

Malicious Wounding With Intent to Cause GBH

s.33 (NSW) Crimes Act

s 33 Maliciously wound with intent to cause GBH

Maximum penalty: 25 years

Standard non-parole period: 7 years (offences committed on or after 1.2.2003)

Substituted: 15.2.2008 (see separate tables)

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|----|--|---|------|----------------------|----------------------------------|--------|---|---|
| 1. | Dib NSW CCA 13.9.1991 | Mal wound / GBH | VG | MT 4y 6m AT 1y 6m | AA MT 4m 3d AT 2y 7m 28d | Knife | | Bad feeling between offender and victim - called victim out to fight and struck him in throat with knife Extreme hardship to son |
| 2. | Allen NSWCCA 25.2.1992 | Mal wound / GBH | PG | MT 7y 6m AT 2y 6m | AD | Knife | nil violence or sex | Dragged 16y girl into bushes in park and made sexual advances - stabbed her in chest and drew knife across throat cutting it - towards upper range |
| 3. | Henry (1992) 28 NSWLR 348 | Mal wound / GBH | VG | MT 6y AT 2y | AD | Knife | | Stabbed police prosecutor outside hotel - injuries to neck and abdomen |
| 4. | Rumbel NSWCCA 15.12.1994 | Mal wound / GBH | PG | MT 3y AT 3y | AD | Knife | nil - breach AVO | An hour after warned by police broke into estranged wife's house and assaulted her – when confronted by male chased victim outside with knife and cut her neck - obtained another knife from shed and returned to cut victim's wrists - agreed to take victim to hospital - knew victim had heart condition. |
| 5. | Garvey (21) NSWCCA 24.2.1995 | Mal wound / GBH Sched: AOABH | PG | MT 18m AT 2y 6m | Crown AA MT 2y 6m AT 2y 6m | Knife | Prior violence include mal wound and breach AVO - on bail for AOABH | Went to estranged wife's house affected by drugs & liquor - chased victim with knife when she rejected sexual advances and stabbed her in neck - chased victim around house, threatened to kill, and stabbed her in chest - defence wounds to hands – 2y child present during attack. AOABH: kicked & stabbed neighbour. Low intelligence with prospect of rehabilitation – Aboriginal male |

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 |
|-----|---|------------------------|----------------------|-------------------------|----------------------------|-------------|---|---|
| 6. | McKean NSWCCA 27.3.1995 | 2 x mal wound / GBH | PG | MT 3y 1d AT 2y 364d | Crown AD | Knife | Bond for breach of AVO | Broke into estranged wife's house, stabbed her and young child. Solicitor suffering alcohol induced brain damage – entering rehab institution when released to parole |
| 7. | Maradin (20) NSWCCA 19.9.1995 | Mal wound / GBH | PG | MT 12m AT 3y | Crown AA MT 3y AT 3y | Knife | Nil | Offender visited friend from work at house unexpectedly - made unwelcome sexual advances - violent struggle - offender assaulted victim preventing victim from breathing several times – stabbed victim six times trying to escape – left victim in street with collapsed lung. |
| 8. | Caracaleanu (39) NSWCCA 27.9.1995 | Mal wound / GBH | VG | MT 2y AT 2y | AD | Knife | nil | Victim came to offender's house uninvited to discuss falling out - altercation developed over victim's interest in 15y boy at offender's house – offender drunk and stabbed victim four times, including once to neck, lacerating jugular vein - spontaneous stabbing |
| 9. | Crittenden (36) NSWCCA 22.7.1996 | Mal wound / GBH | PG | MT 6y AT 2y | AA MT 4y AT 1y 4m | Knife | lengthy and serious | During argument at flats offender struck by victim - returned with knife and stabbed victim six times in abdomen / back area. |
| 10. | Asher (29) NSWCCA 1.11.1996 | Mal wound / GBH | VG | MT 3y AT 4y | AD | Knife | lengthy no serious violence | Serious attack on victim - lost much of outer ear - claimed victim had previously failed to mind offender's tent when asked to, resulting in loss of possessions History of alcohol and schizophrenia. |
