWCCA 97 | s.35(2) | PG (25%) | 4y 10m 15d NPP 2y 11m 2d | AA 3y 9m NPP 2y 3m | Beer glass | Driving | SNPP – 4 years Glassed victim to side of face – victim suffered permanent loss of vision to right eye – spontaneous attack – victim had intervened in argument between offender and other persons - offender intoxicated – mid-range Mental impairment |
| 12. | O'Connor [2011] NSWCCA 161 | s.35(2) | PG (10%) | 4y NPP 2y 6m | AD | Punch | Long record including assaults – breached bonds | SNPP – 4 years Punched female performing traffic control duties twice in mouth – facial injuries and broken leg from fall – spontaneous offence – mid range severity Dysfunctional childhood – drug and alcohol abuse – PTSD – some evidence of rehabilitation – extra curial punishment from injuries inflicted when being restrained |
| 13. | Arnold (39) [2011] NSWCCA 150 | s.35(2) s.35(4) AOABH | PG (25%) | 3y NPP 2y 2y 3m NPP 1y 4m FT 9m <u>Total:</u> 3y 3m NPP 2y 4m | AA 3y NPP 1y 10m 2y 3m NPP 1y 4m FT 9m <u>Total:</u> 3y 3m NPP 1y 10m | Punch and kick | insignificant | SNPP – 4 years Drinking with victims in pub – pushed male friend to ground and several kicks to body and head – struck female friend across face and head butted second male friend when they attempted to intervene – affected by alcohol Out of character |
| 14. | Passaris (54) [2011] NSWCCA 216 | s.35(2) | PG (10-15%) | 8y NPP 6y | AD | Truck | Old assault offences | SNPP – 4 years Truck driver drove over the lower half of another truck driver standing between offender's truck and victim's truck – extensive lifelong injuries – well above mid-range |
| 15. | Ross (45) [2012] NSWCCA 161 | s.35(2) | PG (10%) | 4y 6m NPP 3y 4m | AA 3y 8m NPP 2y 9m | Piece of wood | Lengthy record including violence | SNPP – 4 years During argument over dog and kitten struck male neighbour twice with piece of wood – blow to back caused serious internal injuries – mid range Drug user |

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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|---|---|---|---|--------|---------------------------------------|--|
| 16. | Dungay (23) [2012] NSWCCA 197 | s.35(2) | PG (25%) | 1y 9m Suspended | Crown AD | Punch | Juvenile offences | SNPP – 4 years Collided with male victim while being removed from night club – during altercation punched victim once to head – victim unconscious before hitting ground – fracture of skull - no memory of incident but accepted responsibility – both intoxicated Significant rehabilitation since difficult childhood |
| 17. | Blackwell [2012] NSWCCA 227 | s.35(2) | VG (at trial for s.33 - 13% for offer) | 4y 4m NPP 2y 8m | Crown AD | Glass | minor | SNPP – 4 years Struck male stranger at hotel with glass – loss of eye and facial scarring – intoxicated – not aware glass in hand Evidence of rehabilitation |
| 18. | Galbraith, B (25) | s. 35(2) Affray | VG | 1y 8m suspended 2y GBB | | Punch | Nil | SNPP – 4 years Co-offender (brother) struck victim who fell unconscious to ground – both offenders present co-offender confronted victim and friends who had attended party in their neighbourhood – unplanned – one of victim's friends was killed when he ran into oncoming car as he tried to escape – neither offenders directly assaulted victim - each sentenced on basis of consequences of participation in events that included assault upon victim Prior good character – rehabilitation prospects – remorse – strong subjective case |
| | Galbraith, R (19) [2013] NSWSC 284 Harrison J | s.35(2) Affray | VG | 1y 8m suspended 2y GBB | | | Nil | |
| 19. | Brown [2014] NSWCCA 215 | s.35(2) | PG (10%) | 4y 10m NPP 3y 4m | AD | Punch | Lengthy | SNPP – 4 years Following argument punched female partner to both sides of head – suffered fractured jaw and bruising – underwent surgery - mid-range Alcohol abuse. |
