

Murder

Non-Parole Period Over 20 Years – Under 30 years Post Standard Non Parole Period

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

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|----|--|---|--|---|---|------------------------------|--|
| 1. | ASLETT (33) [2004] NSWSC 1228 Wood CJ at CL [2006] NSWCCA 360 | PG Murder 2 x s.61JA 8 x s.97(2) 2 x s.97(1) Sp agg kidnap Agg car jacking Att obtain \$ by deception 3 x LMV Sched: 9 offences | Life <u>Total other offences:</u> 36y NPP 28y | AA 28y NPP 22y <u>Total:</u> 42y NPP 36y | Lengthy and disturbing – almost continuous custody since 11 years old – recently sentenced for brutal home invasion and sexual assault on 16y female occupant | Gunshot Felony murder | SNPP 20 years Murder involved attempted robbery of male proprietor of pharmacy – struggled with victim in car, took out loaded gun to threaten and gun discharged - other offences committed over 3 months – stole car with female occupant using knife and gun – sexually assaulted complainant twice – robberies of various retail premises using guns and knives Drug abuse – some remorse - finding of dangerousness – psychological profile suggests no hope of rehabilitation <u>Reasons for life sentence at first instance:</u> would not qualify for life sentence standing alone but followed serious robbery and sexual assault offences – dangerousness and negligible prospects of rehabilitation <u>Reduction on appeal:</u> in view of McNaughton cannot use other offences as warranting imposition of a life sentence where offence standing alone would not warrant life sentence |

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| 2. | WILLARD (48) [2005] NSWSC 402 Whealy J Co-offender: WILKINSON TJA | VG Sched: Supply drug | 36y NPP 26y | | Minor dishonesty | Shooting Intent to kill | SNPP 20 years Arranged for friend's boyfriend to kill husband – victim shot while asleep on lounge – seeking insurance money – organiser and instigator |
| 3. | STEER (40) [2006] NSWSC 1198 Whealy J (2008) 191 A Crim R 435 [2008] NSWCCA 295 | VG Murder AR | 29y 4m NPP 22y FT 4y <u>Total</u> 31y 4m NPP 24y | AD | Lengthy | Stabbing Intent to kill | SNPP 20 years Broke into home and stabbed male occupant in neck – set fire to house with body inside – angered at relationship between deceased and ex-girlfriend – above mid-range offences – intent formed after entry to house – on separate occasion robbed bank Single parent with 4 children |
| 4. | NORMAN (50) OLIVIERI (49) [2007] NSWSC 142 Hidden J (Olivieri) [2016] NSWCCA 165 | VG Murder Fraud VG | 35y NPP 29y FT 3y <u>Total:</u> 37y NPP 31y 33y NPP 28y | Conviction AD | Minor Lengthy – dishonesty and drugs | Shooting Access before the fact | 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 |
| 5. | 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 |

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| 6. | CLARK (42) [2008] NSWSC 795 Kirby J [2010] NSWCCA 94 Co-accused: CLARK | VG | 30y NPP 24y | Conviction AD | Significant | Shooting Intent to kill – joint criminal enterprise | SNPP 20 years Recruited 21y son to shoot grandfather – son visited victim at home and shot him in head – financial motivation as well as other emotional issues – planning - above mid-range seriousness Suffering brain damage from motor vehicle accident and physical illnesses |
| 7. | AYTUGRUL (40) [2009] NSWSC 275 RA Hulme J (2010) 205 A Crim R 157 [2010] NSWCCA 272 [2015] NSWCCA 139 | VG | 28y NPP 21y | Conviction AD Sentence AA 27y NPP 20y 3m | Nil | Stabbing Intent to kill | SNPP 20 years Multiple stab wounds of ex-girlfriend in her home unit – prior stalking and obsessive behaviour – slightly above mid-range |
| 8. | WILKINSON (No.5) (28) [2009] NSWSC 432 Johnson J | PG Murder Arson | 28y NPP 21y 6y NPP 4y 6m Total: 28y NPP 24y | | Nil prior – subsequent assault | Unknown Intent to kill | SNPP 20 years Killed pregnant lover to prevent complications to marriage – circumstances of killing unclear – body never found – took phone and made phone calls to leave false trail – set fire to house and blamed victim – supplied multiple false accounts to police - murder above mid-range – arson towards top of range No contrition or remorse – aboriginal liaison officer with police force – onerous custodial conditions |
| 9. | 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. |
| 10. | 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 |

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| 11. | CAMPBELL (age if known) [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 |
| 12. | RYAN (51) [2011] NSWSC 1249 Latham J [2013] NSWCCA 175 Co-Offender: COULTER BROOKS | VG | 36y NPP 27y | AD | Nil | Shooting Intent to kill | SNPP 20 years Female - paid \$30,000 to have husband shot dead by hit man - \$10,000 knowingly provided by mother (co-offender C) – angered by breakdown in marriage and financial loss – close to worst category |
| 13. | HOBLOS (27) [2012] NSWSC 454 Grove J [2014] NSWCCA 20 | VG | 28y NPP 21y | Conviction AD | | Shooting Intent to kill | SNPP 20 years One of three offenders involved in shooting of male victim at party – two offenders entered party – one offender shot victim point blank range then both left in car driven by third offender – execution murder – unable to identify role of offender – equal culpability – motive unknown |
| 14. | RICHARDSON [2012] NSWSC 521 McCallum J [2013] NSWCCA 218 | VG | 28y NPP 21y | AD | Assault | Unknown Intent to kill | SNPP 20 years Killed girlfriend – circumstances of killing unknown – troubled relationship – prior assault – body dismembered into small parts with circular saw - body parts found 6 months later in garbage bags hidden under bush – forced victim to phone bank asking for new bank card so offender would have access to bank account after victim's death. Little remorse – little prospect rehabilitation – schizoid personality – depression – ill-health. |
| 15. | BROOKS (48) [2012] NSWSC 505 Fullerton J Co-offenders : RYAN COULTER | VG | 38y NPP 28y 6m | | Minor | Shooting Intent to kill | SNPP 20 years Contract killing – paid \$15,000 to kill husband of co-offender – shot victim in back at victim's farm at night – close but not worst category – not sophisticated – minimal planning - parity Drug use – psychiatric problems |

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| 16. | WILLMOTT (35) [2012] NSWSC 824 Price J [2013] NSWCCA 244 | PG (20%) | 28y NPP 21y | AD | Assault offences – breached parole for GBH | Stabbing Intent to kill | SNPP 20 years Male victim became aggressive towards offender during drinking session with friends at cabin in caravan park – offender returned to mother’s caravan and armed himself with two small steak knives – met up again with victim and angry confrontation broke out – frenzied and sustained stabbing attack – attempted to cut off head in front of witnesses - small degree of provocation – spontaneous Under influence of alcohol and ice |
| 17. | AMOS (20) [2012] NSWSC 1021 Hall J [2014] NSWCCA 302 | VG | 28y NPP 21y | Conviction AD | Nil | Shooting Intent to kill | SNPP 20 years Involved in armed robbery with co-offender of male drug dealer who owed money – formed intent to kill and shot victim eight times – returned to house with co-offender and stole property – victim shot in own home – only robbery planned – high level of culpability – committed for financial gain Deprived and neglected childhood |
| 18. | BILLINGS (37) [2012] NSWSC 1020 Barr AJ | VG Murder AR with wounding Agg SMV Shoot w/l murder AR | <u>Indicative</u> 32y NPP 24y 12y NPP 9y 4y NPP 3y 12y NPP 9y FT 4y <u>Aggregate</u> 40y NPP 30y | | Lengthy – at liberty for only two years of past twelve | Shooting Intent to kill | SNPP 20 years Robbed male taxi driver walking along street in early hours of morning with sawn off rifle – shot warning shots into footpath then shot victim in buttock causing permanent injury – threatened male driver with shot gun – stole car – shot at police officer who was pursuing offender for suspected drug dealing – fatally shot unsuspecting male victim with intention of robbery in presence of co-offender – fired three shots from point blank range – robbed business using gun – intent to kill formed immediately prior to shooting - murder just short of worst case Dangerous offender |

