

Murder: 2015

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.	JOHNSON (25) [2015] NSWSC 31 Hamill J	PG (slightly less than 20%) Sched: Assault (on same victim)	21y NPP 15y 9m		Previous domestic violence assaults	Assault Intent GBH	SNPP 20 years In relationship with female victim for 6 months - repeated offences of domestic violence – argument – drinking alcohol –no premeditation – brutal assault - immediately after offence accepted responsibility - attempted to revive victim - admitted killing to several people - mid-range Remorse - Aboriginal background - early exposure to alcohol, drugs and violence – good prospects rehabilitation.
2.	MAHON (43) [2015] NSWSC 25 Garling J	PG (25%)	22y 6m NPP 16y 10m		Assault- AOABH – breached bail - previous DV assaults	Assault / Strangulation At least intent to inflict really serious physical injury	SNPP 20 years In relationship with female victim – subject to AVO and bail due to earlier assaults on victim – attended victim's home – drinking and argument - severely beat victim around head and neck and strangled her - after death used iron to inflict burn injury - attempted to conceal body - above mid-range

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3.	CRAMP (39) [2015] NSWSC 271 Adams J [2016] NSWCCA 305	VG	40y NPP 30y	AA 34y NPP 25y 6m	Record for violence	Stabbing Intent to kill	SNPP 20 years Attended former workplace during day and stabbed employee through neck severing spinal cord – motive for killing unclear – cut wires to security cameras in view of other employees Affected by ice but not irrational – dangerous On appeal – manifestly excessive
4.	KENNEDY (18) [2015] NSWSC 327 Wilson J [2016] NSWCCA 114 Co-offenders: SMITH [2013] SMITH [2013]	PG (5% on appeal)	21y NPP 15y 9m	AA 20y NPP 15y	Not as serious as co-offenders	Assault Joint criminal enterprise / intent GBH	SNPP 20 years Three men broke into home of 75y male occupant – victim severely assaulted in attempt to obtain access to safe – left for nearly a day – moral culpability high but lower than co-offenders Drug addicted – aboriginal – exposed to drugs early - low intelligence – poor schooling
5.	AX (23) [2015] NSWSC 317 Johnson J Co-offender: SYME	PG (25%)	26y 7m NPP 19y 11m		Destroy property; use offensive weapon	Assault Intent to kill	SNPP 20 years Lived with 76y male victim – planned to defraud victim taking \$30k from bank account using fraudulent cheque – victim discovered money missing from his account – attacked victim with tyre iron - numerous blows to head – substantial violence – motivated by greed and desire to hide fraud - above mid-range Disturbed upbringing – drug abuse – gambling - assistance to authorities – remorse – difficult to predict rehabilitation
6.	FARROW (No.3) [2015] NSWSC 323 Rothman J	VG	22y NPP 15y			Stabbing Not stated	SNPP 20 years Purchased drugs from victim – relationship soured – broke into victim's unit, stabbed victim and stole drugs, money and jewellery – put body in car boot with intention of burying - above mid-range - planned offence – significant number of knife wounds. Significant psychoses - paranoia, schizophrenia and drug induced psychoses

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7.	PLUIS (43) [2015] NSWSC 320 Johnson J	PG (25%)	19y 6m NPP 14y 7m		Robbery, assault, stealing, possess drugs	Assault Intent GBH	SNPP 20 years Lived with 44y male friend – victim wanted offender to move out – offender upset and punched and assaulted victim – no memory of incident - spontaneous offence – both had consumed substantial amounts of alcohol - significant loss of control by offender -significant level of violence involving force to the abdominal and thoracic areas and multiple rib fractures - mid range Highly disturbed upbringing – anger issues - suffered epilepsy but this had no role in offence
8.	MAAKA (18) [2015] NSWSC 358 RA Hulme J	PG (20%) Sched: 16 offences	20y NPP 15y		BES, AOABH, Larceny	Assault Intent GBH	SNPP 20 years Severe and violent attack upon 53y male homeowner during break in– struck victim and smashed drawer on victim’s head - unbridled, gratuitous and extreme violence – acted with 2 co-offenders - affected by drugs - not planned or premeditated Disrupted upbringing – drug abuse
9.	WANG (30) [2015] NSWSC 433 Button J	PG (25%)	20y NPP 15y		Nil relevant	Meat cleaver Intent to kill	SNPP 20 years Killed female with meat cleaver in sustained and violent attack –arrived from China 24 hours previously with intention to continue relationship with victim – killed victim when she indicated end of relationship – acted in blind rage and loss of self-control – spontaneous – above mid-range Immediate confession of guilt – deep remorse – Chinese – isolation – good prospects of rehabilitation – well educated
10.	HAINES (36 at offence – 49 at sentence) [2015] NSWSC 390 RS Hulme AJ [2016] NSWCCA 90	PG (25% on appeal)	17y NPP 12y 9m	AA 15y NPP 11y 3m	Lengthy record but no significant violence or robbery	Stabbing Intent GBH	(2001) – female – stabbed shopkeeper in chest – grabbed knife from shop – motive and circumstances of killing unclear Originally found unfit to plead and given limiting term of 17y – found fit to plead in 2013 Aboriginal with neglected and difficult childhood – low intelligence – constant absconder from school and home On appeal - exceptional case - reason for delay in entering guilty plea must be taken into account

