

Murder: 2010

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.	LR (16) [2010] NSWSC 22 Howie J Co-offender: KR	PG (20%) Murder Assault w/l to rob in co	14y 3m NPP 10y 6m FT 6m		nil	Assault Intent GBH	Agreed with co-offender to find person to rob - assaulted male stranger and stole mobile phone – assault initiated by co-offender who stomped on head of victim – offender joined assault and kicked victim once to head - assaulted male bike rider with intent to rob shortly before killing Aboriginal – some evidence of rehabilitation in custody and remorse
2.	CHEN (29) [2010] NSWSC 64 Rothman J	VG	23y 4m NPP 17y 6m		nil	Choking / Strangulation Intent GBH	SNPP 20 years Strangled de facto wife at her residence – drove body 8km to his residence – placed body in bed covered with ice, flowers and favourite food – intoxicated – no clear motive for offence – spontaneous offence – no history of domestic violence – slightly below mid-range Prior good character – contrition – suffers psychosis – good prospects of rehabilitation – Chinese national with little English

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3.	WONG (18) [2010] NSWSC 171 Buddin J Co-Offender: LEE [2010]	PG (20%) Murder s.33	19y 6m NPP 14y 6y NPP 4y 6m <u>Total:</u> 21y NPP 15y 6m		Minor – breached conditional liberty	Stabbing Intent GBH	SNPP 20 years Followed three male Koreans from fast food restaurant after arranging to meet co-offender – approached victims and stabbed one male in chest – second male tripped while fleeing and struck by co-offender with hammer – stabbed by offender multiple times – claimed angered because first victim stared at him in fast food restaurant – slightly below mid-range Chinese parents – drug user causing hypersensitivity and paranoia
4.	KR (17) [2010] NSWSC 188 Howie J [2012] NSWCCA 32 Co-offender: LR	PG (15%) Murder Ass w/i Rob Ass w/l Rob	18y 9m NPP 12y 12m 6m <u>Total:</u> 19y 6m NPP 12y 9m	AD	nil	Assault Intent GBH	Agreed with co-offender to rob someone – kicked male victim to death in driveway of house – assault included stomping on head – subsequently attempted to rob cyclist - pushed female from behind, punched her twice to head and kicked in cheekbone Aboriginal – drug and alcohol abuse - remorse
5.	TONGAHAI (26) [2010] NSWSC 227 Buddin J [2014] NSWCCA 81	VG Murder AOABH	24y 6m NPP 18y 6m FT 15m <u>Total:</u> 25y NPP 19y	Conviction AD	Assault offences – breached parole	Shooting Intent to kill	SNPP 20 years Shot male acquaintance three times at close range – feared violence from victim after unprovoked attack on offender by victim several years earlier – entered nightclub with gun in attempt to retrieve money owed by third person – left nightclub when brawl broke out but returned to assist friends – while attempting to flee pushed to ground female who had jumped on his back – spontaneous offence – slightly below mid-range Substance abuse – born in Niue
6.	WARD (39) [2010] NSWSC 304 Howie J [2013] NSWCCA 46	VG	25y NPP 18y 9m	AD	Traffic matters – mal wounding of husband – bad driving record	Driving Intent GBH	SNPP 20 years Female driver of car became involved in dispute with group of male pedestrians in early hours of morning – drove at male victim twice before crushing him under car – excessive response to trivial provocation – mid-range Intoxicated and under influence of cannabis – unlicensed driver – aggressive when intoxicated – immediate remorse - suffers bipolar disorder

