

## Murder: 2025

**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.	GILKES (19) <a href="#">[2025] NSWSC 23</a> Hamill J	PG (25%)	14y 3m NPP 9y 6m		Lengthy record including violence – offence committed while on parole	Shot  Constructive murder	<b>SNPP 20 years</b> Attempted home invasion and robbery of drug dealer with two co-offenders in early hours of morning armed with shotgun – when light came on offender shot at front door from verandah at urging of co-offenders striking victim in leg – victim had approached front door inside house unbeknown to offender – victim died enroute to hospital – no intent to kill or inflict GBH or recklessness – had attempted robbery of same victim several weeks earlier – below mid-range Aboriginal male - background of profound neglect and deprivation – early exposure to violence and drug use – sexual abuse in juvenile detention – cognitive impairment and mental health issues – youth – institutionalised - protection of community – no remorse or prospects of rehabilitation Totality issue raised by delay in charging and sentences for earlier attempted robbery and custodial offences – slight reduction in sentence made instead of backdate

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)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
2.	YOUSEFF (No 4) (19 at offence; 24 at sentence) <a href="#">[2025] NSWSC 125</a> McNaughton J	VG	23y 6m NPP 16y		Stalk/intimidate, agg BE	Shot  Intent GBH	<b>SNPP 20 years</b> With co-offender, both disguised, entered flat of victim's girlfriend S - intention to intimidate S regarding outstanding drug debt of \$1500 – victim ran toward offenders – Y shot victim in shoulder and thigh - no significant planning – did not attend premises intending to kill or cause GBH – intention to kill/cause GBH only formed at time victim disobeyed direction not to move – mid-range Refugee family background – <i>Bugmy</i> - traumatic upbringing – exposure to extreme domestic violence – PTSD, substance dependence disorder – family support - no remorse - special circumstances.
3.	PHAM (26) <a href="#">[2025] NSWSC 180</a> Rigg J	VG	18y NPP 12y		Limited – no violence	Shot  Joint criminal enterprise to kill	<b>SNPP 20 years</b> Male victim shot in carpark of gym while collecting child – planned killing – motive unknown – possible mistaken identity – offender had driven shooter and driver to parked car, waited at unit for them to return an hour later and drove them to another location – returned home and sprayed bleach in car - no involvement in planning and unaware child would be present – utilised by co-offenders to minimize their risk – became aware of intent to murder on day of offence – low level participation – expected money for involvement - not mid-range Moral culpability significantly reduced by intellectual disability, vulnerability to exploitation by others and <i>Bugmy</i> factors in childhood – hardship in custody – good prospects of rehabilitation

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