| 20. | Pound (32) [2015] NSWCCA 54 | s.35(2) Carry firearms with disregard Sched: Cultivate | PG (25%) | 6y NPP 3y 6m FT 3y 6m <u>Total:</u> 7y 6m NPP 5y | AA 6y NPP 4y FT 3y 6m <u>Total:</u> 6y NPP 4y | Gun | property offences and assault offence | SNPP – 4 years Victim and three friends present at offender's unit after night out drinking – offender playing with gun and pointed at victim – victim pushed gun away and gun discharged – victim loss of eye and reduced vision in second eye – not deliberate shooting – high degree of recklessness Difficult childhood resulting in early drug and alcohol abuse |

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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|-------------------------------|-------------|------------------------------|----------------------------|-------------------------|---|--|
| 21. | Daniels [2016] NSWCCA 35 | s.35(2) | PG (25%) | 4y 6m NPP 3y | AD | Punch | Agg B&E, violence offences. | SNPP – 4 years Single punch to male victim outside hotel – mistaken belief that victim had assaulted offender’s friend – unprovoked attack - no warning - punched victim to jaw – required surgery and permanent bone plates - mid-range Alcohol abuse. |
| 22. | Mulligan [2016] NSWCCA 47 | s.35(2) | PG (25%) | 15m Suspended | Crown AA 18m NPP 12m | Punch | Minor – some assault | SNPP – 4 years Offender and victim both walking dogs – dogs became involved in scuffle – offender left dog and returned to punch victim in face three times – fractures – ongoing injuries |
| 23. | Hona (20) [2016] NSWCCA 119 | s.35(2) | PG (25%) | 6y 9m NPP 4y 9m | AD | Punch | Violence, resist police, affray, take and drive conveyance | SNPP – 4 years Assaulted male at Bondi – punched victim who fell to ground then stomped on chest – purposely sought out victim who made it clear he did not want confrontation - suffered severe head injury, coma and serious continuing injury and rehabilitation. Alcohol and drug abuse. |
| 24. | Siemek (36) [2017] NSWCCA 18 | s.35(2) Breach of ADVO | PG (15%) | 3y 9m NPP 2y FT 6m | AD | Punch and assault | Numerous domestic violence and drug offences – breached suspended sentence and ADVO | SNPP – 4 years Dragged ex-wife out window by hair – dragged her to front veranda punching face and jumping on chest – tried to strike with metal ornament – threat to kill – dragged face first down stairs – stepped on head and face – mid range offence Suffering bi-polar and substance abuse disorder – manic state due to not being medicated - |
| 25. | Lewin (18) [2017] NSWCCA 65 | s.35(2) | VG | 3y 9m NPP 2y 3m | AD | Glass bottle of alcohol | | SNPP – 4 years During party smashed bottle of alcohol into face of 17y causing significant injuries and some permanent impairment to vision – below mid-range |
| 26. | Longworth [2017] NSWCCA 119 | s.35(2) | VG (25%) | 4y 10m NPP 3y | AD | Punch | | SNPP – 4 years Single punch to security guard who refused offender entry to licenced premises on grounds offender intoxicated – punched victim to head when he was not looking - upper reaches of grievous bodily harm - critical long-term traumatic brain injuries Good character – remorse - very good prospects rehabilitation |

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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|-------------------------------|-------------|--|--|---------------|---------------------------|---|
| 27. | Merillo (26) [2017] NSWCCA 173 | s.35(2) | PG (25%) | 2y ICO | Crown AD (exercise of discretion) | Glass | | SNPP – 4 years Head-butted male stranger on dance floor in club – asked by victim to leave female alone – during short struggle struck victim in face with glass causing permanent reduction in sight – not deliberate use of glass – below mid-range Generally good character – remorse – difficult childhood On appeal sentence inadequate but mental condition deteriorated, risk of self-harm increased and good compliance with ICO |