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| 19. | DANNEVIG (21) [2012] NSWSC 1013 Hall J | PG (25%) Sched: Larceny Dishonestly obtain prop | 28y NPP 21y | | Breached parole for kidnapping offence | Drowning Intent GBH | SNPP 20 years Lured 18y female into bush overnight through Facebook and fictitious identity – posed as WIRES employee offering employment and training – drowned victim in creek – unprovoked assault on victim during earlier meeting – sophisticated and protracted scheme Mild intellectual disability – assistance with investigation |
| 20. | PURTILL (39) [2012] NSWSC 1475 Harrison J [2016] NSWCCA 80 | VG | 28y NPP 21y | AD | | Throat cut Intent to kill | SNPP 20 years Cut throat of victim following argument – businessman with whom offender acquainted – with brother drove body to remote location and buried in grave – unexplained crime – possibly drug transaction gone wrong Difficult childhood – drug and alcohol addiction – rehabilitation. Brother sentenced for accessory after fact |
| 21. | WHITE (42) [2012] NSWSC 1573 RA Hulme J | VG | 32y NPP 24y | | Lengthy, violence, previous custody. | Assault Intent to kill | SNPP 20 years Planned killing of drug dealer – lured victim to caravan then bashed him, tied him with cable ties and taped mouth and nose – oversaw other persons in taking of drugs from car and dumping body in bush – fled to Victoria with girlfriend and lived off proceeds of stolen drugs Difficult childhood – drug abuse. |
| 22. | WALSH (34) [2012] NSWSC 1399 Bellew J [2014] NSWCCA 252 | VG Murder s.86(3) | 28y NPP 21y FT 8y (concurrent) | Conviction AD | Lengthy but much less serious | Unclear Constructive murder | SNPP 20 years Met with victim and female co-offender at park to discuss stolen property – victim taken to home of third person and detained in garage – victim killed by offender in altercation – body incinerated Long history of alcohol and drug abuse Co- offender sentenced for accessory after fact - Batcheldor [2015] NSWSC 1688 |

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| 23. | HUDD [2013] NSWCCA 57 | VG Murder 2 x AR s.33 Agg AOABH | 27y NPP 20y 3m 10y NPP 7y 6m 5y NPP 3y 9m 2y NPP 18m <u>Total:</u> 28y 6m NPP 21y 9m | AD | | Shooting Felony Murder | (2002) Two offenders involved in planned armed robbery of electrical store – three employees tied up – one employee shot dead by offender in pursuit Fresh evidence as to ill health |
| 24. | AQUILINA (27) [2013] NSWSC 525 Bellew J | VG | 28y NPP 21y | | No significant history | Strangulation Joint criminal enterprise Intent to kill | SNPP 20 years With mother (D) and friend assaulted and killed D's neighbour – relationship between victim and D had become strained – D complained about behaviour of victim – offender made preparations including recruiting C and taking knife and iron bar to ambush victim – struck victim with iron bar from behind - victim subjected to violence by offenders over several hours - act of strangling victim extended over period of time - offender actively involved in pulling rope causing death - cash taken and victim's bicycle sold – assisted in disposal of body - motivated by vengeance - acting as "executioner" - above mid-range No remorse - depressive illness – some rehabilitation prospects. |
| 25. | HARDING (57) [2013] NSWSC 513 Garling J | PG (25%) | 27y NPP 20y 3m | | Record for violence against women – breached bail | Set alight Intent GBH | SNPP 20 years Poured 250ml bottle methylated spirits over female lover confined to wheelchair and set her alight with cigarette lighter – spent afternoon with victim drinking wine – possibly motivated by jealousy - gratuitous cruelty in leaving house – spontaneous offence – criminality very high Long history of alcohol abuse – acquired brain injury |

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| 26. | KING (27) [2013] NSWSC 801 Bellew J [2015] NSWCCA 99 | VG Murder PG s 35(2) s 59(1) | 32y NPP 24y FT 2y 6 FT 9m <u>Total:</u> 33y 6m NPP 25y 6m | AD | Supply drug, possess firearm – breached bond | Assault Intent to kill | SNPP 20 years Bashed 18y ex-girlfriend - volatile and violent relationship – offender took ice and drank alcohol prior to offence – vicious, unprovoked and inhumane attack – victim suffered severe injuries – above mid-range Rehabilitation – remorse. |
| 27. | KEARNES (No.2) (52) [2013] NSWSC 1652 Button J Co-offender: PATON | VG | 30y NPP 22y 6m | | Dishonesty and violence offences including serious sexual offences | Shooting Intent to kill | SNPP 20 years Travelled to neighbouring town with co-offender to shoot male acquaintance in victim's home unit – not established who fired shots – murder instigated by offender – motive for shooting unclear Suffered violence as a child – drug and alcohol abuse |
| 28. | KAINE (50) [2013] NSWSC 1824 RA Hulme J | VG | 30y NPP 22y 6m | | Violence, BES, damage property | Assault / stabbing Intent to kill | SNPP 20 years Mistakenly believed male aged 62 was paedophile – offender had suffered abuse as a child and had obsessive dislike for paedophiles – savage, sustained and unprovoked assault of disabled older man in his own home – small TV set smashed into victim's face while lying in bed – numerous stab wounds – blunt force trauma to face and head - mistaken vigilantism - serious example of offence Some evidence of mental illness to slightly reduce importance of general deterrence - risk of future offending against other inmates |
| 29. | GIERCZYNSKI (58) [2013] NSWSC 1870 Adamson J | VG Murder s.33 | 28y NPP 21y 4m 3y NPP 2y 3m <u>Total:</u> 28y 6m NPP 21y 10m | | Assault on first wife in Poland | Stabbing Intent to kill | SNPP 20 years Physically and emotionally abused wife throughout long marriage – domineering and hypocritical husband - stabbed wife to death during argument – multiple stab wounds – stabbed son who came to defend mother – spontaneous offence – above mid-range Suffering from morbid jealousy |