| 11. | Pakalani NSWCCA 12.11.1996 | Mal wound / GBH | PG | 5y GBB | Crown AA MT 3y AT 1y | Beer bottle | | Assaulted bouncer who told him not to drink on footpath - followed victim into hotel smashing beer bottle in victim's face, causing serious damage. |
| 12. | Watt NSWCCA 2.4.1997 | Mal wound / GBH | PG | MT 18m AT 18m | Crown AA MT 2y AT 2y | Knife | extensive, including violence – breached recog at time of offence. | Assaulted by victim at train station without provocation - alleged offender a "rock spider" then left scene - followed victim, slashing and stabbing him with knife he carried for work - provocation. |
| 13. | Luu (20) NSWCCA 12.3.1998 | 2 x Mal wound / GBH | VG (murder trial) | 2y 6m PD (+ 10m PSC) | Crown AD | Screwdriver | nil relevant | Became involved in fight outside restaurant - spontaneous involvement to assist friend - confronted by group of hostile men, some armed. Strong family support |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|---|------|----------------------|----------------------------|-------------------------------|---|--|
| 14. | Kotevski (70) NSWCCA 3.4.1998 | Mal wound / GBH Sched: AOABH | PG | MT 2y 3m AT 9m | AD | Scraper, trowel and knife. | nil | Worked with estranged wife in shop - during argument "snapped" and attacked wife with scraper, trowel and knife - repeated stabbing to back of head and neck. |
| 15. | Reeks NSWCCA 16.9.1998 | Mal wound / GBH | PG | MT 12m AT 2y | AD | Gun | | Wife shot husband in shoulder while he slept - tempestuous relationship - both heavy drinkers - 6y disabled child - persistent and long-term domestic violence - both drinking that night - offender had complained about being assaulted |
| 16. | Fahda [1999] NSWCCA 267 | Mal wound / GBH | PG | MT 4y AT 3y | AA MT 2y 6m AT 2y 6m | Knife | | Experiencing marital difficulties with wife - struck her over head with frying pan, stabbed her in neck three times and attempted to strangle her - wife escaped through assistance of 11y daughter. Strong evidence of psychiatric disorder. |
| 17. | Ismail (23) [2000] NSWCCA 217 | Mal wound / GBH | VG | MT 4y AT 3y | AD | Car | poor record showing intransigence towards police in traffic matters | Female police officer pulled over car carrying offender as passenger seeking to speak to offender about incident of spitting - offender got into driver's seat and ran over police officer, injuring leg - premeditated offence Poor prospects of rehabilitation. |
| 18. | Drew [2000] NSWCCA 384 | Mal wound / GBH | PG | MT 7y AT 3y 6m | AD | Machete | record includes violence offences | Part of group of 5 men who attacked male leader of local community armed with variety of weapons - offender struck victim across face several times with machete - premeditated attack in response to perceived abuse of power by victim. Aboriginal male with deprived background. |
| 19. | Dunn (48) [2000] NSWCCA 377 | Mal wound / GBH | VG | MT 5y 6m AT 3y 6m | AD | Gun | | Fired 6 bullets from .38 Smith and Wesson revolver at male striking him in lower half of body - no serious injury - acquitted of attempt murder. Suffering depression and compulsive obsessive disorder at time of offence. |
| 20. | Koomson (42) [2001] NSWCCA 176 | Mal Wound / GBH | PG | MT 4y AT 3y | AD | Hammer and knife | common assault on wife | Broke into home of estranged wife and attacked her with hammer and knife - sustained attack over long period in front of two small children. From Ghana - depressive illness. |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|---|-------------|---|--|------------------------|--|---|
