

Murder: 2007

Maximum Penalty: Life (s.19A (NSW) Crimes Act)

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

20 years

25 years - Where the victim was a police officer, emergency services worker, correctional officer, judicial officer, health worker, teacher, community worker, or other public official, exercising public or community functions and the offence arose because of the victim's occupation or voluntary work

Standard non-parole period (where conviction entered or plea of guilty made on or after 1.1.2008)

25 years - Where the victim a child under 18 years of age

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	NORMAN (50)	VG Murder	35y NPP 29y		Minor	Shooting	SNPP 20 years N accountant who defrauded victim – had victim shot by O to cover up fraud – O paid little more than expenses – carefully planned offence – victim shot at home office
	OLIVIERI (49) [2007] NSWSC 142 Hidden J [2016] NSWCCA 165 (Olivieri only)	Fraud	FT 3y Total: 37y NPP 31y	Conviction AD	Lengthy – dishonesty and drugs	Access before the fact	
2.	JOYCE (37) [2007] NSWSC 218 James J	VG Sched: 3 firearms offences	21y NPP 16y		Minor and old	Strangulation Intent to kill	SNPP 20 years Strangled estranged wife during argument – drowned in pool – spontaneous offence – below mid-range Protective custody

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3.	JOHNSON (53) [2007] NSWSC 274 Whealy J [2010] NSWCCA 86	VG 2 x Murder Dishonesty offences	Life	Conviction AD	Minor traffic	Strangulation Intent to kill	SNPP 20 years Tied up and strangled retired couple in their own home – trusted handyman – stole money from bank accounts – financial difficulties – well planned offence - cold, calculated killings with element of mental torture, fear and distress
4.	SAALFELD (44) [2007] NSWSC 376 Howie J	VG	22y NPP 16y 6m		Minor	Stabbing Intent GBH	SNPP 20 years Female stabbed female acquaintance during street confrontation – single stab wound – deteriorating relationship with victim over drugs – spontaneous offence – principal aggressor – offence slightly below mid-range Remorse – drug user
5.	DURANT (26) [2007] NSWSC 428 Hulme J	VG	17y 11m NPP 13y 6m		Priors – breached bail	Sledgehammer Intent to kill	SNPP 20 years Female - woke up male victim and struck on head with sledgehammer – staying in victim's flat – formed irrational and erroneous belief that victim sexually assaulted offender as a child – under influence of drugs – sought to punish victim – offence below mid-range - no significant premeditation, motivation and abnormality of mind Borderline personality disorder - substance abuse and depressive disorder – delusions and psychotic illness caused by drug abuse – childhood of neglect and sexual assault – early drug abuse – mother of four children – offered to plead guilty to manslaughter
6.	NGUYEN (20) [2007] NSWSC 389 Whealy J	PG (25%)	18y NPP 13y 6m		Criminal record for lesser offences – breached parole	Stabbing Felony murder	SNPP 20 years Stabbed shop owner during attempted robbery of newsagency – repeated stabbing - below mid-range – spontaneous and unplanned killing Long history of drug addiction
7.	HUYNH (26) [2007] NSWSC 409 Buddin J	VG Murder PG Demand money with menaces	22y NPP 16y FT 6y <u>Total</u> 24y NPP 18y		Minor	Strangulation Intent GBH	SNPP 20 years Involved in kidnapping of female student – body found in boot of car, strangled, several days later – made financial demands to victim's father – circumstances of killing unclear – killing not premeditated Vietnamese born – isolation – good prospects of rehabilitation – ill health – protective custody