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| 30. | MULVIHILL (45) [2014] NSWSC 443 Fullerton J [2016] NSWCCA 259 | VG | 29y NPP 22y | AD | Nil relevant | Stabbing Intent to kill | SNPP 20 years Stabbed estranged girlfriend in her home unit during sustained and violent struggle – careful planning – entered unit with intent to cause harm – history of obsessive behaviour and violence towards female partners |
| 31. | RAWLINSON (42) [2014] NSWSC 979 Harrison J Co-offender: PROUD SPICER EVANS | VG | 36y NPP 27y | | Nil | Arson. Joint criminal enterprise | SNPP 20 years Principal and driving force behind plot to kill victim – in relationship with victim and also in secret relationship with E and manipulated E to believe they could not be together unless victim was killed – E and co-offender S set victim's home alight causing death - above mid-range objective seriousness – calculated planned offence – not present at fire |
| 32. | HILL (33) [2014] NSWSC 1010 Bellew J | PG (10%) | 27y 6m NPP 20y 6m | | nil | Assault Intent GBH | SNPP 25 years Killed 2y son of de facto – physically abused victim over many months – fractured skull and gastric tear caused by two separate blows – significant force used – would have been aware of pain caused by first blow to stomach – second blow inflicted several hours later – spontaneous and unplanned – slightly above mid-range Back injuries causing persistent pain - depression |
| 33. | 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 |
| 34. | SPICER [2015] NSWSC 519 Harrison J Co-offenders: PROUD RAWLINSON EVANS | 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 – with E set fire to V's home alight causing V's death - considerable planning. Dysfunctional upbringing. |

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| 35. | 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 |
| 36. | 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 |
| 37. | ALKANAAN (No.7) (27) [2015] NSWSC 904 Garling J [2017] NSWCCA 56 | VG Murder PG (10%) Consp to tamper with witness | 28y NPP 21y FT 1y 10m <u>Total:</u> 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 |
| 38. | BILJUH (42) [2015] NSWSC 1917 Button J [2023] NSWCCA 193 | VG | 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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| 39. | 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 |
| 40. | MAYBIR (No.8) (29) [2016] NSWSC 166 RA Hulme J | VG Murder s.61O(2A) 5 x s.61 2 x s.91H(2) s.35(3) s.59(1) | <u>Indicative</u> 38y NPP 28y 6m <u>Aggregate:</u> 42y NPP 31y 6m | | Breached bond imposed for breaching AVO | Assault Intent GBH | SNPP 25 years Lived with partner and her young children in small music studio – enforced physical discipline over many months particularly on 7y male victim suffering intellectual disability – cruel, degrading and inhumane treatment – victim died as result of blunt force trauma to head although exact manner of death unclear – failed to obtain medical treatment |
| 41. | TURNBULL (No.26) (79 at offence, 81 at sentence) [2016] NSWSC 847 Johnson J | VG Murder PG (10%) s.86(1) | <u>Indicative</u> 32y NPP 22y 9y <u>Aggregate</u> 35y NPP 24y | | Unlawfully clear native vegetation | Shooting Intent to kill | SNPP 20 years Shooting of environmental officer – multiple shots and wounds – detained an environmental officer for purpose of killing another environmental officer - offences committed whilst criminal proceedings against offender before Land and Environment Court – intent to kill – substantial objective gravity Suffering from adjustment disorder but not serious mental disorder – strong family support. |

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| 42. | KHAN (46) [2016] NSWSC 1073 Fullerton J | VG Murder 2 x Mansl s.35(2) s.35(4) s.197(1)(b) | <u>Indicative:</u> 30y NPP 22y 20y NPP 15y 5y NPP 3y 9m 2y 6m NPP 2y 8m 4y <u>Aggregate</u> 40y NPP 30y | | Nil | Explosion Reckless indifference | SNPP 20 years Lessee of shop caused explosion intending to use insurance money to escape debts – killed male residing in unit above shop and mother and baby residing in unit above adjoining shop – two males also residing in unit above shop injured escaping explosion – manslaughter based on unlawful and dangerous act – murder above mid-range |
| 43. | MURDOCH (30) [2016] NSWSC 1475 Mathews AJ | VG Murder Agg armed robbery | 28y NPP 21y 8y <u>Total:</u> 30y NPP 22y 6m | | Armed robbery, kidnapping, dishonesty. | Shooting At least intent GBH | SNPP 20 years With co-offender robbed store – offender shot store employee during robbery at close range - motive to enable co-offender to escape after he had been lawfully captured - robbed second victim of a sum of cash while armed with pistol - above midline of objective seriousness. Institutionalised - dysfunctional background – illiterate – drug abuse from young age - acquired brain disorder - substance abuse disorder - personality disorder |
| 44. | DAVIS (No 2) (26) [2016] NSWSC 1785 RA Hulme J [2018] NSWCCA 277 | VG 2 x Murder Attempt murder | <u>Indicative</u> 30y NPP 22y 6m 16y NPP 12y <u>Aggregate:</u> 40y NPP 30y | Conviction AD | Nil | Injected with insulin Intent to kill | SNPP 20 years Nursing assistant injected aged care facility residents with insulin – vulnerable victims – extreme breach of trust - no specific motive known – callous offences – not spontaneous - well above midrange Subjective circumstances do little to mitigate penalty - good character. |

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| 45. | HAINES (No.3) (46) [2016] NSWSC 1812 Garling J [2018] NSWCCA 269 | VG 2 x murder | <u>Indicative</u> 30y NPP 22y 6m <u>Aggregate</u> 36y NPP 27y | AD | Minor drug possession | Injected with insulin Intent to kill | SNPP 20 years Female nurse at aged care facility injected two residents with insulin shortly after being advised they had made complaint about her care – caused coma – aggravated by being committed in ‘home’ of victim, abuse of trust and vulnerable victims – deliberate and calculated act but short term planning – no prolonged pain and suffering – significantly above mid-range Difficult childhood – previous findings of misconduct as a nurse and subject to reporting conditions at time of offending |
| 46. | A. CHARBAJI (26) H. CHARBAJI [2016] NSWSC 1867 Rothman J [2019] NSWCCA 28 | VG VG | 32y NPP 24y 36y NPP 27y | AD Sentence AA 34y NPP 25y 6m | Rob in Co – AOABH - possess proh weapon Robbery – assault - steal from person - AOABH in company – stalking - assault police officer - breach ADVO - dishonesty | Stabbing – assault - force- fed drugs Joint criminal enterprise Intent GBH | SNPP 20 years Brothers – male victim beaten by hand and ratchet, stabbed and force-fed lethal amount of drugs (Xanax) – dispute over money victim owed for drugs – bought suitcase and placed body inside – took body to remote area and poured kerosene over body - well-above mid-range in objective seriousness AC: inflicted knife wound – inflicted beating (either by hand or ratchet) that caused further, unnecessary pain - involvement in “torture” greater than co-offender HC: instigator – “owed” debt - lured victim to pub and brought him to apartment where murder took place AC: psychiatric disorders including schizophrenia – difficult background – drug abuse – poor rehabilitation prospects HC: difficult background – drug abuse – poor rehabilitation prospects HC’s Appeal - disparity |
| 47. | DROUDIS (No.16) (33) [2017] NSWSC 20 Johnson J [2020] NSWCCA 322 | VG | 44y NPP 33y | AA 35y NPP 26y 3m | Breached bail Subsequently sentenced for offensive use of postal service | Stabbing and set on fire Intent kill | SNPP 20 years Female - at instigation of partner stabbed partner’s ex-wife in stairwell of units 18 times – set victim alight without knowing if already dead and creating danger to other residents – carefully planned – desire to secure custody of partner’s two children circumventing court order - partner a violent extremist who subsequently died in café siege – highly unusual and influential relationship but no reduction in culpability Attempt made to deflect police investigation showing lack of remorse – prospects of rehabilitation fair – some credit for cooperation during trial On appeal: error in assessment of death of offender’s partner on risk of re-offending and rehabilitation prospects |

