Wound With Intent to Cause GBH

s.33(1)(a) (NSW) *Crimes Act*

s 33(1)(a) Wound with intent to cause GBH

Maximum Penalty: **25 years**

Standard non-parole period: **7 years (offences committed on or after 1.2.2003)**

Commenced: **15.2.2008**

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
1.	**Simkhada** (29) [2010] NSWCCA 284	s.33(1)(a)	PG (25%)	3y 9m NPP 2y 6m	AD	Piece of wood	Breached bond for damaging property offence and AVO	**SNPP 7y** Attacked estranged wife with piece of wood outside house – spontaneous offence - breached AVO – below mid-range, towards lower range Nepalese national - mental health problems following neurosurgery – genuine remorse
2.	**Woon** (74) [2010] NSWCCA 335	2 x s.33(1)(a)	PG	10y NPP 7y	AD	Scissors	Nil	**SNPP 7y** Stabbed 71y female repeatedly with large pair of scissors in her home believing she was spreading rumours about him - seven stab wounds to head, two between neck and shoulder and one to abdomen - two wounds were life threatening - also stabbed victim's 80y wheelchair bound husband three times to left shoulder – chest wound life-threatening - prolonged and vicious attack. Out of character.
3.	**SB** (18) [2011] NSWCCA 95	s.33(1)(a)	VG	7y NPP 4y	Crown AD	Knife	Nil significant - on bond.	**SNPP 7y** In company with 15y brother and another offender – other offender instigated fight with victim and friend at train station – victim began punching brother - offender stabbed victim to arm and twice to chest – suffered life threatening and permanent injury - permanent nerve damage to legs and some muscle damage around chest - below mid-range - acted in excessive defence of brother Youth – rehabilitation.

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upo n.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
4.	**Aitchison** [2012] NSWCCA 82	s.33(1)(a)	VG	9y NPP 6y	AA 7y NPP 4 y 6m	Knife	Assault, Mal wound, AOABH, Possess firearm	**SNPP 7 years** Attended victim's home with co-offender – stabbed victim under armpit – plan to extract drugs from victim – planned offence Drug and alcohol abuse. (Re-sentenced in accordance with *Muldrock*).
5.	**Carroll** [2012] NSWCCA 118	s.33(1)(a)	PG (17.5%)	8y 3m NPP 6y	AA 6y NPP 4y	Knife		**SNPP 7 years** Road rage incident – victim almost collided with offender – further down road screaming and verbal argument – victim held piece of wood over his head to protect himself – offender took knife from car and slashed victim's arm and face - deliberate and intentional On appeal irrelevant material considered when finding offence above mid-range - failure to reflect discount for plea - failure to reflect finding of special circumstances.
6.	**Aldous** [2012] NSWCCA 153	s.33(1)(a)	VG	6y NPP 3y	AD	Schooner glass		**SNPP 7 years** Struck victim on back of head during poker game at hotel – victim running game – upset at being stood out of game for ten minutes – intoxicated – just below mid-range
7.	**JB** (17) [2012] NSWCCA 196	s.33(1)(a)	PG (25%)	5y 3m NPP 3y	AD	Assault	Significant including assaults	Assaulted another youth in park – punched victim to head 8-10 times – returned to continue assault – intoxicated Difficult childhood – remorse and some evidence of rehabilitation
8.	**Prince** [2013] NSWCCA 274	s.33(1)(a) Affray	VG	6y NPP 4y FT 18m <u>Total</u>: 6y 6m NPP 4y 6m	AA 5y 6m NPP 3y 5m FT 18m <u>Total</u>: 6y NPP 4y	machete or sword	long record	**SNPP 7 years** Part of group who became involved in affray in park near home of acquaintance – during affray victim cut to head with machete or sword – on appeal not established offender inflicted wound - joint criminal enterprise No remorse – little prospects of rehabilitation – Aboriginal male with childhood exposure to violence and deprivation – alcohol addiction
9.	**Ramea** [2013] NSWCCA 310	s.33(1)(a)	PG (25%)	9y NPP 6y	AD	Glass	Priors – breached conditional liberty	**SNPP 7 years** Unprovoked attack by passenger on taxi driver using glass – spontaneous but sustained assault – could not pay fare – slightly above mid-range Remorse – good prospects of rehabilitation