| 21. | Hayes (44) [2001] NSWCCA 358 | Mal Wound / GBH | PG (10%) | 11y 8m NPP 8y 9m | AD | Piece of wood | lengthy - on parole for murder | Attacked brother's de facto wife with piece of wood over 20mins. |
| 22. | Zamagias (26) [2002] NSWCCA 17 | Mal wound / GBH | VG | 2y Suspended | Crown AA 2y 6m NPP 1y 9m Periodic Detention | Piece of glass | nil | During fight at hotel slashed victim's neck with glass - fight a result of on-going domestic dispute between offender's wife and aunt. |
| 23. | Tapele [2002] NSWCCA 111 | 2 x Mal wound / GBH | PG (25%) | 8y 6m NPP 5y 6m | AD | Hammer and screwdriver | nil - second offence committed on bail for first offence | Broke into home and repeatedly struck mother-in-law about head with hammer - caused fractured skull - while on bail stabbed estranged wife with screwdriver Native of PNG left destitute in Australia after separation from wife - good work record - prospects of rehabilitation - protective custody - isolation |
| 24. | Sihavong (19) [2002] NSWSC 854 Buddin J [2003] NSWCCA 312 | 2 x Mal wound / GBH | VG | 14y NPP 9y 6m | Conviction AD | Gun | minor | With co-offender because involved in long running argument with acquaintances - tension escalated into confrontation outside house - co-offender shot dead one male - several other men shot and injured by offender and co-offender - intent formed immediately before offences – acquitted of murder and attempt murder Laotian parents - refugee with disrupted childhood |
| 25. | Taupau [2002] NSWCCA 473 | Mal wound / GBH | VG | 4y NPP 2y | AD | Knife | | Argument with neighbour during party - neighbour stabbed four times in stomach and chest – one wound required bowel surgery |
| 26. | Scott (29) [2003] NSWCCA 286 | Mal wound / GBH 2 x s.61 Assault | PG (25%) | 7y NPP 4y FT 6m (concurrent) | AD | Knife | nil | Attacked group of persons with knife after being offended by their noise outside his home in early morning – intoxicated – victim suffered serious stab wounds. Law abiding citizen prior to offence. |
| 27. | Baquayee (32) [2003] NSWCCA 401 | 2 x Mal wound / GBH | VG | 6y NPP 2y 9m | Crown AA 10y NPP 6y | Gun | Minor | Became involved in scuffle outside cinema – shot 2 brothers - violent attack on offender and younger brother Custody of 8y child – evidence of good character and family support |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|---|--------------------------|---|---|-------------------------|---|--|
| 28. | Razzak (19) [2004] NSWCCA 62 | Mal Wound / GBH | VG | 7y NPP 4y | AD | Knife | No prior for violence - breached bond | Stabbed male stranger in street late at night – stab wound to abdomen Subsequently suffered serious injuries from unrelated shooting |
| 29. | Mioduszewski (69) [2004] NSWCCA 154 | Mal Wound / GBH Sched: Possess unauth firearm | PG | 6y NPP 4y | AD | Gun | Nil | Shot estranged wife in forehead during struggle – also attacked her with wooden lamp Highly respected member of society – suffering emotional distress and in fragile psychological state – significant ill health |
| 30. | Hoskins (21) [2004] NSWCCA 236 | Mal wound / GBH | PG (25%) | 6y NPP 4y | Crown AA To commence sentence one year later | Screwdriver | Poor, dishonesty and robbery | Offence on fellow inmate committed in custody while serving sentence for an aggravated robbery w/ GBH – stabbed near kidney. Aboriginal male - illiterate and never employed. |
| 31. | Cramp [2004] NSWCCA 264 | Mal wound / GBH | PG (12%) | 8y NPP 5y 7m | 7y NPP 5y | Knife | Lengthy record but no violence | Chased male friend of estranged de facto off street – stabbed twice in back – threat to kill Remorse – good prospects of rehabilitation |