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|-----|---|---|---|-------------------------|--------|--|--|
| 48. | CRICKITT (No.2) (56 at offence – 63 at sentence) [2017] NSWSC 542 Hoeben CJ at CL [2018] NSWCCA 240 | VG | 27y NPP 20y 3m | Conviction AD | Nil | Injected insulin Intent to kill | SNPP 20 years Doctor deliberately injected lethal overdose of insulin to wife by subterfuge – motivated by increasing dislike for wife and desire to pursue relationship with lover – premeditated and planned offence up to 48 hrs prior to offending – serious breach of trust – well above mid-range Depressive illness did not affect culpability but impacts custodial conditions – poor physical health – some co-operation at trial |
| 49. | SINCLAIR (a pseudonym) (22) [2017] NSWSC 686 RA Hulme J [2020] NSWCCA 108 Co-offender: EVANS | PG (15% plea and assist) Murder s.112(3) PG (35% comb) s.112(3) 3 x s.86(2) s.86(2) | <u>Indicative:</u> 30y NPP 22y 6m 13y 6m NPP 10y 12y NPP 9y 8y 6m 9y <u>Aggregate</u> 38y NPP 28y 6m | AD | Minor | Assault Accessory | SNPP 20 years Broke into home of co-offender's former employer at night planning to steal from occupants – forced male occupant to show them safe – co-offender bashed male occupant to death with pick handle – also assaulted female occupant causing serious injuries – offender did not intend death but aware co-offender violent and armed with weapon One month earlier broke into family home of offender's ex-girlfriend with co-offender and third offender at night – sleeping male occupant severely assaulted around head by co-offender with pick handle causing serious and probably long-term injuries – all four occupants of house threatened and tied up with duct tape and rope All offences well above mid-range in seriousness Young offender with long term drug addiction – genuine remorse – some good prospects of rehabilitation On appeal: finding of objective gravity open to sentencing judge |
| 50. | LN (40) [2017] NSWSC 1387 Johnson J [2020] NSWCCA 131 | VG | 44y NPP 33y | AA 38y NPP 28y 6m | Nil | Assault Intent to kill | SNPP 25 years LN mother of 3y male victim - AW stepfather and LN's partner - LN killed child – AW guilty by extended joint criminal enterprise – victim assaulted over 51-day period before murder – extensive emotional and physical abuse – fatal injuries committed by LN attacking victim - substantial acceleration/deceleration forces - pattern of assaults taken into consideration in assessing objective seriousness LN: objective seriousness very significantly above mid-range – mental illness - troubled background - drug and alcohol abuse – no insight into offence – no remorse or contrition CCA (LN): error in relation to effect of offender's mental illness on moral culpability |

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| | NAME (age if known) | PLEA | SENTENCE | APPEAL | RECORD | HOW KILLED | INVOLVEMENT & SUMMARY |
|-----|---|---|--|--------|----------------------------|---|---|
| 51. | RHODES (35) [2017] NSWSC 694 Campbell J | PG (25%) Murder Murder Assault Assault police Sched: Property damage Resist arrest | <u>Indicative</u> 24y NPP 18y 30y NPP 22y 6m 14m 2y <u>Aggregate:</u> 40y NPP 30y | | Violence against mother | Assault and stabbing Intent to kill | SNPP 20 years / SNPP 25 years Returned home after drinking and using drugs during day – ice-induced psychosis – chased mother out of house stabbing her multiple times then crushing skull with concrete statue – returned to house and stabbed young male relative in chest with knife – threw him against wall and chased him outside smashing his head with sandstone paver – sustained and persistent although spontaneous assaults – approached and threatened female stranger in her car – threatened male police officer with fibro-cement meter cover – offences conducted in presence of other young children – home of victims – abuse of trust – well above midrange offences Aboriginal with abusive father – long history of drug addictions – suffering ADHD and dyslexia resulting in easy recourse to violence when angry – some remorse |
| 52. | LOCK (TL) (27) [2017] NSWSC 715 Latham J [2020] NSWCCA 265 | VG | 36y NPP 27y | AD | Minor | Assault Intent GBH | SNPP 25 years Bashed 2y child of de facto partner - blunt force trauma caused massive internal bleeding leading to death – history of assaults on victim - more than moderately above mid-range |

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| | NAME (age if known) | PLEA | SENTENCE | APPEAL | RECORD | HOW KILLED | INVOLVEMENT & SUMMARY |
|-----|--|----------------------------------|-------------------------------------|--|---|---|---|
| 53. | M. QAUMI (29) [2017] NSWSC 774 Hamill J [2019] NSWCCA 60 (conviction appeal against murder dismissed) [2020] NSWCCA 163 (conviction appeal against two counts allowed – sentence appeal allowed) | VG Murder | <u>Indicative</u> 38y NPP 26y | AA <u>Indicative:</u> 38y NPP 26y | Early record – seven year gap prior to these offences | Shooting Joint criminal enterprise Intent to kill | SNPP 20 years Member of criminal gang – brother to leader - murder committed for contract payment of substantial amount of money – involved in arranging shooters and weapons Involved in arranging 5 shooting incidents over one month – premeditated and planned incidents in the context of violent gangland war - manslaughter act of excessive self-defence after hearing about contract put out on life of brother by rival gang – shooters opened fire on garage of suburban house killing one occupant killed and seriously injuring second – shooting of several rival gang member at their homes – teenage girl suffered serious and permanent injuries - arranged shooting of rival gang member without knowledge of brother – two males shot and injured waiting in car outside café - involved in arranging drive by shooting at home of mother of intended victim – on arrival shooter hesitated due to presence of women and children and shot at group of gang members nearby injuring one. Found in possession of 1,894.4g relatively new psychoactive substance Contempt committed by violent attack on co-accused in court Refugee from Afghanistan – suffered extreme and traumatic violence as a child – suffering anxiety disorder and depressive illness – reasonable prospects of rehabilitation – harsh custodial conditions On appeal: conviction appeal for s.93GA(1B) and s.33(1) allowed – error in SNPP for several offences |
| | | s.33(1)(b) | 8y NPP 6y | 8y NPP 6y | | | |
| | | s.33(1)(b) | 8y NPP 6y | Conviction AA | | | |
| | | Consp / Solicit / Attempt murder | 10y NPP 7y 6m | 10y NPP 7y 6m | | | |
| | | Solicit murder | 12y NPP 9y | 12y NPP 9y | | | |
| | | 3 x shoot with intent to murder | 12y NPP 9y | 12y NPP 9y | | | |
| | | s.93GA(1B) – fire at dwelling | 6y NPP 4y 6m | Conviction AA | | | |
| | | 2 x unauth poss firearm | 4y NPP 3y | 4y NPP 3y | | | |
| | | Supply lge comm qty drugs | 4y NPP 3y | 4y NPP 3y | | | |
| | | s.93T(4A) direct criminal group | 3y | 3y | | | |
| | VG Manslaughter | 12y | 12y | | | | |
| | | | <u>Aggregate</u> 50y NPP 36y | <u>Aggregate</u> 46y NPP 33y | | | |
| | Co-offender: F.QAUMI NK | PG Contempt | 10m (accumulated) | 10m (accumulated) | | | |