This table is intended to be a guide only. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
10.	**Elturk** (40) [2014] NSWCCA 61	s.33(1)(a) Stealing	PG (20%)	8y NPP 4y s.10A	AA 6y 6m NPP 3y 6m s.10A	Knife	Not excessive	**SNPP 7 years** Stole knife from shop – approached father watching TV from behind and drew knife across neck causing serious wound Suffering lengthy history of major mental illness
11.	**Ivory** [2014] NSWCCA 181	s.33(1)(a) 2 x s.99(2)	PG	8y 6m NPP 5y FT 2y 3m Total: 8y 9m NPP 5y 3m	AD	steel bar and shotgun	not extensive	**SNPP 7 years** In company with co-offenders threatened owner of newly opened tattoo shop – demanded and received $200 protection money – identified as members of bikie gang – as Sergeant at Arms of club involved in taking male victim to cemetery late and night and assaulting him in company with steel bar and shotgun
12.	**Porter** (21) [2015] NSWCCA 59	s.33(1)(a) Sched: 2 offences	PG (25%)	5y NPP 3y	AD	Machete	nil	**SNPP 7 years** Attacked male with machete striking victim's left arm – came to victim's home late at night – attack due to animosity between offender and victim's son. Aboriginal male – disturbed upbringing
13.	**McVittie** (33) [2015] NSWCCA 92	s.33(1)(a) Sched: Agg Kidnapping	PG (25%)	5y 6m NPP 3y 4m	AD	Knife	Lesser assault offences	**SNPP 7 years** Invited victim to house then detained him – attacked with knife – 3 stab wounds – struck with dumbbell bar and hammer and punched – sought to have victim agree to delusional belief that he was talking to offender's girlfriend about killing offender Suffering mental illness
14.	**Muggleton** [2015] NSWCCA 94	s.33(1)(a)	PG (15%)	6y 6m NPP 4y	AD	schooner glass	not aggravating	**SNPP 7 years** Smashed schooner glass forcibly into face of male stranger at hotel then grabbed victim by neck and kneed and punched in face – unprovoked attack – spontaneous and excessive response due to PTSD – below mid-range
15.	**Newman** (21) [2015] NSWCCA 270	s.33(1)(a)	VG	6y 6m NPP 3y 6m	AA 4y NPP 2y 2m	metal pole	destroy or damage property, enter enclosed land	**SNPP 7 years** Argument with acquaintance believing he had stolen money from offender's girlfriend – hit victim over head with metal pole – victim in mobility scooter – both had been consuming alcohol – suffered swelling and laceration requiring 5 sutures – offence at low end of seriousness Dysfunctional upbringing - borderline intellectual deficiency.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
16.	**Kiernan** (32) [2016] NSWCCA 12	s.33(1)(a)	PG (25%)	7y 6m NPP 5y	AD	knife	Poor record - violence	**SNPP 7 years** Went to caravan of male acquaintance with intention to rob – became angry during conversation and attacked victim with knife – slashed throat and stabbed in leg during struggle Childhood subjected to ritual and constant physical, sexual and psychological abuse
17.	**Kennedy** (18) [2016] NSWCCA 123	s.33(1)(a)	PG (10%)	6y 6m NPP 3y 6m	AD	Knife	Assault, damage property. On bond.	**SNPP 7 years** Offender and 15y victim known to each other - victim and four younger friends went to offender's home at night, taunting and challenging him to come outside – offender came out with knife with 10cm blade - punched victim in eye, splitting his eyebrow - victim walked away but offender chased him and hit victim again before stabbing him in arm and lower side of chest – upper mid-range Substantial disadvantage - bullied at school –mental health issues.
18.	**Kelly** [2016] NSWCCA 246	s.33(1)(a) s.33(1)(a) 3 x AOABH Destroy property	PG	Indicative: 8y 8y 3y 2y Aggregate: 12y NPP 9y	AA 6y 9m NPP 4y 8y 3m NPP 4y 2y 9m 18m Total: 11y 3m NPP 7y	glass		**SNPP 7 years** Smashed window of room staying at in hotel – took pieces of glass wrapped in sock downstairs – stabbed male sitting on steps of nearby hostel in arm and leg – grabbed second victim from behind and stabbed to neck and head five times – stabbed third victim and assaulted two more in struggle to escape Mental health issues considered on appeal

