

Escape Lawful Custody

s.34 (NSW) Prisons Act / s.310D (NSW) Crimes Act

s 34 Prisons Act 1952

Maximum Penalty: 10 years

Replaced: 3.4.2000

s 310D Crimes Act 1900

Maximum Penalty: 10 years

	CASE (AGE IF KNOWN)	OFFENCE	PLEA	TIME AT LARGE	SENTENCE	APPEAL	RECORD	FACTS
1.	Prasad NSWCCA 1.9.1993	Escape	PG	3 days	MT 2y AT 14m	AD.		Escaped from team working outside gaol - did not like gaol.
2.	Carrion (1993) 69 A Crim R 230	Escape		35 days	FT 12m	AD	Serving time for assault and armed robbery	During escape committed further serious offences in South Australia.
3.	Young (27) NSWCCA 27.10.1993	Escape		7 days	MT 6m AT 2m	AA MT 4m AT 4m	Escalating record involving property and drug related offences.	Female - returned to de facto and three children - arrested after mother informed police - escaped because of psychological effects of separation from baby. Fresh psychological evidence.
4.	Sanderson (26) NSWCCA 23.11.1993	Escape		1 week	MT 9m AT 12m	AA MT 25w AT 15m 1w	Serving time for dishonesty offences	Female - dallied on way to work release - panicked on arrival and escaped - no pre-meditation - no further offences.
5.	Henderson (23) NSWCCA 15.12.1993	Escape	PG	1 month	MT 12m AT 4m	AD	Lengthy record	No violence associated with escape and no further offences – arrested by police during RBT - escaped because of threats to life upon arriving at prison (mistaken identity)

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6.	Munday NSWCCA 2.8.1995	Escape	PG	four hours	MT 6m AT 6m	AA MT 2m AT 10m	Serving time for two AR and LMV	Climbed fence at Kirkconnell and found four hours later by warders - returned without protest - no reason for escape, but depressed.
7.	Sinnott NSWCCA 27.11.1995	Escape	PG		MT 1y 3m AT 9m	AA MT 10m AT 1y 2m		Reasons for escape were the 'very real pressures' on prisoner.
8.	Sammak NSWCCA 2.9.1996	Escape		1 year	MT 18m AT 12m	AA MT 12m AT 6m	Long record.	Escaped while working as a sweeper outside MTC - had been threatened.
9.	Ertl (29) NSWCCA 7.5.1997	Escape	PG	4 months	MT 12m AT 12m	AD	robbery	Female - climbed over wall at Norma Parker Centre - unpremeditated - no offences committed whilst at large. Sexually abused by stepfather - history of drug and alcohol abuse.
10.	Downes (33) NSWCCA 7.11.1997	Escape	PG	1 month	MT 2y AT 2y	AA MT 1y AT 2y.	Dishonesty, driving	Escaped over fence at Silverwater - caught by police - escaped for "personal reasons" and "to clear my head."
11.	Aslett (27) NSWCCA 16.10.1998	Escape	PG	very short time	FT 3m	AD	prior conviction for escape	Escaped from toilet at hospital wearing only underpants and bandage - apprehended short time later in car park area - escape was part of suicide bid - seeking to be shot by officers. Contrition - psychiatric disorder.
12.	Ravet (26) [1999] NSWCCA 63	Escape	PG	Minutes	FT 6m	AA FT 4m 2w	multiple stealing, BES, assault, GIC, breach parole.	During conveyance from court to gaol, opened police van door while stopped and ran - captured shortly thereafter, having injured foot and back as was still in handcuffs – no planning - able to open door by pushing it - under influence of medication taken for drug addiction Erroneously sentenced on basis he manipulated door lock