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7.	JONES (37) [2010] NSWSC 432 Barr AJ	PG	21y 4m NPP 16y		Violence and drugs – breached bond	Assault Intent GBH	SNPP 20 years Killed 56y flatmate in fatal assault – lost temper – methadone toxicity contributing cause of death – spontaneous offence – a little below mid-range
8.	TATCHELL (18) WILDSMITH (20) [2010] NSWSC 495 Kirby J (Wildsmith) [2012] NSWCCA 116	VG	18y NPP 13y 6m 16y NPP 12y	AD	Breached bail Breached bond for assault	Assault Intent GBH / joint criminal enterprise	SNPP 20 years Victim fatally assaulted by group of youths – retaliation for victim’s abuse of ex-partner known to co-offenders – after discussion at fast food restaurant weapons collected at nearby house and victim assaulted while walking along road – opportunistic offence of short duration – metal pole, wooden axe handle and golf club used T – intent GBH – multiple blows with weapon – below mid- range – drug addiction / depression – some behaviour problems in custody - remorse W – not as involved – joint criminal enterprise aware possibility co-offender would use weapon to do grievous bodily harm – reluctant – supported Tatchell – assaulted in custody as result of offence – guarded prospects of rehabilitation Co offenders AA, SS and AC convicted of manslaughter
9.	MJR (17) [2010] NSWSC 653 Johnson J	PG (15%)	16y 2m NPP 11y 1m			Shot Intent to kill	Shot father whilst asleep at close range to back of head – no real evidence of abuse by father - bottom of middle range of objective seriousness Mental health - juvenile bipolar disorder and depression, affected judgment and contributed to commission of offence - recommendation offender be detained in Forensic Hospital for as long as reasonably possible
10.	LEE (18) [2010] NSWSC 632 Price J [2011] NSWCCA 169 Co-offender: WONG [2010]	PG (12.5%) Sched: Assault s 61	19y 3m NPP 13y 3m	AA 17y 6m NPP 12y 3m	Nil	Stabbing Intent GBH	SNPP 20 years With co-offender confronted victim and friends because thought victim had been “staring” – co-offender stabbed victim to heart – with co-offender chased victim – offender struck victim with hammer – co-offender inflicted more stab wounds – victim died from stab wound to heart - lesser role than co-offender. Remorse

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11.	KWON (29) [2010] NSWSC 671 RA Hulme J	VG	22y NPP 16y 6m		Nil	Strangled Intent to kill	SNPP 20 years Strangled female Korean prostitute met in brothel - had dinner with victim – argument after offender said he no longer wished to have contact with victim – victim made disparaging comments about offender’s wife - reasons leading to killing not entirely clear – intent to kill formed spur of the moment - just below mid-range objective seriousness Arrived in Australia 2005 – no family
12.	MCGUREN [2010] NSWSC 744 Fullerton J	PG (no discount)	34y NPP 25y 6m		Lengthy. - attempt strangle, AOABH, breach AVO	Shooting and assault Intent to kill	SNPP 20 years Broke into home of ex-partner’s new partner – shot victim in neck – bashed victim in head with rifle butt number of times causing death - premeditated – upper end of upper range of objective seriousness Tendency to uncontrolled violence.
13.	SULLIVAN (51) [2010] NSWSC 755 Fullerton J [2012] NSWCCA 41	VG	25y NPP 18y 9m	AD	Manslaughter - possess drugs - dishonesty	Stabbing Intent to kill	SNPP 20 years Supplied drugs to victim – believed victim had stolen his wallet – stabbed victim to chest - not premeditated in sense of being planned in advance, but intended to confront victim – Mid-range offence. Mental health - brain damage had some causal connection with offence - behavioural and personality dysfunction - tendency to violence and unrestrained hostility when crossed – previously convicted of manslaughter diminished responsibility (where victim stabbed over unpaid rent).
14.	YUKE (30) [2010] NSWSC 754 Barr AJ	VG	24y NPP 14y		Violence, property, breach AVO, weapons, public nuisance - Local Ct matters only	Stabbing Intent GBH	SNPP 20 years Stabbed partner with single blow during argument – heavily intoxicated - history of some violence in relationship - below mid-range – no intent to kill Substantial intellectual deficit – alcohol abuse