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
19.	**Lulham** (40) [2016] NSWCCA 287	s.33(1)(a)	PG (25%)	2y NPP 1m 13d	Crown AD (exercise of discretion)	Hammer	Juvenile	**SNPP 7 years** Lived with friend and her mother for many years – became angry at husband of mother upon discovering he had been mistreating mother and sexually assaulting friend – smashed property and car of victim with hammer – hit victim twice on head with hammer – developing tension in household – degree of planning – injuries not serious After difficult childhood and period of homelessness came to live with female friend and her mother at 18y – developed protective feelings towards both – anger management problems – accepted responsibility and genuine contrition – discretion to dismiss based on expiry of NPP and evidence of rehabilitation
20.	**Drew** [2016] NSWCCA 310	s.33(1)(a) Breach ADVO	PG (10%)	12y 6m NPP 9y 4m FT 12m (concurrent)	AD	Knife	Includes 35y of violence including domestic abuse of several partners	**SNPP 7 years** Stabbed partner twice in stomach – pursued her out of house on to road – sustained and prolonged attack – life threatening although not permanent injuries – context of domestic violence – ADVO related to hitting victim over head with wood, stabbing in both legs and detaining in bedroom – made serious threats – intoxicated - in home of victim Aboriginal male – deprived background –poor health
21.	**Vaiusu** (25) [2017] NSWCCA 71	s.33(1)(a)	PG (25%)	2y 3m NPP 1y 2m	AD	Broken glass	Driving offences only.	**SNPP 7 years** Female – male victim married to offender's sister – stabbed victim in neck three times with glass from broken beer bottle – mistakenly thought that victim had purposely hit offender's sister - below mid-range objective seriousness. Suffering major depressive order at time of offending - remorse – forgiven by victim and sister – good rehabilitation prospects
22.	**Xue** (51) [2017] NSWCCA 137	s.33(1)(a)	PG (25%)	6y NPP 4y	AD	Knife	Assault	**SNPP 7 years** Assaulted wife believing she was having an affair – held knife to victim's throat and grabbed throat – caused wounds to neck and hands.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
23.	**Lloyd** [2017] NSWCCA 303	s.33(1)(a) s.33(1)(a) Sched: Affray	PG (10%)	2y 2m NPP 1y 4m 3y 6m NPP 1y 9m Total: 4y NPP 2y 3m	AD	Knife	Nil	**SNPP 7 years** After verbal confrontation with 15y male acquaintance in shopping centre waited outside shop while brother purchased knives – located 15y outside centre and punched to head – during subsequent affray brothers stabbed father and older brother of acquaintance multiple times – offender cheered on stabbing and struck one victim lying on ground after stabbing – victims unarmed – mid-range – joint criminal enterprise Dysfunctional household exposed to violence at hands of father
24.	**Lunn-Reid** (23) [2018] NSWCCA 110	s.33(1)(a) AOABH	PG (10%)	8y 4m NPP 5y 8m 2y 8m NPP 2y Total: 9y 6m NPP 6y 10m	AA 8y 4m NPP 4y 11m 9d 2y 8m NPP 2y Total (not indicated)	Knife	recklessly causing GBH in company; affray	**SNPP 7 years** Stabbed ex-female partner believing she had commenced relationship with another male - stabbed to head, face, and throat - victim fell to ground and rolled over, and was stabbed in back – swung knife at victim's sister who intervened – cut second victim's face. Schizophrenic illness since age 15 - danger to community
25.	**Hookey** [2018] NSWCCA 147	s.33(1)(a)		3y 8m NPP 2y 2m	Crown AD	Knife	Wound with intent, violence – breached parole.	**SNPP 7 years** Road rage incident – victim approached offender's vehicle after incident – co-offender assaulted victim – offender stabbed victim three times. Aboriginal male.
26.	**Gwilliam** (37) [2019] NSWCCA 5	s.33(1)(a)	PG (10%)	13y 6m NPP 8y 6m	AD	Knife	Limited - dishonesty.	**SNPP 7 years** Stabbed victim multiple times – offender had purchased drugs from victim – hoped to obtain drugs without having to pay – brought knife to scene, however, not established he intended to stab victim – suffered significant scarring to face and body, and permanent nerve damage to hands. Employed – family support – drug abuse.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