| 32. | Williams (32) (2004) 148 A Crim R 325 [2004] NSWCCA 246 | Mal wound / GBH Affray 2 x AOABH | PG (20% on appeal) | 7y 6m NPP 4y 18m NPP 6m FT 9m <u>Total:</u> 8y NPP 4y 8m | AA 6y NPP 3y 2m 18m NPP 6m FT 9m <u>Total:</u> 6y 6m NPP 3y 10m | Knife | Breached parole – assault offences | Became involved in altercation with café owner with two co-offenders – victim produced baseball bat in defence – victim punched and bashed with bat – offender tabbed victim with knife – intoxicated – after parole revoked attacked two inmates in gaol with broom handle Aboriginal male with difficult childhood – early drug abuse |
| 33. | Zhang (40) [2004] NSWCCA 358 | Mal wound / GBH | PG (20%) | 8y NPP 5y | AA 7y NPP 4y 6m | Meat cleaver | Nil | Dispute over financial dealings broke out – chased victim with meat cleaver causing serious wound to face – impulsive offence Chinese national – isolation – remorse – good prospects of rehabilitation |
| 34. | King (2004) 150 A Crim R 409 [2004] NSWCCA 444 | Mal wound / GBH | PG (15%) | 10y NPP 6y 6m | Crown AA 12y NPP 8y | Kicking and stomping | | Punched pregnant woman causing miscarriage of baby - had already attempted to persuade her to have an abortion and sought to induce others to assault her in order for her miscarriage – significant on-going impact on victim |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|--------------------|-------------|---------------------------|---|---------|---------------------------------------|--|
| 35. | Dickinson (25) [2004] NSWCCA 457 [2005] NSWCCA 284 | Mal wound / GBH | PG | 2y NPP 1y Suspended | Crown AA FT 2y 2m Periodic Detention AD | Knife | Nil | SNPP 7 Years Angered by daughter being left alone with ex-partner's new boyfriend - attacked with carving knife – serious injuries Invalid pensioner due to diabetes and a condition causing vomiting – suffered PTSD due to sexual abuse as a child – very protective of daughter as a result – remorseful |
| 36. | O'Connor [2005] NSWCCA 5 | Mal wound / GBH | VG | 11y NPP 8y 3m | AD | Assault | | Became aggressive while drinking with associates at flat – assaulted male – kick to eye, assault with smashed ashtray, attempt to strangle, kneed to testicles |
| 37. | LNT (17) [2005] NSWCCA 307 | Mal wound / GBH | PG (20%) | 7y 6m NPP 5y | AA 7y NPP 4y | Knife | Nil | SNPP 7 years Female attacked 15y female on street with two friends – stabbed and cut with knife – lacerations to face, breast and scalp – required stitches - slightly in excess of mid-range Mother of young child – drug abuse and youth - special circumstances - rehabilitation |
| 38. | Reid (2005) 155 A Crim R 428 [2005] NSWCCA 309 | Mal wound / GBH | PG (25%) | 6y 9m NPP 4y 8m | AD | Knife | | SNPP 7 years Attacked ex-de facto in own home – no provocation – slashed face with knife and cut thumb - victim sustained laceration to left side of face - wound extended into nasal cavity, both lips and to chin - required surgery. |
| 39. | Mackey (26) [2006] NSWCCA 254 | Mal wound / GBH | VG | 10y 8m NPP 8y | AD | Glass | 3 x manslaughter - breached parole | SNPP 7 years Confrontation in hotel after accidental bumping – struck victim in face with glass – severe lacerations 40 stitches to cheek, left eyebrow and left eyelid – unprovoked – spontaneous - victim left with residual substantial and prominent scarring - slightly above mid-range |
| 40. | Ghazi [2006] NSWCCA 320 | Mal wound / GBH | PG (20%) | 10y 6m NPP 6y | AA 9y 7m NPP 5y | Knife | Priors – less serious | SNPP 7 years Fight in gym – unprovoked stabbing of male stranger – 7 stab wounds – victim suffered stab wound to liver - hospitalised for 10 days - required two operations – good prognosis for recovery - upper mid-range. Steroid and anger problem |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|-------------------------|-------------|------------------------------------|-----------------------|----------|--|---|