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8.	KALIYANDA (41 – 51) [2007] NSWSC 393 Grove J [2007] NSWCCA 300	VG	20y NPP 14y	AD	No significant prior convictions	Asphyxiation Either intent to kill of GBH	(1997) Killed female acquaintance in flat by strangulation or smothering – body wrapped and left under bed covering – body not discovered for 17 days – used victims credit card to steal money – circumstances and motive for killing unclear Poor health
9.	BUNCE (37 at offence – 47 at sentence) [2007] NSWSC 469 Price J [2009] NSWCCA 281	PG (25%)	24y NPP 18y	AD	Criminal record	Strangulation Intent to kill	(1997) - Strangled sister-in-law – victim tied to bed in preparation for voluntary pornographic video – voluntary sexual intercourse - carefully planned offence – intent to kill prior to travelling to house – revenge – high degree of criminality Psychopathic personality
10.	ROBINSON (32) [2007] NSWSC 460 Hall J	PG (20%)	21y NPP 16y		Nil	Stabbing Intent to kill	SNPP 20 years Stabbed estranged de facto wife over 11 times at home unit – went to unit intending violence – history of violent abuse – breach of bail and AVO prohibiting approach to victim – pre-meditated offence Some remorse
11.	HOURI (19) [2007] NSWSC 615 Buddin J Co-offender: A [2006]	PG Murder Sched: 3 x BES	18y NPP 12y 6m		Nil relevant	Stabbing Felony murder / intent GBH	SNPP 20 years Stabbed console operator during armed robbery of service station – unprovoked attack on co-operating victim – use of weapon – in company – vulnerable victim – mid range offence Troubled childhood with heavy drug and alcohol addiction – reasonable prospects of rehabilitation – serious physical disability resulting from shooting subsequent to offence - depression
12.	FLEMING (30) [2007] NSWSC 673 Studdert J	VG	21y NPP 16y		One prior for rape in 1976	Strangulation	(1984) - Predator took female walking home from car at night – strangled then sexually assaulted body Physical disability including amputated leg – serious personality disorder

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13.	TAN (38) [2007] NSWSC 684 Price J [2010] NSWCCA 207 Co-offenders: SATORRE [2005] AB [2005]	VG	Life	AD	Priors – no violence – drug offence – breached bonds	Acid attack Joint criminal enterprise to inflict GBH	Arranged and paid \$10,000 for attack on male victim – intended to flush from hiding victim’s brother in law who owed over \$500,000 – hydrochloric acid poured over victim’s face – wife and victim threatened with gun - victim’s skull fractured by blow to head with gun - died three weeks later - intended to cause grievous bodily harm only – a principal – extreme cruelty – inhumanity of using acid to hideously disfigure and inflict awful pain - slow and horrible death Indonesian – prospects of rehabilitation
14.	BURNES (22) [2007] NSWSC 298 Fullerton J	PG (50% combined)	18y NPP 13y 6m		Priors – no violence	Shooting Intent to kill	SNPP 20 years Shot male at point blank range at request of co-offender – argument between co-offender and deceased over drug business – received \$4,000 reward Early drug abuse – mental illness of marginal mitigation – genuine remorse – assistance
15.	BARTON (47) [2007] NSWSC 651 Buddin J [2009] NSWCCA 164	VG Murder Manslaughter Att Murder	37y NPP 30y FT 5y FT 13y <u>Total:</u> 42y NPP 35y	AD	Old offence involving fire	Fire Intent to kill	SNPP 20 years Shot male acquaintance in back of head during argument – manslaughter by provocation – victim a violent man blackmailing offender over many years – genuine fear for safety – cared for victim’s children during following day – dosed children with methadone and set fire to house – intent to cover killing of male – 3y girl killed in fire (murder) – 5y boy rescued by offender (att murder) – significant element of planning – relationship between manslaughter and subsequent offences – murder objectively worst case Ill health – protective custody – personality deficits exacerbated by victim’s behaviour and death of mother
16.	ZARO (18) [2007] NSWSC 756 Howie J [2009] NSWCCA 219	VG	22y NPP 16y 6m	AD	Nil	Stabbing Intent to kill	SNPP 20 years Fatally stabbed male friend after evening of drinking and playing computer games – made younger friend watch deliberate killing – angered by perceived breakdown in relationship with girlfriend – intoxicated – above mid-range seriousness Born in Iraq – no mental disorder – family support