27.	**Udovic** (28) [2019] NSWCCA 196	s.33(1)(a) AOABH in company	PG (< 5%)	9y NPP 6y 9m 3y 1m NPP 2y 3m Aggregate: 10y NPP 7y 6m	AD	baseball bat / knife	minor	**SNPP 7 years** One of three men involved in home invasion late at night – armed with baseball bat – co-offender armed with knuckle duster – one male occupant threatened with knife and assaulted by co-offender – offender struck another male occupant 21 times with bat – same victim stabbed by co-offender – wounding offence slightly above mid-range
28.	**Loeung** (36) [2019] NSWSC 1172 N.Adams J	s.33(1)(a) s.114(1)(a) armed with intent	VG at murder trial	20m ICO No penalty		knife	nil	**SNPP 7 years** Offender and co-offender responded at night to call for assistance by female neighbour against her boyfriend – after initial confrontation boyfriend left then returned to street with eight friends having lied that offender had made threats – boyfriend initiated affray – offender responded with large knife – stabbed one male fatally to abdomen (acquitted of murder on basis of self-defence) – victim taken to hospital in one car - offender and co-offender retrieved more knives from house and approached boyfriend and three friends in car unable to leave because of lost keys – offender stabbed boyfriend to leg – final stabbing act of excessive self-defence and provocation – knives originally obtained for self-defence – both offences low range seriousness Prior good character – born in Cambodia – offender and family, including children suffering anxiety as a result of incident – low risk of re-offending – very good prospects of rehabilitation – suffering on-going injuries to hands as result of grabbing knife in self-defence (extra curial punishment) – parity with victims
29.	**Murray** (25) [2019] NSWCCA 235	s.33(1)(a)	PG (25%)	7y NPP 4y 6m	AD	Knife	Lengthy – including violence	**SNPP 7 years** Stabbed sister repeatedly in head, body, neck and arm – no provocation - under influence of methylamphetamine (ice) or in withdrawal phase – spontaneous attack - absence of premeditation or planning - short duration - absence of known motive – unexpected grief at death of grandfather caused offender to lash out. Aboriginal male – drug abuse.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
30.	**Walsh** (38) [2020] NSWCCA 183	s.33(1)(a)	VG	9y 4m NPP 7y	AD	Knife	Lengthy including violence – breached parole	**SNPP 7 years** Entered home mid-afternoon and repeatedly stabbed male victim sleeping in bed – vicious, cowardly and sustained attack – no motive – victim suffered life threatening wounds to chest, neck and head – attack stopped when victim escaped – above mid-range Chronic mental illness including schizophrenia – disrupted and traumatic childhood including sexual abuse – continued extreme violence and mental illness in family – effect of mental illness on custody – risk of danger balanced with causal connection between offending and mental illness
31.	**Stonestreet** [2020] NSWCCA 212	s.33(1)(a)	PG (25%)	4y 6m NPP 3y 1m	Crown AA 5y NPP 3y 1m	Knife		**SNPP 7 years** Mentally ill offender – schizophrenia / psychosis - stabbed father multiple times whilst experiencing extreme paranoia and delusion. CCA: Lacked insight into mental condition; noncompliant with treatment regime; failure to treat illness posed significant and ongoing risk - required longer supervision – no interference with non-parole period which had already expired.
32.	**Vincent** (52) [2020] NSWCCA 271	s.33(1)(a) s.86(3)	PG (10%)	Indicative: 9y NPP 6y 5y 2m Aggregate: 10y NPP 7y	AA Indicative: 7y 8m NPP 5y 4m 5y Aggregate: 10y NPP 6y 8m	Knife and axe	Lengthy including violence, firearms, drugs and dishonesty	**SNPP 7 years** After dispute over money arranged for victim to attend home of co-offender – unexpectedly attacked victim with axe and knife causing wounds to arm and leg – tied up victim and drove away from house with victim in boot of car – victim detained for one and a half hours before escaping at service station – mid range offence Special circumstances based on need for extended supervision, risk of institutionalisation – difficult background causing significant criminogenic risk factors – domestic violence – father involved in organised crime – long term drug user On appeal: failure to give effect to finding of special circumstances in view of accumulation to existing sentence