| 28. | Stevens [2017] NSWCCA 216 | s.35(2) | PG (10%) | 4y 6m NPP 2y 9m | AD | Punch | AOABH (similar offending) | SNPP – 4 years Single punch / blow - struck male stranger from behind in unprovoked attack causing victim to fall to ground and lose consciousness – suffered number of injuries including haemorrhagic contusion of brain, permanent scarring, intermittent headaches, flashbacks, nightmares and rapid mood swings – high degree of violence - not planned or premeditated |
| 29. | Darcy-Shillingsworth (30) [2017] NSWCCA 224 | s.35(2) s.59(1) s.35(4) | VG | 21m suspended 21m suspended 150h CSO | Crown AA 2y 6m 12m <u>Aggregate:</u> 2y 6m NPP 15m | Punch and hit | Nil - AVO (same victim) | SNPP – 4 years Struck female partner causing her to fall backwards onto ground and smash beer bottle she was holding, deeply lacerating her hand and wrist –s.35(4) - hit victim in face knocking her to ground – s.59(1) – punched victim's father in head several times causing him to fall and fracture ankle – s.35(2) - domestic / relationship violence - gratuitous nature of continued attack cannot be explained by momentary loss of control caused by anger - indicates continuing vicious streak Aboriginal background – alcohol |
| 30. | Wick (35) [2017] NSWCCA 244 | s.35(2) | VG | 4y NPP 1y 6m | AD | Glass | Minor alcohol related | SNPP – 4 years Sat at table in bar with strangers – smashed glass over eye of male victim with no warning – caused lacerations and nerve damage that was subsequently repaired (injuries at low end of scale) – at trial challenged issue of causing GBH only Suffered long term depression and anxiety – genuine 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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|--|--------------|---|--|--------|---------------------------------------|--|
| 31. | Ussher-Clarke [2018] NSWCCA 61 | s.35(2) s.323(a)- persuade witness give false evidence | VG PG | 5y NPP 3y 9m 2y 10m <u>Aggregate:</u> 5y 6m NPP 4y | Conviction AD | Kick | | SNPP – 4 years Kicked 12 weeks pregnant female partner in abdomen causing miscarriage – offender made number of phone calls to victim asking her to lie to police |
| 32. | Anae (27) [2018] NSWCCA 73 | s.35(2) | PG (25%) | 4y 6m NPP 3y 4m | AD | Slap | assault and resist arrest offences | SNPP – 4 years Angered by relationship between male victim and offender's cousin – took victim aside for a talk and slapped him across mouth – victim fell back and hit head on road causing brain injury – above mid-range – some permanent damage Easily angered when intoxicated |
| 33. | Kaderavek [2018] NSWCCA 92 | s.35(2) Assault Intent pervert course of justice Sched: Damage property | | 6y NPP 4y 16m 12m <u>Aggregate:</u> 7y NPP 5y | AA 6y NPP 4y 16m 12m <u>Aggregate:</u> 7y NPP 4y 6m | Punch | record for violence | SNPP – 4 years Assaulted female partner – squeezed victim's throat hard causing difficult breathing – two weeks later punched victim in face causing three fractures to jaw – claimed injuries occurred in home invasion and smashed up house to support story – mid-level seriousness – history of violence in relationship |
| 34. | Patsan (22) [2018] NSWCCA 129 | s.35(2) Sched: AOABH | PG (25%) | 2y 3m NPP 1y 4m | AD | Punch | nil | SNPP – 4 years Punched female partner during argument – recent history of physical abuse and damaging victim's property – suffered broken jaw requiring surgery - just below middle range - domestic violence. Remorse - good prospects of rehabilitation- unlikely to re-offend – mental health |

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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|---|-------------|--|--------|-------------------------------|---|--|
| 35. | BJ (21) [2018] NSWCCA 231 | s.35(2) Sched: Fail to take care of child | PG | 6y NPP 4y | AD | Burns caused by hot liquid | Driving offences | SNPP – 4 years Offender poured very hot liquid to body of 6m son – burns to chest area, lesions to face, thigh and further injury to lower abdomen and underneath scrotum and penis - deliberate - absence of any explanation as to motive or circumstances Good character – unlikely to reoffend |