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11.	HIROKI (41) [2015] NSWSC 496 Mathews AJ	VG	23y NPP 17y		Assault, affray.	Assault At least intent to inflict GBH – no real distinction	SNPP 20 years Killed victim offender had only just met – precise circumstances of killing not known – drinking and taking drugs at gathering at offender’s home – argument - severe bashing - three fractures to head – buried body under house – possible weapons bowling ball and bottle - offender’s female cousin present during offence – spontaneous offence - mid range Previously a talented sportsman and artist but suffered severe back injury.
12.	MARTIN [2015] NSWSC 521 Schmidt J	VG	27y NPP 20y 3m		assault, drugs, theft	Assault Intent to kill	SNPP 20 years Killed victim who lived on isolated rural property – physical altercation where both affected by alcohol – smashed victim’s head number of times with heavy concrete block – offence not planned - above mid-range Troubled youth – drug and alcohol abuse – supportive family – prospects of rehabilitation
13.	DO (No.4) (58) [2015] NSWSC 512 Davies J	VG	23y NPP 16y		nil	Stabbing, assault and asphyxiation Intent to kill	SNPP 20 years Difficult, deteriorating and unequal relationship with wife – socially isolated – totally dependent upon wife – stabbed wife four times to head, blunt force injuries and asphyxiation – impulsive attack during argument at home – below mid-range Vietnamese – low intelligence and possible brain damage from war - lived in America prior to marriage – custodial isolation – reasonable prospects of rehabilitation
14.	KELSALL (20) [2015] NSWSC 480 RA Hulme J [2017] NSWCCA 240	VG Murder Indecent assault	40y NPP 30y FT 1y <u>Total:</u> 40y 3m NPP 30y 3m	AD	nil	Stabbing Intent to kill	SNPP 20 years Followed male stranger home late at night – entered through unlocked door – found male stranger in bedroom asleep or intoxicated – touched penis and stabbed multiple times (more than 20 wounds) – no motive although had previously reported thoughts of killing random stranger No remorse – questionable prospects of rehabilitation

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15.	SPICER [2015] NSWSC 519 Harrison J Co-offenders: PROUD [2017] RAWLINSON [2014] EVANS [2014]	VG	32y NPP 24y		AOABH	Arson Joint criminal enterprise Intent to kill	SNPP 20 years S and E set fire to victim's home throwing petrol while victim asleep – part of plan by co-offenders R and E to kill victim – S recruited - considerable planning. Dysfunctional upbringing.
16.	MOORE (No.2) (24) [2015] NSWSC 214 Garling J [2016] NSWCCA 185 Co-offenders: MOORE [2016] PRICE [2016]	VG	24y NPP 18y	AD	Lengthy record involving violence – breached bond	Assault Intent GBH	SNPP 20 years Assaulted male acquaintance on head with mattock handle during argument outside victim's house – argument over supply of cannabis commenced several hours previously by phone texts – threats made by victim – mother of offender planned and encouraged confrontation – all participants armed – slightly above mid-range Some prospects of rehabilitation – remorse – some co-operation in conduct of trial – chaotic, tragic and dysfunctional personal history
17.	EVANS (22) [2015] NSWSC 254 Davies J	PG (5%) Murder Steal from dwelling house Sched: 1 offence	25y NPP 18y 9m FT 3y <u>Total:</u> 26y NPP 19y 9m		Lengthy - AOABH, common assault, larceny - on bail.	Strangulation Intent to kill	SNPP 20 years Female – met 33y female at hotel for first time – went to park with victim, 3 other males and offender's younger sister – group consumed drugs – group travelled to victim's home – sexual activity took place between offender, victim and male D – offender strangled victim with belt with assistance from D – washed body in shower – group dug hole on property and buried victim – stole firearms and other property - high mid-range Disturbed upbringing - drug abuse - discount for assistance to authorities Co-offender Duffy sentenced for manslaughter