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
33.	**BC** (17) [2020] NSWCCA 329	s.33(1)(a) Common assault	PG (10%) PG (25%)	8y NPP 4y 3w (concurrent)	AD	Knife	Sparse – damage property offence - treated as first time offender	Confrontation with victim over offender's assault of 14y boy several days earlier in shopping centre – later approached victim leaving shopping centre and threw plastic 'wet floor' sign from behind – pulled knife from pants and stabbed victim in chest – cowardly and unprovoked assault – aggressor – caused serious physical and psychological injures - slightly above mid-range Death of brother and stabbing of offender by stranger several years earlier caused unresolved grief and PTSD – prospects of rehabilitation only fair
34.	**Taylor-Joycey** (22) [2021] NSWCCA 29	s.33(1)(a) s.97(1)	VG	8y NPP 5y 4y Total: 9y NPP 6y	AD	Machete	Lengthy	**SNPP 7 years** Robbed acquaintances in their apartment using machete – short time later approached by stepfather of one victim in takeaway shop and hit on head with toy baseball bat – pursued this victim outside shop and cut arm with machete – one blow and did not persist in attack - while provocation taken into account had become aggressor – spontaneous offence – victim older On appeal: no error in fact finding
35.	**Chemaissem** (25) [2021] NSWCCA 66	s.33(1)(a)	PG (25%)	6y 6m NPP 3y 9m	AA 6y NPP 3y 5m	Hammer	Assault, AOABH, stalk / intimidate	**SNPP 7 years** "Road rage" – collided with 65y victim – victim continued driving with offender following – argument – victim raised fist and offender struck victim to back of head with hammer causing two wounds to head and minimally depressed skull fracture – expert evidence that wounds did not amount to grievous bodily harm CCA: SJ erred by failing to find as mitigating factor injuries not substantial – provocation from victim but disproportionate response - deliberately armed self with hammer - marginally below mid-range objective seriousness - special circumstances

