

## Malicious Wounding / Maliciously Inflict GBH In Company

s.35(2) (NSW) Crimes Act

### s 35(2) Malicious wounding or maliciously inflict GBH in company

**Maximum penalty:** 10 years

**Commenced:** 14.12.2001

**Substituted:** 27.9.2007 (see new tables)

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
1.	<b>Main</b> (19)  <b>Turner</b> (18)  <a href="#">[2003]</a> <a href="#">NSWCCA 268</a>	s.35(2) (wound)  Sched: 2 offences  s.35(2) (wound)  Sched 2 offences	PG  PG	18m suspended  18m suspended (4m PSC)	Crown AD  Crown AD	Wheel brace and screwdrivers	Priors – breached conditional liberty  Priors including agg robbery – breached conditional liberty	Attacked older man using wheel brace and screwdrivers – stabbed with screwdriver - intoxicated Evidence of rehabilitation
2.	<b>Tran</b> (24) <a href="#">[2004]</a> <a href="#">NSWCCA 366</a>  Co-offender: PAN	s.35(2) (wound)  AOABH	PG	2y NPP 12m  FT 6m (concurrent)	AA 1y 3m NPP 9m  FT 6m (concurrent)	Knife	Nil	Female assaulted male acquaintance at bus stop – argument over money owed to offender's de facto partner – purchased knife and returned - victim injured by knife in continued struggle with offender and de facto Vietnamese male with tragic history
3.	<b>Pan</b> (31) <a href="#">[2005]</a> <a href="#">NSWCCA 114</a>  Co-offender: TRAN	s.35(2) (wound)	PG (12%)	21m NPP 12m	AD	Knife	Lengthy – violent offences	Argument with former employee at bus stop – struggle continued some time later after co- offender purchased knife – victim injured by knife – offender struck victim and bit arm

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4.	<b>Do</b> (21) <a href="#">[2005]</a> <a href="#">NSWCCA 183</a>	s.35(2) (GBH)  Use firearm	PG (25-30%)	2y 6m NPP 12m  FT 12m (concurrent)	Crown AA 4y NPP 2y 6m  FT 12m (concurrent)	.22 calibre pistol	Nil	Ejected from nightclub – returned in group and threatened security guards with pistol – one guard shot in leg during struggle - intoxicated Out of character – genuine remorse
5.	<b>Formosa</b> (27) <a href="#">[2005]</a> <a href="#">NSWCCA 363</a>	s.35(2) (GBH)	PG (20%)	4y NPP 18m	AD	Metal chair and metal pole	Nil	Attended residence of ex-partner in company with two others – with one offender assaulted male occupant with metal chair and pole – serious injuries Delay – offence out of character – some mental issues at time of offence
6.	<b>Ryan</b> (24)  <b>McPherson</b> (23)  (2006) 167 A Crim R 241 <a href="#">NSWCCA</a>	s.35(2) (GBH)  Sched: 3 offences  s.35(2) (GBH)	PG (25%)  PG (25%)	20m suspended  20m suspended	Crown AA 15m NPP 6m  Crown AA 15m NPP 6m	Cricket bat / knife	Priors  Priors including violence	R told by girlfriend she had been sexually harassed by victim night before – attended victim's house and punched him to face – pursued victim armed with knife – both R and M punched, kicked and assaulted victim with cricket bat – threatened with knife – injuries at low end of scale – intoxicated – degree of planning R – instigator – remorse – good prospects of rehabilitation M – record suggests resorts to violence
7.	<b>GS</b> (16) <a href="#">[2006]</a> <a href="#">NSWCCA 410</a>	s.35(2)	PG	2y NPP 9m suspended	AD	knife	nil	Unprovoked stabbing of stranger outside house – four wounds – wasted on drugs and alcohol – in company of friend who was unaware of offence – spontaneous offence caused by intoxicated paranoia Difficult childhood – sever physiological problems – drug and alcohol abuse – remorse – evidence of rehabilitation
8.	<b>Holden</b> (29) <a href="#">[2008]</a> <a href="#">NSWCCA 100</a>	s.35(2)  Sched: AOABH Assault	PG (20%)	4y NPP 2y 6m	AD	Assault	Lengthy record – breached bond	Involved in group assault on male flatmate – attempted to punch victim next day at hotel – later in afternoon forced entry into house with friends and bashed victim – fractures to hand and face – kicking and punching - ringleader

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9.	Duffy (22)	s.35(2)	PG (20%)	22m NPP 15m	AD	Assault	Nil violence	Victim in relationship with M's mother - both offenders assaulted victim after hearing of dispute between victim and M's mother – permanent brain damage – sustained attack with piece of wood – assault started by M as primary offender
	Mangan (20)  <a href="#">[2009]</a> <a href="#">NSWCCA 304</a>	s.35(2)	PG (20%)	4y NPP 2y 6m	AD		No prior custody	

Last Updated: March 2019

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