

<h2 style="margin: 0;">Riot</h2> <p style="margin: 0;">s.93B (NSW) <u>Crimes Act</u></p>

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 [2005] NSWCCA 16	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 Offenders: Aboriginal males - 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

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	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

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	RECORD	SUMMARY
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 – born in 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 – born in 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 – born in 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 – born in 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

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