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17.	MCDONALD (40) [2007] NSWSC 813 Price J [2015] NSWCCA 80	PG (20%)	24y NPP 18y	AD	Lengthy – including violence – breached bonds	Stabbing Intent to kill	SNPP 20 years Stabbed male in violent attack – angered by victim’s assault on friend – deliberately armed with knife – assaulted by victim with knife - formed intent during attack – unplanned offence – upper mid-range of seriousness Difficult and disadvantaged personal history – contrition – poor prospects of rehabilitation
18.	HARVEY (18) [2007] NSWSC 871 Howie J	PG (15%)	16y NPP 10y		Minor	Assault Intent GBH	SNPP 20 years After evening of drinking assaulted male friend with piece of wood – fatal head injuries – no motive – suffering severe mental illness – paranoid schizophrenia – spontaneous offence – well below mid-range Long history of mental illness
19.	F.A.P (24) [2007] NSWSC 905 Howie J	PG (10%)	19y 6m NPP 14y 6m		Record	Assault Intent GBH	SNPP 20 years Caused fatal head injury to 15m son – admitted abusing son physically over week preceding death – frustrated by victim’s crying and behaviour – unplanned offence – slightly below mid-range of seriousness Aboriginal with deprived and troubled upbringing – immature and low intellectual ability
20.	CLARK (21) [2007] NSWSC 954 Patten AJ [2012] NSWCCA 158 Co-offender CLARK [2008]	PG (15-20%)	20y NPP 14y		Nil	Shooting Intent to kill	SNPP 20 years Deliberately shot grandfather at his home after watching TV with victim – execution style killing – motive unclear – acting with father – premeditation – towards upper end of scale of seriousness Good character – prospects of rehabilitation

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21.	EAST (29) [2007] NSWSC 1051 Barr J	VG Murder Unauthorised poss firearm PG Assault 4 x Unauth poss firearm Fire firearm disregarding safety Arson Fire firearm likely to injure Sched: 4 offences	16y NPP 11y 6m 1y 6m NPP 1y 1.5m FT 5m 2y NPP 1y 6m 3y 6m NPP 2y 7.5m 1y 8m NPP 1y 3m 1y 8m NPP 1y 3m <u>Total:</u> 18y NPP 13y 6m		Minor	Shooting Intent to kill	SNPP 20 years Arranged to meet victim at his rural property late at night – shot once in back and once in face – well planned offence – motive unclear – In separate incident threatened 2 males with loaded pistol over quality of truck repairs – fired shot through window – found in possession of firearms at house – in separate incident attempted to damage prime mover by fire Culpability reduced by mental illness – originally found unfit to plead – good work history – prospects of rehabilitation poor
22.	SSA (17) [2007] NSWSC 1202 Hidden J	VG	18y NPP 13y		Brief	Stabbing Intent GBH	SNPP 20 years Stabbed young stranger during fight in amusement arcade – in company – carrying knives for protection – single stab to chest – spontaneous offence Disturbed childhood – Phillipino – became involved in gang culture and early drug abuse – evidence of rehabilitation and remorse Co-offender dealt with for manslaughter – SIOSE