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|-----|--|---|---|----------------------------|--------------------------|--------------------------------|---|
| 54. | PARK (28) [2017] NSWSC 873 Latham J [2019] NSWCCA 105 | PG (10%) | 36y NPP 27y | AA 28y 9m NPP 21y 6m | Nil | Assault Intent to kill | SNPP 20 years South Korean assaulted housemate with sledgehammer – sustained and vicious assault throughout house – pre-meditated to gain access to victim’s car and money – wrapped body in plastic and placed in suitcase in rubbish bin – took steps to cover offence – above mid-range Difficult childhood – remorse – moderate prospects of rehabilitation |
| 55. | WESTERN [2017] NSWSC 1385 Rothman J Co-offender: ROLFE | VG | 34y NPP 25y 6m | | Significant | Shooting Intent GBH | SNPP 20 years Sergeant at arms of Bikie Club – with two others attended workshop of victim with intent to cause GBH – dispute over bike belonging to victim and seized by Club – shot victim twice in stomach and groin – not contract killing but assertion of authority – well above mid-range Disturbed and abusive childhood – significant psychological issues |
| 56. | VILLALUNA (45) [2017] NSWSC 1390 Beech-Jones J | PG (15%) Murder Wound with intent GBH | 34y NPP 24y 12y NPP 9y <u>Total:</u> 40y NPP 30y | | Nil | Stabbing Intent to kill | SNPP 20 years Stalked, abused and tormented female ex-partner – had been very possessive and jealous in relationship – followed ex-partner to dinner date with male victim – stabbed victim 11 times - wounded ex-partner – murder planned – victim complete stranger - had planned for some time to kill any man in presence of ex-partner No remorse - significant prospects of reoffending in unlikely event forms another relationship Comparative cases |
| 57. | MARTIN (25) [2018] NSWSC 84 Hamill J | VG Murder s.27 s.33 | <u>Indicative</u> 32y NPP 24y 15y NPP 11y 3m 8y NPP 6y <u>Aggregate</u> 37y NPP 27y 9m | | No significant record | Stabbing Intent to kill | SNPP 20 years Killed father for insurance money / policy - took out three insurance policies over father’s life unknown to father or family - initial attempt to kill unsuccessful – s.27 and s.33 offences committed in home of father and another victim – left two victims with life-threatening injuries – acted with at least one, and possibly two, other people in carrying out attack - murder committed shortly after father released from hospital – used samurai sword - substantially above mid-range – grave offences of violence – planned and premeditated attack Childhood neglect and abuse at hands of father - depressive illness |

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|-----|---|---|--|---------------|--|--------------------------------|--|
| 58. | JK (31) [2018] NSWSC 250 Hamill J | PG (slightly more than 10%) Murder Sched: Inflict GBH | 37y 6m NPP 28y | | Minor | Assault Intent to GBH | SNPP 25 years Killing of 12y step-daughter following sustained beatings over several days – horrific injuries through blunt force trauma – history of regular and increasingly violent assaults - tied to garage beam by hands and hit with electric cord, slapping, punching - tied to bed and whipped – torture – gratuitous cruelty – use of weapon - absence of intent to kill did not take case outside “worst case” Insight and remorse demonstrated - longstanding depression |
| 59. | BOYD (53) [2018] NSWSC 380 Lonergan J | PG (10%) Murder s 33(1)(a) s 51B(1) | 30y 6m NPP 22y 6m 6y 3m NPP 5y 3m 18m <u>Total:</u> 33y NPP 25y 6m | | Assault – breached bond | Stabbing Intent to kill | SNPP 20 years Attacked long-term spouse after period of separation and arguments due to offender’s issues with alcohol – assaulted son who arrived trying to assist victim – number of stab wounds to face and both sides of neck - multiple bruises and stab wounds in chest, back and shoulders - some stab wounds very deep (10-12cm) - savagery and brutality of violence - evident use of multiple weapons - alcohol induced and fuelled anger - well above mid-range Alcohol and anger issues – some little prospect rehabilitation |
| 60. | CLIFF (No.6) (29) [2018] NSWSC 587 Campbell J [2023] NSWCCA 15 | VG Murder PG Agg BES Stealing | 30y NPP 22y 3y 1y <u>Total:</u> 32y NPP 24y | Conviction AD | Not serious - property, driving, assault | Stabbing Intent GBH | SNPP 25 years Killed 16y brother of ex-partner during argument – offender upset by victim’s remarks concerning breakup and property settlement with victim’s sister – intoxicated by ice/methamphetamine – did not know killed victim until informed by police some hours later - unlikely intent to kill – large number of injuries by knife and blunt force trauma including blow to top of victim’s head – one fatal deep stab wound to area around heart - mid-range Ongoing drug abuse – depressive symptoms |
| 61. | HOMANN (36-37) [2018] NSWSC 757 McCallum J | VG | 30y NPP 22y 6m | | priors including violence | Stabbing Intent to kill | SNPP 20 years Stabbed pregnant partner in own home – 49 stab wounds – extreme frenzy of violence – suffering ice-induced psychosis at time of offence – offence committed in domestic context |

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|-----|--|---|---|---------------|---|--------------------------------|--|
| 62. | MEDICH (No. 43) (70) [2018] NSWSC 886 Bellew J [2021] NSWCCA 36 | VG Murder Intimidation | 36y NPP 27y 4y 6m Total: 39y NPP 30y | Conviction AD | Nil | Shot Intent to kill | SNPP 20 years Directed contract killing of former business associate – victim shot by hired contract killers outside home in front of young son – offender later arranged intimidation of victim’s wife with threats she would be harmed if she did not repay debts – history of disputes between offender and victim – paid for killing and intimidation – offences arose out of one joint criminal enterprise - at upper end of range of objective seriousness |
| 63. | GATT (No.11) (23) [2018] NSWSC 991 Schmidt J Co-offender: BORG | VG | 28y NPP 21y | | breached conditional liberty – violence and drug offences | Shooting Accessory | SNPP 20 years One of two men who approached 18y victim in parked car – victim shot seven times – evidence of co-offender not reliable enough to establish who fired fatal shots – both offenders involved in drug dealing business - joint criminal enterprise – above mid-range – greater culpability than co-offender Totality to existing sentences |
| 64. | AKB (No.8) (45) [2018] NSWSC 1628 Davies J [2024] NSWCCA 169 | VG Murder | 36y NPP 27y | Conviction AD | nil | Fire Intent to kill | SNPP 20 years Set fire to bedroom and prevented wife from leaving – also stopped son opening door for wife - angered that victim intended to leave marriage – committed in front of children in home of victim – gratuitous cruelty – some planning – risk of injury to boys in adjacent bedroom Born in Afghanistan – refugee |
| 65. | DUNSTALL (45) [2018] NSWSC 1923 Button J | VG Murder Sched 2 dishonesty offences | 32y NPP 24y | | lengthy record for dishonesty offences | Shooting Intent to kill | SNPP 20 years Offered to source large amount of cannabis for criminal associates – paid some money in advance – arranged to meet up with victim to deliver drugs – had lied about existence of cannabis so drove victim to isolated area and shot him in head – blamed victim for loss of cannabis – pre-meditated – cold-blooded and merciless |
| 66. | LATU (No.3) (31) [2019] NSWSC 951 Lonergan J [2023] NSWCCA 19 | VG Murder Breach ADVO | 28y NPP 21y 2y (concurrent) | Conviction AD | AOABH, contravene ADVO. On bond. | Assault Intent GBH | SNPP 20 years Killed female partner - multiple blows to victim’s head; kicking and or stomping on head, back, ribs and leg – relationship marked by violence and controlling behaviour by offender – threats to victim and her family - extreme brutality - very serious example - objective seriousness well above mid-range – finding of intent to cause GBH only of minor effect on sentence. Continues to deny and minimise offending - poor prospects of rehabilitation. |