| 41. | Walker [2006] NSWCCA 347 | Attempt Mal wound / GBH | PG | 3y NPP 18m | AD | Knife | Nil | SNPP 7 years Attacked wife after breakdown of marriage – no actual wounding. Good character. |
| 42. | Pillay (22) (2006) 167 A Crim R 312 [2006] NSWCCA 402 | Mal wound / GBH | VG | 9y 4m NPP 7y | AA 8y NPP 5y 6m | Knife | Nil relevant | SNPP 7 years Attacked paraplegic flatmate – threat to kill – forced to write suicide note – choked – cut hand with carving knife - majority of tendons in wrist cut or damaged - desisted and assisted victim – build-up of tension - mid-range offence - premeditation |
| 43. | Frigiani (36) [2007] NSWCCA 81 | Mal wound / GBH | PG | 9y NPP 5y 6m | AD | Knife | Breached s.10 bond for assault on wife | SNPP 7 years Stabbed estranged wife 6-7 times in chest and back – spontaneous offence – threats to son – victim suffered two large wounds and collapsed lung - Slightly above mid-range Emotional upheaval – contrition – good prospects of rehabilitation |
| 44. | Matzick (21) [2007] NSWCCA 92 | Mal wound / GBH | PG (25%) | 5y 4m NPP 2y 10m | AD | Knife | Possess proh drug | SNPP 7 years Stabbed shopkeeper twice in neck during struggle. Troubled background - on drugs at time of offence - prospects of rehabilitation guarded. |
| 45. | Deng [2007] NSWCCA 216 | Mal Wound / GBH | PG (20%) | 3y NPP 2y Periodic Detention | Crown AD | Knife | | SNPP 7 years Stabbed victim three times in chest and once in back – injuries to spleen and punctured lung - victim to marry offender's ex-partner and mother of his child - below mid-range. Refugee from war in Sudan - fractured childhood being taken prisoner by soldiers and separated from family - supported mother and younger siblings. |
| 46. | Ferrer (24) [2008] NSWCCA 104 | Mal wound / GBH | PG (10%) | 4y NPP 2y | Crown AD | Scissors | Drugs, dishonesty | SNPP 7 years Believed that friend had stolen offender's property – during argument stabbed victim with scissors – unclear who produced scissors - victim suffered collapsed lung and required surgery - below mid-range – not premeditated - whilst attack savage, offender had ended it of 'own volition' |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|--------------------|-------------|---------------------------------------|--------------------------|-------------------------|--|---|
| 47. | Lombard (2008) 184 A Crim R 565 [2008] NSWCCA 110 | Mal wound / GBH | PG (20%) | 3y NPP 2y Periodic Detention | Crown AD | Knife | | SNPP 7 years Assaulted by security guard and other guards after offender insulted guard outside nightclub – offender went home and obtained knife from kitchen – returned to nightclub and stabbed guard in neck - no premeditation or planning - removal of knife from kitchen was spontaneous without malicious intent - did not seek out victim for revenge - victim reacted unprofessionally and provocatively with physical aggression in response to verbal insult - offender used knife only after commencement of physical violence and when in fear of further beatings - injuries not significant - low mid-range. Additional 13.3% discount for contrition, remorse and weak crown case |
| 48. | Fryar (52) [2008] NSWCCA 171 | Mal wound / GBH | VG | 6y 6m NPP 4y | Crown AA 9y NPP 6y | Knife | Driving - no offences of violence. | SNPP 7 years Long-standing animosity between offender and victim – offender approached victim from behind at club - stabbed victim in back with downward motion causing 20cm wound - mid-range. |
| 49. | Speechly (22) [2008] NSWCCA 204 | Mal wound / GBH | VG | 10y 8m NPP 6y | AA 9y NPP 6y | Punching and kicking | Possess drugs. | SNPP 7 years With brother attacked victim on street at night – punching and when victim fell to the ground kicking even after unconscious– unplanned, relentless assault - suffered fracture of lower jaw - right ear partially torn away requiring reattachment - serious abdominal injuries necessitating amputation of between 40% and 50% of colon, and loss of 20% of blood – unprovoked assault - mid-range Appeal allowed on parity ground |
