

Riot s.93B (NSW) <u>Crimes Act</u>

s.93B Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and conduct (taken together) is such as would cause a person of reasonable firmness present at scene to fear for his or her personal safety, each person using unlawful violence for common purpose

Maximum Penalty: 10 years

increased to 15 years for offences committed on or after 15.12.2005

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
1.	Maher Welsh Lardner (2005) 154 A Crim R 457 NSWCCA	s.93B [10y] s.93B [10y] s.93B [10y]	PG (20%) PG (20%) PG (20%)	4y NPP 12m 4y NPP 12m 4y NPP 12m	AA 2y NPP 12m 18m NPP 12m 2y NPP 12m	Extensive criminal records	Involved in prison riot over 5-6 minutes – prisons officers seriously injured – planned offence W – blocked stairway M and L – threw things at officers to prevent them attending scene of riot W, M and L – Aboriginals - low intelligence - deprived and violent backgrounds – drug and alcohol addiction – extensive criminal records
2.	Eken (26) Potrus (26) [2012] NSWSC 2 RA Hulme J Co-offender: KISACANIN ABOUNADER	s.93B s.93B	VG (at murder trial) VG (at murder trial)	5y NPP 3y 5y NPP 3y		Rob in company; GIC; possess steroids Nil	Gang members involved in short but violent fight between rival motorcycle gangs at airport – acquitted of murder and manslaughter Each have reasonable prospects of rehabilitation – offer to plead guilty to manslaughter rejected

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	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
3.	Kisacanin (22) [2012] NSWSC 91 RA Hulme J Co-offenders: EKEN POTRUS ABOUNADER	s.93B Affray	VG (at murder trial)	4y 9m NPP 2y 8m FT 2y 2m <u>Total:</u> 5y 3m NPP 3y 2m		Minor	Gang member involved in short but violent fight between rival motorcycle gangs at airport – acquitted of murder and manslaughter Nominee member – remorse – prior good character – indicated willingness to plead to affray and riot
4.	Abounader (27) [2012] NSWSC 1312 RA Hulme J [2013] NSWCCA 106 Co-offenders: EKEN POTRUS KISACANIN	s.93B	PG (15%)	6y NPP 4y	AD	minor	Gang member involved in short but violent fight between rival motorcycle gangs at airport – acquitted of murder in early trial - road captain of Comancheros – contacted and drove members of gang to airport at request of president – played organisational role – spontaneous offence – armed with knife although failed to use it in offence Some prospects of rehabilitation

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5.	Amiri (26)	s.93B	VG	1y 10m NPP 1y 2m		Nil	<p>Held at Villawood Detention Centre – offence committed during large-scale disturbance at Centre involving number of detainees against staff members.</p> <p>Amiri - climbed on top of roof – threw roof tiles at staff – from Afghanistan - found not to be genuine refugee – large support network - depressive disorder and post traumatic stress disorder</p> <p>Feili - climbed on roof – threw roof tiles at staff – central to violent activities / riot on ground – violent - threatened and grabbed staff members – threw fire extinguishers and soccer goal posts at staff – dragged wheelie bins and timber furniture to fire on the soccer field – from Iraq – found not to be genuine refugee – health – depressive state</p> <p>Haidari – climbed on roof and threw tiles – handed tiles to another offender to throw - from Afghanistan - found not to be genuine refugee – post traumatic stress disorder and major depressive disorder</p> <p>Parhizkar – one of the most active and influential offenders in violent activities – most active thrower of tiles from roof – from Iran - found not to be genuine refugee - depressive disorder and post traumatic stress disorder.</p> <p>Each offender of prior good character - positive character evidence - no suggestion of violent conduct on other occasions - unlikely to re-offend - good prospects of rehabilitation</p>
	Feili (57)	s.93B	VG	3y NPP 1y 10m		Nil	
	Haidari (29)	s.93B	VG	1y 10m NPP 1y 2m		Nil	
	Parhizkar (27)	s.93B	VG	3y NPP 1y 10m	AD	Nil	
	[2013] NSWSC 871 RA Hulme J [2014] NSWCCA 240 (Parhizkar only)						

Last updated: March 2019

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