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18.	SUMPTON (No.4) (50) [2015] NSWSC 684 Hamill J [2016] NSWCCA 162	VG Murder 2 x Damage property by fire	27y 6m NPP 19y 4y 6m <u>Total:</u> 29y NPP 20y 6m	AD	Assault police, AOABH, assault, indecent dealing child under 12, dishonesty	Stabbing / assault Intent to kill	SNPP 20 years Met female victim for first time – drank together – both severely intoxicated – went to victim’s home – struck victim in face with statue – stabbed victim 24 times to body and area of vagina – sexually motivated offence although precise nature of motivation unclear – set fire to home to hide offence – body unrecognisable - above mid-range - spontaneous offence. No remorse - ill-health.
19.	SCOTT (No.6) (41) [2015] NSWSC 678 Wilson J [2017] NSWCCA 296	VG	24y NPP 18y	Conviction AD	Lengthy record for violence	Stabbing Intent GBH	SNPP 20 years Stabbed male once in chest during fight in car-park – all participants intoxicated Pattern of violent behaviour both in and out of gaol – alcohol abuse
20.	SB (16) AE (16) [2015] NSWSC 659 Hall J (AE) [2016] NSWCCA 228	VG VG	12y NPP 8y 12y NPP 8y	Conviction AD	Nil Nil	Assault Joint criminal enterprise	Part of group of males involved in bashing and fatal assault of 17y male at party – group kicked and bashed victim – struck on head by co-offender JP with wine bottle causing death. Each offender had favourable rehabilitation and strong subjective circumstances.
21.	CULLEN (50) [2015] NSWSC 768 Harrison J	VG	30y NPP 22y 6m		Nil in Australia – old record in England	Stabbing Intent to kill	SNPP 20 years Stabbed estranged wife – assaulted victim in garage of apartment block and forced her into boot of car – purchased fishing knives drove to reserve and fatally stabbed wife in frenzied and brutal attack – resentment and frustration over relationship breakdown – above mid-range

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22.	ALKANAAN (No.7) (27) [2015] NSWSC 904 Garling J [2017] NSWCCA 56	VG Murder PG (10%) Consp tamper with witness	28y NPP 21y FT 1y 10m Total: 28y 9m NPP 21y 9m	AD	Record including violence – breached bond	Shooting Intent to kill	SNPP 20 years Shot dead drug dealer at point blank range with shot gun outside house of offender – unplanned offence – angered that victim came to house to collect drug debt – victim’s wife and 18m child in car – had called in associate as backup - fled scene and attempted to leave country – attempted to influence victim’s wife against giving evidence – murder above mid-range Exposed to war and conflict in during childhood in Iraq – mental health issues needing treatment in custody
23.	MURRAY (51) [2015] NSWSC 1034 Schmidt J	PG (12.5%)	25y 4m NPP 19y		violence	Stabbing Intent to kill	SNPP 20 years Killed de facto female partner – argument – stab wounds to victim’s back - one wound was fatal – victim’s consumption of methadone and alcohol reduced ability to perceive threat to safety and defend herself – offender took large amount of sedative – let victim bleed to death - could have summoned help – above mid-range Ongoing drug abuse associated with violent offending - repeated incarceration - mental disorders
24.	BEATTIE (26) [2015] NSWSC 961 Button J [2021] NSWCCA 291	VG	20y NPP 15y	Conviction AD	Record includes assault and drug offence	Assault Intent GBH	SNPP 20 years Sustained assault on close male friend in front of victim’s mother and pregnant partner – used fan as a weapon – victim declined to respond to assault – offender aggressive with police and locked them out of flat – assaulted police while in custody – heavily intoxicated and under influence of prescription and non-prescription drugs – irrational outburst caused by gross intoxication – below mid-range Offered to plead to manslaughter – remorse – suffering long term alcohol and drug addiction and bi-polar disorder – threatened wife when she ended relationship

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25.	<p>MOORE (51)</p> <p>PRICE (44)</p> <p>[2015] NSWSC 1101 Garling J</p> <p>(Moore) [2016] NSWCCA 300</p> <p>Co-accused: (J) MOORE</p>	<p>VG</p> <p>VG</p>	<p>22y NPP 15y</p> <p>18y NPP 12y</p>	AD	<p>Not significant</p> <p>Nil - driving offence only.</p>	<p>Assault</p> <p>Accessory</p> <p>Intent inflict GBH</p>	<p>SNPP 20 years Female offender (M) and her partner (P) accessory to murder by son JM - JM struck 47y male with wooden mattock handle in dispute over drug deal - offenders encouraged and assisted JM – M armed with hobby hammer – P struck victim with fishing rod – victim armed with knives Moore: upper end of mid-range of seriousness of objective criminality - good prospects of rehabilitation, remorse – special circumstances Price: lower end of mid-range of seriousness – played a lesser role - good character - good prospects of rehabilitation – special circumstances</p>
26.	<p>NK (No.3) (27) [2015] NSWSC 1257 Hamill J</p>	<p>PG (60% plea and assist) Murder</p> <p>s.113(3)</p> <p>Supply drug</p> <p>2 x s.33</p> <p>Sched: 9 offences</p>	<p><u>Indicative</u> 14y NPP 10y 6m</p> <p>2y 5m</p> <p>19m NPP 14m</p> <p>4y 10m NPP 3y 7.5m</p> <p><u>Aggregate</u> 21y NPP 15y 9m</p>		<p>Robbery in company, armed robbery. On parole.</p>	<p>Shooting</p> <p>Intent to kill</p>	<p>SNPP 20 years Contract killing of victim orders from leaders of Brothers for Life gang – shot victim in his home in front of partner and close proximity to twin 6y daughters – 4 shots to upper body – duress - threatened by leaders partner's child would be killed if did not carry out execution - well above mid-range but not top of range. Background of deprivation and alienation.</p>