| 50. | Anderson (26) [2008] NSWCCA 211 | Mal wound / GBH | PG (15%) | 7y NPP 3y 9m | AD | Pool cue | Violence | SNPP 7 years At hotel friend of offender hit him across head with pool cue - offender further struck victim with another pool cue across head causing laceration to skull – no provocation - mid-range Aboriginal male with longstanding substance abuse |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|---|-------------|--------------------|--------------------------|---------------------------------|---|---|
| 51. | Wright (21) [2009] NSWCCA 3 | Mal wound / GBH | PG (25%) | 4y 6m NPP 2y 6m | Crown AD | Stomping and kicking | | SNPP 7 years Drinking with friends at hotel – argument with another group – offender joined others in chasing victim and friends – offender hit by bottle causing him to continue fighting – stomped and kicked victim on head while unconscious on ground - suffered fractures to both eye sockets, bone between left eye socket and temple, cheekbone and bone in nose - surgery required - mid-range objective seriousness |
| 52. | Bonett (21) [2009] NSWCCA 135 | Mal Wound / GBH | VG | 8y NPP 5y | Crown AD | Punching and kicking - glass | Record for violence – breached PD for sentence imposed on mal wound involving a glassing offence – breached bail | SNPP 7 years Assaulted male in car waiting outside nightclub – kicked in head, punched and struck in face with broken bottle – spontaneous offence – offender suffering ADHD and perceived victim's comments as provocative - required plastic surgery to face for facial wounds described as “grotesque and serious” - lightly below mid-range Disrupted schooling – alcohol and steroid abuse – genuine remorse – good use of time in custody. |
| 53. | Wilkins (44) [2009] NSWCCA 222 | Mal wound / GBH Sched: 3 x malicious damage by fire s195 | PG (15%) | 11y 6m NPP 7y | AA 8y 6m NPP 5y 6m | Hammer | Culpable driving | SNPP 7 years Set fire to car belonging to ex-partner's new boyfriend parked in garage – upon being seen leaving garage, attacked victim with hammer – numerous blows to victim's head - arson planned but attack on victim spontaneous - victim suffered deep lacerations to scalp requiring 30-40 sutures and fractures of sinus and medial wall of the right orbit - below mid-range objective seriousness - only injuries from wounding relevant to assessment of objective seriousness. Depression following breakdown of relationship with partner with whom offender had two children. |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|---|-------------|--|-------------------|--------------|--|---|
| 54. | Bourke (21) (2010) 199 A Crim R 38 [2010] NSWCCA 22 | Mal wound / GBH | PG (15%) | 12y NPP 8y | AD | Pole and axe | AOABH, BES - absent from periodic detention at time of offence purporting to be ill. | SNPP 7 years Attacked victim at party with weapons obtained from home – motive unknown – attack unprovoked and not spontaneous - victim suffered serious cuts to head including cut above eye to bone and fractures to fingers – left with restricted movement in fingers - above mid-range towards upper end of range. Suffered from mental disorder – intoxicated at time of incident. |
| 55. | Binnie (27) [2010] NSWCCA 14 | Mal wound / GBH | PG (25%) | 6y 6m NPP 4y | AA 6y 3y 6m | Knife | Nil | SNPP 7 years Followed ex-girlfriend and victim in car until opportunity to attack – stabbed victim in torso and side of neck - victim sustained deep wound to neck and 2.5 cm wound about 5cm deep to right side of torso - 3 hour operation required – vicious and unprovoked attack - below mid-range of objective seriousness although towards the mid-range Intoxicated at time of offence - suffering from major mental illness - depression – suicidal - good rehabilitation prospects |