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|-----|---|--------------|-------------------|--------|---|--|---|
| 67. | A1 (46 at offence - 51 at sentence) [2019] NSWSC 1581 Johnson J | VG | 32y NPP 23y | | AOABH, stalking, possess firearms | Shot Intent to kill | SNPP 20 years Shot male victim six times in head and once in chest – victim and offender’s wife involved in relationship / affair – motive related to outrage at relationship - planned offence - sense of dishonour which offender felt for cultural reasons – sexual jealousy |
| 68. | TANGI (No.12) (28) [2020] NSWSC 547 Rothman J | VG Murder | 30y NPP 22y 6m | | assault and domestic violence – offence committed on remand – multiple prison misconduct charges | Assault Intent GBH | SNPP 20 years Fatal assault on fellow prisoner while alone in cell – argued with victim over several days prior to assault – led victim into cell while another prisoner stood guard – stomped on victim’s head at least once – some planning but intent to inflict GBH did not develop until after assault commenced – above mid-range Little or no insight – no remorse – difficult custodial conditions exacerbated by pandemic restrictions – difficult childhood resulting in disempowerment and social exclusion |
| 69. | McCOSKER (49) [2020] NSWSC 1822 RA Hulme J Co-offender: STONE | VG | 36y NPP 27y | | Lengthy although mostly Local Court – breached bond imposed 3 weeks earlier for possess prohibited weapon | Petrol fire Intent to kill Accessory | SNPP 20 years Contacted by co-offender who had just set fire to male victim in isolated area – returned with co-offender and found victim on side of road – accepted decision of co-offender to finish off victim and drove to obtain more fuel – upon return co-offender doused victim with more fuel and set alight – victim found two hours later but died in transit to hospital – sadistic and callous killing – history of animosity between offender and victim – supported and assisted offender’s idea to kill victim – offence easily in upper range – same culpability as co-offender Long-term drug user |
| 70. | WHITELEY (26) [2021] NSWSC 153 Rothman J | VG | 35y NPP 24y | | Extremely limited | Assault Intent GBH | SNPP 25 years Killed 20mth step daughter – 13 injuries to neck and head and 16 injuries to trunk – assault probably started while child in her bed and included being thrown against drawers – spontaneous assault over several minutes with no motive – assault reflected emotional dysfunction related to mental and personality disorder – breach of trust - above mid-range Sexually abused and mistreated as a child – mental health and personality disorder – some remorse – good prospects of rehabilitation – some reduction for conduct of trial |

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|-----|---|---|---|---|--|-------------------------------|---|
| 71. | PHAM [2021] NSWSC 528 Wilson J | VG (assistance 10%) | 30y 7m NPP 22y 11m | | AOABH, affray, violence, BES, larceny, supply drugs, dishonesty, On conditional release order. | Stabbed Intent to kill | SNPP 20 years Victim purchased drugs from offender – stabbed victim in back – victim ran and fell, stabbed further three times to heart, chest and back – knife lodged in victim’s spine and snapped – with co-offender dragged body back inside apartment - offender mutilated and partially dismembered body for disposal – stole victim’s car and wallet – not possible to state why killed victim - possible argument. Early drug use – adverse childhood – assistance. |
| 72. | NEY (20) [2021] NSWSC 529 Johnson J [2023] NSWCCA 252 | PG (10%) Murder s.33 Sched: Assault Possess | <u>Indicative:</u> 40y NPP 30y 8y NPP 6y <u>Aggregate:</u> 44y NPP 33y | AA <u>Indicative:</u> 36y NPP 27y 8y NPP 6y <u>Aggregate:</u> 40y NPP 30y | Limited – breached conditional liberty – subsequent custodial offences | Stabbed Intent to kill | SNPP 20 years Travelled from home suburb to city with intent to kill - booked escort and upon arrival at unit fatally stabbed female victim, filmed scene and sent footage to friends – donned balaclava to engender fear and ran through city streets brandishing knife – attempted to stab one female then stabbed second female in shoulder – subdued by civilians – several days earlier had assaulted sister in family home during argument Turkish / Cypriot background – mental health issues since 14y but treatment resistant – at time of offending suffering mental disorder which did not impede capacity – no major depressive illness – obsessed with mass killings and violent, interactive fantasy games - dangerous man – importance of community protection – expressed desire to die at hands of police of limited mitigating value Declined to impose life sentence because of mental health issues – no double counting in setting determinate term On appeal: error found in failure to consider impact of mental health issues on custodial conditions |

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|-----|---|---|---|--------|--|--|---|
| 73. | <p>EVANS, K (24)</p> <p>EVANS, J (49) [2021] NSWSC 885 Ierace J</p> | <p>VG Murder</p> <p>Wound with intent cause GBH</p> <p>Murder</p> | <p><u>Indicative:</u> 30y NPP 21y</p> <p>6y NPP 4y 6m</p> <p><u>Aggregate:</u> 32y NPP 22y 4m</p> <p>31y NPP 22y 6m</p> | | <p>Assault, destroy property, contravene AVO - on bonds.</p> <p>Contravene AVO, stalking, resist police, threats of violence, violence</p> | <p>Shot</p> <p>Intent to kill - KE</p> <p>Accessory – JE</p> | <p>SNPP 20 years Co-offenders involved in car chase following argument - JE father to KE and XE - JE drove car – XE in back seat – KE shot and killed victim. KE - discharged shotgun with intention of killing an occupant in other vehicle – shot victim multiple times to neck, throat, arms – 110 bullets in victim’s body - assaulted another victim on previous day – at mid-point between mid-range and maximum level of objective seriousness JE - joint criminal enterprise – drove and positioned vehicle alongside victim’s vehicle; aware KE had discharged firearm earlier - failure to intervene when KE aimed shotgun at car occupants at head and chest level at virtually point blank range - objective seriousness slightly higher than KE given his leading role and involvement of his own children - prospects of rehabilitation guarded XE – juvenile daughter of JE</p> |
| 74. | <p>REAY (No.2) (47) [2021] NSWSC 901 RA Hulme J</p> | <p>VG</p> | <p>30y NPP 22y 6m</p> | | <p>Violence - committed while on Extended Detention Order</p> | <p>Strangulation</p> <p>Intent to kill</p> | <p>SNPP 20y Strangled cell mate – no explanation – spontaneous offence – vulnerable victim - very grave Violent childhood – early drug use – ‘long demonstrated propensity for unprovoked and on occasion indiscriminate violence in custody and in the community’ – severe personality disorder</p> |