| 36. | Tepania (22) [2018] NSWCCA 247 | s.35(2) AOABH s.166: AOABH Assault Sched: Assault | PG (25%) | 4y 6m NPP 2y 8m FT 12m s.10A s.10A <u>Aggregate</u> 5y NPP 3y | AD | Hot running water | assaults – breached conditional liberty | SNPP – 4 years Placed 10m son of de facto into bath with hot water running causing serious burns – returned and took victim out of bath then dropped on floor – placed victim in bed and forced bottle into mouth causing further injury – struck victim to head – night before had assaulted female partner and male friend after night of drinking and taking drugs – still hung over next day – in anger smashed lego tower forcing ambulance officer to take evasive action – mid range offences Childhood of profound disadvantage and neglect – intellectual impairment |
| 37. | Ewan (25) [2019] NSWCCA 17 | s.35(2) | PG (25%) | 2y 6m NPP 1y 3m | AD | Punch | AOABH | SNPP – 4 years Ran up to male victim walking down laneway and punched him in head from behind – victim fell forward and hit unprotected face on path – victim had earlier that day had verbal argument with offender's father over parked car – cowardly and unprovoked attack Reasonable prospects of rehabilitation |
| 38. | Manocha [2019] NSWCCA 122 | s.35(2) s.43A – failure to provide necessities | VG | <u>Total:</u> 7y NPP 4y 6m | AD | Thrown or pushed | Nil | SNPP – 4 years Female offender - 11 month old baby in offender's care suffered numerous severe injuries resulting in severe traumatic brain injury – precise details unknown - mechanism of injury required child to have been thrown, flung or pushed onto hard surface causing high level of rotation of head, neck and impact to skull |

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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|------------------------------------|-------------|---------------------|-----------------------------|-------------------|---|--|
| 39. | Crimmins (23) [2019] NSWCCA 268 | s.35(2) | PG | 6y NPP 4y | AD | Fight/ pushed | Nil | SNPP – 4 years Fight with friend whilst heavily intoxicated – victim suffered traumatic brain injury (described as life threatening), language, memory and hearing impairment, cognitive function impairment – gave false accounts to police. |
| 40. | Waterfall [2019] NSWCCA 281 | s.35(2) | VG | 5y 9m NPP 3y 9m | AD | Punched | Nil | SNPP – 4 years Correctional prison officer working at gaol / prison – assaulted inmate – punched victim repeatedly to jaw – victim required surgery due to fracture – victim did not admit assault out of fear – assault captured on CCTV. |
| 41. | SS (25) [2021] NSWCCA 58 | s.35(2) | PG (25%) | 1y 9m NPP 12m | Crown AA 4y 6m NPP 3y | Shaken / shook | Nil | SNPP – 4 years Father shook four-week old baby daughter out of frustration when victim would not stop crying – victim left with permanent brain damage. Father to two children - genuine remorse - good prospects of rehabilitation - unlikely to reoffend CCA: Sentence manifestly inadequate – error in allowing discount for assistance - seriousness at top of mid-range |
| 42. | CW [2022] NSWCCA 50 | s.35(2) Sched: 2 x AOABH | PG (25%) | 4y 6m NPP 2y 10m | AD | Assault | Violence offences, domestic violence - on CCO. | SNPP – 4 years Assaulted 10 week old baby daughter – multiple rib fractures – additional assaults resulting in fractured wrist and bruising to face – impulsive. Personal history of trauma, dysfunction and violence – mental health – rehabilitation prospects guarded. |