| 56. | Mercael (35) [2010] NSWCCA 36 | Mal wound / GBH Take and drive motor vehicle | PG | 12y 9m NPP 8y 8m NPP 4m (concurrent) | AD | Knife | offences of violence against victim | SNPP 7 years Offender forced his way into car with estranged wife and stabbed her with knife – drove off in car - followed long period of harassment – 13 stab wounds – well above mid-range Married in Iraq – no family in Australia |
| 57. | Yuksel [2010] NSWCCA 65 | Mal wound / GBH | VG | 9y NPP 7y | 9y NPP 5y 10m | Stabbing | | SNPP 7 years Stabbing – 3cm wound to victim's shoulder - wound not life threatening - mid-range Suffered from psychotic condition |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|---|-------------------------------------|-------------|--|---|--------------|-----------------------------|---|
| 58. | Rudd (62) [2010] NSWCCA 71 | Mal wound / GBH AOABH | PG (15%) | 3y NPP 2y Periodic Detention GBB 2y | Crown AD | Machete | nil | SNPP 7 years Neighbourhood dispute – offender armed with machete used as gardening tool looked for neighbour’s dog after it had attacked offender’s dog – confronted by neighbours - struck female victim in back with machete – male victim suffered cut to arm and small cuts to face and foot - relatively minor injuries – offender received injuries to face - halfway between low and mid-range. Offence a result of a “brain snap” – intoxicated – stress and aggravation from on-going dispute with neighbours - prior good character – age - employed – financial supporter of family |
| 59. | Nicholson (44) [2010] NSWCCA 80 | Mal wound / GBH | PG (15%) | 5y 10m NPP 4y 4m 16d | Crown AD | Knife | Lengthy – violence - AR. | SNPP 7 years Stabbed girlfriend in chest – spontaneous attack, not planned – victim suffered 3 stab wounds to chest - lung partly collapsed and bleed into thorax - mental disorder reduced culpability - significantly below mid-range Mental illness - substance abuse. |
| 60. | Adams [2011] NSWCCA 47 | Mal wound / GBH 2 x AOABH | VG | 5y NPP 3y 18m NPP 12m <u>Total:</u> 5y NPP 3y 6m | AA 4y NPP 2y 6m 18m NPP 12m <u>Total:</u> 4y 6m NPP 3y | Baseball bat | | SNPP 7 years Asked by third person to evict ex-husband from matrimonial home - with co-offender and armed with baseball bat and curtain rod struck victim – finger crushed and received laceration to scalp from blow to head - punched victim’s girlfriend in face and dragged her through fragments of broken glass, causing cuts and wounds to her legs - no premeditation - injuries at lower end of spectrum - moderately below mid-range Parity ground allowed. |
| 61. | Shaba [2011] NSWCCA 154 | Mal wound / GBH | VG | 6y NPP 3y | AA To backdate sentence to take into account PSC | Knife | Breached bail | SNPP 7 years Stabbed victim at commencement of melee between two groups of males on street - knife plunged into victim’s left flank penetrating through left kidney - required immediate and secondary surgery – reduced functioning in kidney |

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | SUMMARY |
|-----|--|---|------|--------------------|--------|---------------------------------|--|--|
| 62. | Butler [2012] NSWCCA 23 | Mal wound / GBH Sched: 2 x mal wound | PG | 8y 6m NPP 5y 6m | AD | Locksmith tool around finger | Offence committed 2 days after bond for assault | SNPP 7 years Co-offender assaulted male stranger in street – offender returned to become involved – fitted locksmith tool to finger - unprovoked assault on three victims – inflicted deep lacerations on face of each victim – permanent scarring |

Last Updated: March 2019