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|-----|---|----------------------------|--|--------|--|---|---|
| 75. | GARVEY (24) | PG (10%) Murder | 28y 9m NPP 20y 3m | | Lengthy – commenced at 11y – includes violence and robbery – breached parole and bail – shocking record of custodial breaches – existing sentence for dangerous driving causing death | Multiple incision wounds with machete during robbery Extended joint criminal enterprise (J) | SNPP 20y Offenders attended home of 60y male victim impersonating police officers – grabbed victim’s wallet containing \$1000 – later that day recruited co-offender – returned to victim’s house during night disguised and armed with baseball bat and machete – in confrontation with two of three male occupants victim cut multiple times with machete by G – fatal wound to upper arm – targeted home invasion for robbery – brutal assault – G primary offender – J involved in planning and aware of machete – more culpable than third offender – murder slightly above mid-range for J – more serious for G G – Aboriginal heritage – Bugmy principles applied – poor education – behavioural issues as a child – exposure to drug abuse and violence – foster care and homelessness – long history of personal substance abuse commencing at 11y – sexual abuse – never employed – possibly institutionalised – relevance of totality in light of existing sentence J – difficult childhood – drug user – mental health issue – some discount for assistance at trial |
| | | Steal from person | 13m | | | | |
| | | Impersonate police | 9m <u>Aggregate:</u> 29y 3m NPP 20y 9m <u>Total including existing sent:</u> 34y 3m NPP 25y 9m | | | | |
| | JONES (23) [2021] NSWSC 1147 RA Hulme J | VG Murder | 28y NPP 21y 6m | | Lengthy – includes domestic violence, robbery and driving offences – breached bond and parole | | |
| | | PG Steal from person | 13m | | | | |
| | | Impersonate police | 9m | | | | |
| | | Driving offence | 9m <u>Aggregate:</u> 28y 9m NPP 22y 3m | | | | |
| | Co-offender: FLETCHER | | | | | | |

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|-----|--|--|--|---|--|-----------------------------------|---|
| 76. | <p>BAINES (23-24)</p> <p>DANISHYAR (23) [2021] NSWSC 1654 Fagan J</p> <p>[2023] NSWCCA 302 [2023] NSWCCA 300</p> <p>Co-offenders: SULTANI MUNSHIZADA</p> | <p>VG Murder</p> <p>VG Accessory before fact to murder</p> <p>Accessory after fact to murder</p> | <p>36y NPP 27y</p> <p>15y NPP 11y</p> <p>FT 2y</p> | <p>AA 30y NPP 22y 6m</p> <p>Crown AA 20y NPP 15y</p> | <p>One prior offence of violence – prison offences</p> | <p>Shot</p> <p>Intent to kill</p> | <p>SNPP 20y (Baines only) Involved in last of three killings committed by co-offenders - all offenders part of inner circle of criminal organisation – co-offender S believed victim, an underworld figure, involved in killing of close friend – S and B shot victim while co-offender M drove – D aware of plan to kill and drove second getaway car - killing carefully planned, merciless and committed in residential street B – motivated by desire to ingratiate with co-offenders – subordinate to co-offenders and influenced by them – dysfunctional childhood although no link to offending D – knew about plan to kill when accepted role of second getaway driver – M's cousin – no remorse – no positive prospects of rehabilitation – risk of re-offending</p> |
| 77. | <p>KELEKLIO (42)</p> <p>SINAI (33) [2022] NSWSC 62 RA Hulme J</p> <p>(Sinai) [2023] NSWCCA 194</p> | <p>PG (10%)</p> <p>VG</p> | <p>27y NPP 20y 3m</p> <p>30y NPP 22y 6m</p> | <p>AOABH, robbery, fraud, BES whilst armed - Last offending 15 years ago.</p> <p>Nil in NSW. Insignificant NZ – theft, burglary.</p> <p>Conviction AD</p> | <p>AOABH, robbery, fraud, BES whilst armed - Last offending 15 years ago.</p> <p>Nil in NSW. Insignificant NZ – theft, burglary.</p> | <p>Shot</p> <p>Intent to kill</p> | <p>SNPP 20 years Joint criminal enterprise - K shot 65y male victim solicitor to back of head three times in busy shopping centre during daytime – K fled scene driven away in S' van – S recruited K and others; carried out surveillance, provided K with gun, provided means for fleeing from scene – planned; premeditation; part of organised criminal activity - no motive established; connected with victim's association with organised crime; killing to serve criminal objective of unknown person(s) – no prior dealings with victim – only known motive was that K carry out task set for him by S on behalf of others – same level of culpability among K and S despite different roles. K: reasonable prospects of rehabilitation - remorse. S: acted at behest of others but still an important hands-on role - reasonable prospects of rehabilitation - unlikelihood of re-offending.</p> |

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|-----|--|---------------------------------|---|---------------|---|--|---|
| 78. | KRIVOSIC (No.7) (27) [2022] NSWSC 507 Johnson J [2024] NSWCCA 166 | VG | 28y NPP 21y | Conviction AD | Significant including violence and firearm offences – breached parole for firearm offence | Shooting Intent GBH | SNPP 20y Offender advised of assault by victim and another man – attended unit where victim visiting female resident – entered unit wearing gloves and jacket concealing face and shot victim sitting on lounge once in left side of back in lower chest area – pistol whipped victim to head and attempted to kick - left home deliberately armed with pistol and attempts made to conceal identity – very angry at treatment of third man but no immediate provocation at time of shooting – aggravating factors include use of weapon and in company – upper mid-range gravity Experienced trauma during childhood in Croatia and Serbia during war and further difficulties in Australia |
| 79. | COSKUN (No.5) (28) [2022] NSWSC 1216 RA Hulme J [2024] NSWCCA 67 | VG Murder Att s.97(2) | <u>Indicative</u> 32y NPP 24y 5y <u>Aggregate:</u> 34y NPP 25y 6m | AD | Lengthy record | Shooting Constructive murder | SNPP 20 years One of two men who entered unit in early hours of morning, both armed and intent to rob drug dealer of money or drugs – offender fired ten shots – one occupant fatally shot in head and second occupant shot twice in arm – female occupant threatened with gun to head by second assailant – intent to cause GBH or at least high degree of recklessness – both offences above mid-range Born in Turkey – difficult childhood including physical and sexual abuse and early substance abuse – suffering PTSD and other mental health disorders |
| 80. | ERDOGAN (19 at offence; 23 at sentence) [2023] NSWSC 101 Ierace J | VG | 35y NPP 24y | | Larceny, common assault, driving, contravening ADVO. On bail. | Assault and stabbing Intent to kill | SNPP 25 years With 2 co-offenders - instigated murder of 17y male - assaulted over approximately two hours - motive for assaults, until time of intention to kill, was anger towards victim since earlier argument - tortured over extended period and repeatedly stabbed – hit to head with cricket bat or wrench and kicking or stomping - stabbed in neck area 22 times, snapping blade of knife – degree of premeditation. No remorse - guarded prospects rehabilitation - violence and fact and mode of killing of remain essentially unexplained behaviour – ADHD - long-standing mental health issues sufficiently serious to destabilise education and functioning in society. |