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15.	DENNISON (28) [2010] NSWSC 780 Fullerton J	PG (20%) Murder 8 x s.61J 2 x s.61K(b) 4 x s.86(1)(b) s.35(2) s.113(2) 2 x s.97(1) Sched: 8 offences	18y NPP 11y Total: 28y NPP 21y		AOABH, possess knife, driving, resist police.	Fall No intent to kill	SNPP 20 years Followed four persons into security apartment – threatened with knife – forced sexual acts with three victims – murder victim escaped through balcony door and fell from balcony - died from injuries – another victim also sustained serious injuries after falling from balcony - lower end of mid-range – no intent to kill Aboriginal background – troubled background. drug dependent (“ice”) - capacity for exercising judgment was probably severely compromised by being in the grips of “ice” on the day of offence
16.	POTTS (40) [2010] NSWSC 731 Kirby J [2012] NSWCCA 229	VG	28y NPP 21y	AD	Manslaughter of father – substantial impairment	Stabbed Intent to kill	SNPP 20 years Stabbed sex worker in the back twice in his apartment – had sex post mortem and attempted to conceal body under bed – impulsive offence Paranoid schizophrenia caused significant impairment at time of offence – high risk of further violent offence
17.	DB (16) [2010] NSWSC 812 Barr AJ	PG Murder Wound w/ murder Sched Assault	20y NPP 12y FT 12y Total: 24y NPP 16y		nil	Stabbing Intent to kill	Broke into home of ex-girlfriend armed with carving knife at night – fatally stabbed father of ex-girlfriend in confrontation – stabbed mother in bedroom then pursued her outside and stabbed in back and continued to stab – taunted ex-girlfriend about killings, pushed her up against wall, slapped her face and forcefully kissed her on lips – disabled telephones Vindictively jealous and made numerous threats against various people before incident – otherwise prior good character – no mental illness – remarkable progress in gaol
18.	LECHMANA (37) [2010] NSWSC 849 Latham J [2019] NSWCCA 112	VG	23y NPP 17y 3m	AD		Strangulation Intent to kill	SNPP 20 years Strangled wife when she threatened to leave him with child – jury rejected substantial impairment defence – attempted to strangle and threatened victim with knife four months earlier – marginally below mid-range Suffering depression – born in Malaysia – difficulties adapting to Australia – absence of remorse

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19.	DAY (46) [2010] NSWSC 983 Buddin J	PG (25%)	19y 4m NPP 14y 6m		Criminal record	Strangulation Intent to kill	SNPP 20 years Strangled estranged de facto wife during argument and left her body hidden in unit – body undiscovered for four weeks – spontaneous offence – slightly below mid-range Some prospects of rehabilitation
20.	CAMPBELL [2010] NSWSC 995 Latham J [2014] NSWCCA 175	VG	33y NPP 24y	Conviction AD	Minor record	Pushed off cliff Intent to kill	SNPP 20 years Pushed wife off cliff while camping in national park – motivated by financial gain – lied and deceived victim in order to obtain large amounts of money – planned killing over several months – well above mid-range
21.	BORG (53) [2010] NSWSC 951 Studdert AJ	VG	21y NPP 16y		Minor and old record	Strangulation Intent to kill	SNPP 20 years Strangled ex-de facto partner and business partner during struggle – serious dispute over business arrangement where victim indicated offender would be replaced – became enraged – spontaneous offence – element of provocation – below mid-range Suffering anxiety and personality disorder at time of offending
22.	HOLCROFT [2010] NSWSC 1294 Hulme J [2013] NSWCCA 45	VG	22y NPP 17y	AD	Minor	Assault Intent GBH	SNPP 20 years Victim beaten and kicked on bridge, then carried four metres and thrown off bridge into river - drowned - offender lost any reasonable degree of self control - offence committed in company - below mid-point objective seriousness - no premeditation or intention to kill Limited remorse - unlikely to re-offend - good prospects of rehabilitation -- mental condition
23.	DONG (48) [2010] NSWSC 1242 Price J	VG	24y NPP 17y		Nil	Assault Intent to kill	SNPP 20 years Struck victim at least nine times to the head with a hammer during argument over payment for house renovations – body placed in water in bathtub and attempt made to clean up house – struck number of blows to head while victim on ground – ferocious attack – unplanned – element of provocation in unreasonable demands of victim – mid range seriousness Prior good character – reasonable prospects of rehabilitation

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