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27.	ARCHER (53) [2015] NSWSC 1487 Wilson J [2017] NSWCCA 151	PG (25%) Murder s.33 Breach AVO	24y NPP 18y 8y NPP 6y 21m Total: 26y 4m NPP 20y 4m	AA 24y NPP 18y 8y NPP 6y 12m	Limited – on bail for recent violence against victim	Stabbing Intent to kill	SNPP 20 years Stabbed estranged partner several times to chest and head while she was sitting at home – vicious but spontaneous attack – cause of argument unclear – purposely obtained knife from kitchen – pursued victim’s friend out of house and stabbed her in abdomen Suffering from depression and recently estranged – intoxicated – gambling problem – genuine remorse for murder
28.	SYME (27) [2015] NSWSC 1609 Adams J Co-offender: AX	PG (15%)	21y NPP 12y		Minor	Assault Accessory Intent inflict GBH	SNPP 20 years Female – 76y male victim bashed by co-offender (husband) so that victim would not discover they had taken money from victim’s bank account – victim bashed to head with tyre lever and metal pipe Dysfunctional background – drug abuse
29.	WONG (20) [2015] NSWSC 1612 RS Hulme AJ	VG	22y NPP 16y 6m		Nil	Stabbing Intent GBH	SNPP 20 years (2006) – student from Malaysia on visa – worked for male victim who owned restaurant – financial pressures – argument with victim over job termination and payment of wages – physical altercation - stabbed victim numerous times – took money and left for Malaysia – extradited to Australia in 2014. Good character – good prospects rehabilitation.

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30.	BREEN (26) [2015] NSWSC 1757 Mathews AJ	PG (no discount) Murder Murder Sched: 9 offences	34y NPP 26y 37y NPP 28y <u>Total</u> 42y NPP 33y		Prior record for violence offences although only bonds	Stabbing Intent to kill	SNPP 20 years Left home angry and intoxicated and armed with hunting knife – threatened and assaulted partner and several strangers with knife in attempt to obtain car – obtained two cars at knifepoint – drove to grandparents’ house with intent to kill but moved on – demanded gun from female friend at knifepoint – smashed way into father’s house and stabbed him repeatedly in presence of 12y half-brother – pursued and stabbed father’s partner multiple times in front of 7y daughter – police pursuit in car – trigger for offences unknown – previously expressed dark thoughts to mother – almost at top of objective seriousness but absence of pre-planning and prospects of rehabilitation Harboured deep-seated anger and resentment towards family – long history of anger and impulse control – substance abuse – significant impact on children who witnessed murder – genuine remorse
31.	PAYAM (37) [2015] NSWSC 1820 Mathews AJ	PG (18%) Murder	19y NPP 13y 6m		Stealing, assault, AOABH	Stabbing Intent to kill	SNPP 20 years Stabbed wife’s ex-husband – upset with victim over continued difficulties with wife and victim’s son - offence committed in public place – slightly below mid-range Difficult past – impulsivity and anxiety problems – irrational - good prospects of rehabilitation
32.	KATSIS (17 at offence – 44 at sentence) [2015] NSWSC 1890 Fagan J [2018] NSWCCA 9	VG Murder s.61D(1)	20y NPP 15y FT 6y (concurrent)	AD	Subsequent record for petty offences involving dishonesty and assault	Strangulation Intent to kill	(1988) – forced entry into neighbouring unit – sexually assaulted and strangled 66y female occupant - set fire to contents of unit Abusing drugs and alcohol at time of offence – subsequent 27y demonstrates no risk of re-offending
33.	BILJUH (42) [2015] NSWSC 1917 Button J [2023] NSWCCA 193	VG Murder	30y NPP 22y 6m	Conviction AD	Minor record – no violence	Strangulation Intent to kill	SNPP 20 years Broke into home of mother in early hours of morning – strangled her and dragged body to granny flat behind house – covered face with duct tape to ensure death – body left for brother to find - carefully planned – attempted to lay false trail – well above mid-range Difficult relationship with family – personal crisis

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