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|-----|---|---|--|--------|--|-------------------------------|--|
| 81. | WHITE (40) [2023] NSWSC 193 lerace J | VG Murder 2 x discharge firearm w/intent GBH 4 x fire firearm into dwelling house, reckless s.166 Cert: 6 offences | <u>Indicative</u> 34y NPP 24y 14y NPP 10y 9y NPP 6y 6m <u>Aggregate</u> 42y NPP 30y | | Assault, behaving offensive manner, stalking / intimidation | Shot | SNPP 20 years Shooting in suburban neighbourhood – offender’s relationship with neighbours deteriorated - 226 bullets fired from two rifles over approximately one hour – one victim killed and multiple injured - offender could not have seen victim inside residence and did not specifically target victim - intended to kill another person (S) by firing repeatedly into house Cognitive impairment consequent to brain injury - relevant to assessment of moral culpability – <i>Bugmy</i> ; disturbed childhood involving violence, sexual abuse and neglect - little insight into offences - qualified remorse – uncertain prospects of rehabilitation - special circumstances based on cognitive impairment. |
| 82. | KOVALEFF (19) [2023] NSWSC 302 Rothman J | PG (15%) Murder Wound with intent cause GBH | 34y NPP 24y 6y 9m NPP 4y 9m <u>Total:</u> 36y NPP 26y | | | Stabbed Intent to kill | SNPP 25y Stabbed 17y female and wounded 17y girlfriend – previously told girlfriend he wanted to kill her – attended hotel room with both victims intending to kill girlfriend – premeditated and planned two murders – wrapped girlfriend with her clothing and duct tape to keep her alive so as to have sex with her – rang and told father he had stabbed victims Motive elusive - feigned psychiatric illness for two years - impossible to find offender suffers personality disorder - no psychosis or sexual disorder – pathological interest in Ted Bundy, serial killer - borderline intellectual capacity |
| 83. | KARAALI (No 10) (26) [2023] NSWSC 866 Campbell J [2024] NSWCCA 162 Co-offender: HAMDACH | VG | 28y NPP 21y | AD | Common assault, agg BE, resist police, supply drugs, firearms, driving offences. On parole. | Assault Intent to kill | SNPP 20y Acted as the “muscle” on behalf of co-offender – co-offender recruited offender to exact retribution on male deceased for selling fake earbuds / airpods - serious physical assault including punches, kicks, athletic high-kick to the head and stomping to head - deceased suffered extensive catastrophic brain injury - offender denied assistance from passers-by and told lies explaining deceased’s state of being unconscious. Drug use - substance abuse disorder - offender has never given an account of his part in the offending – unsettled upbringing - absence of remorse - prospects of rehabilitation guarded. On appeal: no error in finding as to intent or parity and not manifestly excessive |

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|-----|---|--------------------------------|---|--------|--|-------------------------------|---|
| 84. | HAWKINS (45) [2024] NSWSC 80 Hamill J | VG | 32y NPP 24y | | Record since 13y – mostly drugs, dishonesty and property offences – breached conditional liberty | Shooting Intent kill | SNPP 20 years Shot grandmother in her home in front of daughter and newborn grandson – cold-blooded execution – victim not known to offender – acted on behalf of associate who had fallen out with victim – some involvement in planning several days before offence – form of reward unclear – above mid-range Childhood of profound deprivation including violence, abuse, substance abuse and early involvement in criminal system – Indigenous heritage – <i>Bugmy</i> and <i>Millwood</i> applied to reduce moral culpability and justify determinate sentence – substance abuse disorder – difficult custodial conditions due to Covid - reasonable prospects of rehabilitation Co-offender (driver of car) convicted of manslaughter |
| 85. | PETTIFORD (34) [2024] NSWSC 319 Dhanji J | VG Murder Att murder | 33y 3m NPP 20y 3m 14y 3m NPP 10y 8m <u>Total:</u> 39y NPP 26y | | Minor violence | Assault Intent to kill | SNPP 20 years Fatal assault on male sleeping rough using three rocks from nearby seawall – had developed idea of killing victim earlier in day when walked past sleeping area – admitted long held desire to kill in police interview – on remand slashed throat of inmate using weapon made of wire and razor blades – intent to kill – both victims strangers to offender but targeted as persons 'less dead' – callous, senseless and unprovoked killings lacking humanity – high range seriousness Jury rejected defence of mental illness and substantial impairment – some reduction of moral culpability, denunciation and deterrence due to undiagnosed bi-polar disorder – do not need to decide if life sentence otherwise appropriate – guarded prospects of rehabilitation – 5% discount for extensive and frank participation in interviews and further discount for efficient conduct of trial |

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| 86. | SULTANI (27 at offence) [2024] NSWSC 338 Ierace J | PG (10%) Murder | 31y 6m NPP 23y | | Currently serving sentences for four murders as well as other offences | Shooting Intent to kill | SNPP 20 years (2015) this murder second of five unrelated killings – acting as president of chapter of bikie gang at time of killing – victim Sergeant at arms of different chapter – offender in part motivated by anticipated problems with victim over intention of offender and others to leave gang – shot victim in back of head four times during meeting at night – no significant pre-planning – stored body for several days before having it dumped in bushland by associate – callous execution style killing No remorse – onerous custodial conditions – serving three life sentences for subsequent murders |
| 87. | SIONE (32) [2024] NSWSC 846 RA Hulme AJ Co-offenders BE [2023] BL [2024] AD [2024] SIONE [2024] | VG | 32y NPP 24y | | Significant violence – breached conditional liberty | Assault Accessorial liability | SNPP 25 years 16y male bashed by group over 33 minutes – victim accused by co-offender of stealing airpods so lured to her home – assault in bedroom initiated by S and continued by other male juvenile offenders after S left – frenzied assault involving extreme violence on vulnerable and defenceless victim – S older and took lead in offence – greater liability than co-offenders – liability based on joint criminal enterprise to inflict GBH S - Samoan / Tongan heritage – suggestion of difficult childhood but does not reduce moral culpability – mental health issues – onerous custodial conditions TB [2024] sentenced for manslaughter |

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| 88. | PARKES (No 3) (46) [2024] NSWSC 910 Adams J Co-offender: SLOAN | VG | 31y NPP 21y 6m | | Threaten with intent to influence witness, stalk/intimidate with intent to cause fear/physical harm, contravene AVO, rob in company, custody of knife in public, drug supply. | Assault Accessorial Intent to kill | SNPP 20 years Female victim - planned murder - joint criminal enterprise between P and S in context of drug dealing – not known which offender physically killed deceased - P's idea to kill - two motives: financial motive in that deceased wanted money back from P, and victim knew too much about the drug dealing - P recruited S to assist - S worked for P and looked up to him - both offenders users of high amounts of ice - P agreed to isolate victim for days before death - victim taken to remote bushland and bashed to death - probably killed with baseball bat, but no direct evidence of that apart from P's account - body set alight / burnt, petrol found in soil – victim's vehicle burnt - not known which offender removed victim's identifying tattoo with a knife to cover murder - above mid-range objective seriousness but not substantially. Mental health - ADHD, depressive disorder, severe amphetamine type stimulant use disorder - reasonable prospects rehabilitation if drug free - special circumstances. |

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