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23.	DN (24) [2007] NSWSC 1252 Hidden J	PG (20%) Murder Att murder	20y NPP 15y 12y NPP 8y <u>Total</u> 25y NPP 20y		Nil	Stabbing	SNPP 20 years Stabbed partner in face – fatally stabbed 11y step son – no explanation for uncharacteristic attack or violent rage – intoxicated and suffering cannabis withdrawal and depression – above mid- range Aboriginal with no history for violence – deep remorse
24.	CARRUTHERS [2007] NSWCCA 276	PG (combined discount 37.5%)	25y NPP 18y 9m	AA 20y NPP 15y		Shooting and car Intent to kill Accessory	Victim a witness in mal wounding charge against co-offender - took victim to co-offender to remote area – victim shot by co-offender then run over by offender in car and possibly assaulted with metal bar — offender initially unaware of plan to kill victim – voluntarily continued assistance after shooting - motivated by desire to assist drug supplier and element of fear – also motivated to ensure victim did not live to inform authorities - lesser offender Genuine remorse – prospects of rehabilitation – assistance - parity
25.	McCALL (32) [2007] NSWSC 1269 Barr J [2010] NSWCCA 174	VG	29y 4m NPP 22y	AD	Priors	Assault Intent to kill	SNPP 20 years Victim lured to car park and kidnapped – with co-offender took victim to cliff area – became angry and pushed victim over cliff – carefully planned kidnapping for financial reward – no clear explanation for killing
26.	LEA-CATON (28) [2007] NSWSC 1294 Buddin J Co-offender: SNIBSON [2008]	PG (combined 40%) 2 x Murder 2 x Sp agg kidnapping	18y NPP 12y 6m FT 5y <u>Total:</u> 22y NPP 16y 6m		Record	Suffocation / Strangulation Joint criminal enterprise	SNPP 20 years Assisted two co-offenders in detainment and murder of husband and wife – victims lured to house, assaulted and hog-tied – female suffocated by female co-offender and male strangled by male co-offender – assisted in disposing of bodies and car – principal in second degree Voluntarily surrendered to police - assistance to authorities – brain damage and psychological problems resulting from motor cycle accident Third co-offender, Flentjar, sentenced only for kidnapping offences

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27.	GRUPE (26) [2007] NSWSC 1303 Berman AJ	PG (combined 35%)	19y 6m NPP 14y 6m		Priors for violence	Shooting Joint criminal enterprise / felony murder	(2000) Carefully planned attempt to kidnap victim on behalf of third person while heavily armed – offender deliberately shot at fleeing victim 6 times – co-offender caught victim and shot him 15 times – motivated by greed and financial reward – co-offender subsequently killed by offender in self defence Lesser offender – remorse - assistance
28.	DARCY (44) [2007] NSWSC 1392 Berman AJ	PG (15%)	20y NPP 15y		Non-custodial record	Stabbing Intent to kill	SNPP 20 years Stabbed de facto partner in neck – heavily intoxicated – element of pre-mediation after earlier argument – prevented calling of ambulance – slightly below mid-range Aboriginal – suffers epilepsy – long history of alcohol abuse
29.	SHEPHERD (36) [2007] NSWSC 1416 Hidden J	PG (20%)	19y NPP 14y		Not significant	Strangulation Intent to kill	SNPP 20 years Strangled female friend in her home – circumstances and motive for offence unclear – spontaneous offence Reasonable prospects of rehabilitation
30.	RAJU (47) [2007] NSWSC 1418 Bell J [2010] NSWCCA 38	VG	21y NPP 16y	Conviction AD	Record including assault of victim – breached bond	Unknown Intent to kill	(2002) Killed de facto wife after she planned to leave relationship with four children – disposed of body – method of killing and location of body unknown
31.	RHB (25 / 37 at offences - 41 at sentence) [2007] NSWSC 1466 Hall J (2008) 189 A Crim R 178 [2008] NSWCCA 236	VG Manslaughter Murder	6y NPP 4y 6m 30y NPP 20y <u>Total:</u> 34y 6m NPP 24y 6m	Crown AD AA 6y NPP 4y 6m 26y 8m NPP 20y <u>Total:</u> 31y 2m NPP 24y 6m	Minor – no violence	Assault Either to kill or GBH	SNPP 20 years Killed 14m step son – traumatic injuries to head – circumstances of killing unclear – 12y later killed 2y son of sister in law – traumatic head injury – circumstances unclear – both children in care of offender – unlawful and dangerous act manslaughter
32.	TRINH (46) [2007] NSWSC 1495 Rothman J	VG	20y NPP 15y		Drug related	Stabbing Intent GBH	SNPP 20 years Living with deceased in cramped conditions – during physical argument spontaneous stabbing – 3 stab wounds – full and immediate co-operation – below mid-range Long standing drug abuse – isolated

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