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
36.	**Khudadai** [2021] NSWCCA 259	s.33(1)(a)	VG	3y NPP 2y	AD	Knife	Nil	**SNPP 7 years** Physical argument with male house mate – 2min later forced entry to victim's bedroom after yelling threat to kill – attempted to stab victim in chest causing small cut to chest and further cut to hand – hit victim on head with butt of knife – spontaneous offence – significant violence – a little below mid-range Afghan refugee – little support with family in Afghanistan – no remorse – good prospects of rehabilitation On appeal: sentence not excessive in view of degree of violence and ferocity of attack
37.	**Maybury** [2022] NSWCCA 233	s.33(1)(a) s.86(3)	VG	5y NPP 3y 4y Aggregate 6y NPP 3y 6m	AD	Piece of timber	Not stated	**SNPP 7 years** Offender and victim both members of Outlaw Motorcycle Gang - victim had made statement to police – at clubhouse meeting, offender struck victim with length of timber to head and shoulder - with other members, jumped on, kicked, and stomped victim - injuries, including 12.5cm laceration to head; detained in wheelchair and word "DOG" tattooed on forehead - attack planned and organised.
38.	**Ritchie** (19) [2023] NSWCCA 153	s.33(1)(a)	PG (10%)	8y NPP 5y 8m	AA 5y NPP 3y	Knife	Rob in company, Damage property, assault police, assault, stalk and intimidate, have knife in public, possess drug. On CCO.	**SNPP 7 years** Stabbed male victim four times in stomach and chest - with two co-offenders punched and kicked - "vigilante conduct" in response to co-offender's mother being stabbed / assaulted by male victim. *Bugmy* principles - mental illness - unstable childhood persistent depressive disorder - personality disorder with antisocial and borderline traits. CCA: Sentence manifestly excessive - SJ failed to take matters into account - unstable childhood and adolescence; diagnosed psychological problems; self-medicated with substance abuse. Criminal record did not demonstrate entrenched violence - spontaneous offence – emotional dysregulation, poor decision making, misguided loyalty to co-offender – youth.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	SUMMARY
39.	**MF** (16; 18 at sentence) [2024] NSWCCA 42	s.33(1)(a)	PG (15%)	5y 6m NPP 3y 6m	AA 4y 10m NPP 3y 1m	Knife	On conditional liberty.	Attended at younger sister's premises in company with his father – male victim was sister's partner - perception by applicant that victim had been engaging in domestic violence - applicant and father both stabbed victim - victim was stabbed five times - applicant stabbed victim more than once, but no agreement as to how many times - serious injuries requiring hospitalisation - impulsive reaction to a perceived threat that applicant believed victim posed. Strong subjective case - mental health, drug abuse - family support - good prospects rehabilitation. CCA: SJ failed to have regard to youth in assessing moral culpability and role of general deterrence; or did not give adequate reasons as to how he did so.
40.	**Ridgeway** [2024] NSWCCA 152	s.33(1)(a) s.94 Robbery 2 x contravene ADVO	PG (25%)	Indicative 7y NPP 5y 12m 6m 3m	AD	Knife	Assault, assault police, destroy property, contravene ADVO, BES, possess drug.	Stabbed estranged female partner to head and twice to back – took mobile phone form victim's friend who had recorded the attack (robbery) – spontaneous offence – in context of domestic violence. Long history of alcohol addiction - dysfunctional and damaging upbringing.
41.	**Skinner** (33) [2026] NSWCCA 131	s.33(1)(a)	PG (5%)	7y 1m 15d NPP 4y 8m	AA 5y 8m 11d NPP 3y 6m	Machete	Common assault, specially aggravated break and enter. On parole.	Attended victim's home with B - recruited by B to commit offence due to grievance of B - applicant pulled out machete and swung at victim - victim raised hand and was struck by machete in hand – no planning or premeditation - lower level mid-range objective seriousness. Intellectual disability – cancer – mental health issues - alcohol and substance use disorder – disadvantage – *Bugmy*. CCA: Sentence manifestly excessive – strong subjective case - health conditions, mental health issues, and intellectual disability make custody more onerous.

Last Updated: Sept 2026

This table is intended to be a guide only. Individual cases should be read if they are to be relied upon.