| 43. | Wass (50) [2022] NSWCCA 143 | s.35(2) | PG | 2y 4m NPP 1y 4m | AD | Snowboard | Wear police uniform, violence and firearms (diverted under mental health legislation), assault, affray, firearms (discharged under mental health legislation), stealing | SNPP – 4 years Offender dressed as Chewbacca at ski resort – ongoing dispute with male victim – victim told offender to leave due to complaints that children frightened of him – offender hit victim with snowboard to jaw, continued to strike victim as he lay on ground – victim required surgery, suffered damaged teeth and facial wounds – unprovoked, significant violence. Open to sentencing judge to accept expert opinion that applicant's difficulties stem from low self-esteem, prior negative experiences, and inability to deal with life stresses; not persuaded applicant had schizophrenia or major mental illness. |

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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|---|-------------|--|--|-----------|---|--|
| 44. | Owen (30) [2022] NSWCCA 214 | s.35(2) | PG (25%) | 3y NPP 18m | AD | Fist | Nil | SNPP – 4 years During altercation between two groups on street at night hit victim to side of head with closed fist – both seeking to break up fight - caused fractured skull and brain damage – assessed as mid-range on appeal Remorse – prior good character – low risk of re-offending – difficult childhood On appeal: error in failure to assess objective seriousness – no lesser sentence warranted |
| 45. | Miles (27) [2023] NSWCCA 90 | s.35(2) s.33B(2) s.61 Drive disqualified | PG (10%) | <u>Indicative</u> 3y 2m 1y 3m 3m 3m <u>Aggregate</u> 3y 9m NPP 2y 9m | AA 2y 6m 1y 3m 2m 2m <u>Aggregate</u> 3y 3m NPP 2y 3m | Metal bar | Lengthy. On conditional liberty. | SNPP – 4 years With 2 co-offenders beat victim over money dispute with metal bars – wounds to forehead and legs. CCA: failure of legal representatives to present subjective case - significant subjective case – disadvantage - <i>Bugmy</i> - mental health conditions - intellectual disability (borderline) - Generalised Anxiety Disorder moderately depressed mood. Remorse - some prospects of rehabilitation - lesser risk of reoffending - special circumstances. |
| 46. | Saliba (33) [2023] NSWCCA 298 | s.7(1) Unauth possess pistol s.35(2) s.93G(1) s.166 Cert – acquire ammunitions | PG (10%) | <u>Indicative</u> : 8y 1m NPP 5y 6y 3m NPP 3y 10m 6y 9m NPP 4y 2m 3m <u>Aggregate</u> : 9y NPP 5y 6m | AD | Firearm | Shoot with intent GBH, Wound with intent GBH, Affray, AOABH | SNPP 4 years Member of same criminal organisation as victim - feared victim intended to shoot him after receiving threats - acquired pistol to defend himself – victim sent threatening messages and attended at applicant's address - victim walked rapidly towards applicant's home - applicant approached carrying pistol (count 1) and fired twice in rapid succession (count 2) - first shot occasioned gunshot wound to victim's jaw and second caused a wound to chest (anterior thoracic) and left projectile in back - discharged third shot in victim's direction, which did not strike (count 3) - discharge of weapon on a public thoroughfare in a residential neighbourhood. Special circumstances. |

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) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|---------|------|------------------|--|--------|---|--|
| 47. | SR (51) [2024] NSWCCA 43 | s.35(2) | PG | 1y 10m NPP 1y | AA 12m Intensive Correction Order (ICO) | Fists | Dated offences for offensive language, resist arrest, driving low- range PCA. More recent driving mid- range PCA. | SNPP 4 years Punched 14y old stepson to head number of times following verbal argument – domestic violence offence – offending occurred after offender returned home from social event - “mildly intoxicated”- victim suffered orbital floor socket fracture requiring surgical repair with insertion of titanium plate; continued blurred vision, reduced range of movement to eye, intermittent numbness to side of face. Problematic alcohol use. CCA: SJ failed to follow legislative process in considering whether ICO could apply. ICO would enable continuing therapy and employment - manage depressive, anger and anxiety symptoms which led to offending – remorse – good rehabilitation. |

Last Updated: March 2024