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13.	Attie (26) [2000] NSWCCA 70	Escape		23 days	MT 5m AT 8m	AA 3y GBB		Escaped from minimum security gaol while collecting branches for aviary. Exceptional case - suffering psychological distress after witnessing massacre in Lebanon - very bad experience in gaol - wrongly labelled informer by prison authorities and subjected to threats and violence - received no assistance from authorities and forced into segregation.
14.	Regina (51) [2000] NSWCCA 100	Escape	PG	more than 3y 6m	MT 2y AT 1y	AD	appalling record	Walked out of minimum security centre - while at large served term of imprisonment in Northern Territory - not extradited to NSW until three years later - amount of time at large makes escape a remarkable one - aggravating feature
15.	Riddell [2000] NSWCCA 144	Escape	PG	very short time	MT 5m AT 4m	AA 9m NPP 5m		Spur of the moment - no premeditation - no aggravating features - cry for help in relation to suicidal wife - escaped at place liable to be seen - injured self on wire and found walking along road making no attempt to avoid capture.
16.	Butler (20) [2000] NSWCCA 525	Attempt escape	PG		MT 12m AT 6m	AA 18m NPP 9m	lengthy record	Female - climbed two fences abandoning attempt after recognising attempt would fail. Mother of 4y child – immature - drug addiction - some evidence of rehabilitation.
17.	Friedemann (63) [2000] NSWCCA 516	Escape			FT 12m	AA FT 6m	serving sentence for drug offences	Escaped from minimum security centre and went to Victoria to obtain extensive medical treatment - felt receiving insufficient treatment in custody. Committed further offences - suffering serious medical condition.
18.	Stokes (42) [2001] NSWCCA 82	Escape	PG	nearly 12 months	3y 1d NPP 1y	AA 2y NPP 8m	serving lengthy sentence for violence	Escaped from minimum security using gardening tools - wife waiting in car - degree of planning - long time at large - escaped after pressure from wife needing support - committed no offences while at large - wife died from drug overdose. Evidence of good rehabilitation.

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19.	Walford (21) [2001] NSWCCA 200	Escape	PG	7 mins	FT 4m	AD	serving sentence for robbery in company	Saw open gate at minimum security centre and walked out - picked up almost immediately. Aboriginal woman with traumatic background including drug addiction and rape
20.	Barton [2002] NSWCCA 233	Escape			12m	AA 3m	serving sentence for BES	Escape related to domestic situation - intellectual disability not made clear at sentence
21.	Smith (52) [2004] NSWCCA 69	Escape	PG	5 days	2y NPP 18m	AD	Serving sentence for BE with intent to kidnap	Escaped from Goulburn gaol with intention of proving innocence in relation to sentence being served – forced cell bars open with metal device made in metal shop.
22.	Pham [2005] NSWCCA 94	Escape	PG	9 months	18m NPP 12m	Crown AA Date of commencement of sentence brought forward by 4m	Serving balance of parole for Agg AR	Escaped from Auburn Hospital – committed offences in Vic and served sentence. Sentence for escape effectively subsumed by parole to be served – judge inappropriately took into account deportation following sentence – error in not taking into account that parole revocation order had not been rescinded at time of sentence
23.	Hookey (21) Cooper (22) Dates (18) [2009] NSWCCA 252	Escape Escape Escape	PG (25%) PG (25%) PG (25%)	2h 36h 36h	12m NPP 3m 12m NPP 3m 12m NPP 3m	Crown AD	Agg BES – lengthy criminal record – escape offence on record Assault and AOABH – significant record Driving offences – extensive record – escape offence on record	Escaped together from low security correctional centre in far west – left in stolen prison utility – pursued by police – H apprehended after 2 hours – C and D stole second car – apprehended after 36 hours when vehicle ran out of fuel Each offender sentenced for additional offences, made partially concurrent to existing sentence – escape sentences commenced at conclusion of non-parole period of additional sentences H – drug addiction – also sentenced for carried in conveyance C – heroin and alcohol addiction – bleak prospects of rehabilitation – also sentenced for two offences of carried in conveyance D – abused as a child – heroin and alcohol addiction – affected by decision of authorities not to allow him to attend father's funeral

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24.	Mihail (50) [2010] NSWCCA 104	Escape	PG (15%)	11 days	2y NPP 18m	AD	Lengthy record including two escapes	Escaped from Long Bay – working as welder in minimum security area – means of escape unknown – unremarkable escape Poor health
25.	Williams (18 – 19) [2011] NSWCCA 244	Escape	PG (25%)	1m 13d	6m	AA for sentences of robbery offences only	Lengthy record – AR breached conditional liberty – Rob in Co committed as escapee	Escaped from correctional centre by cutting through fence and climbing wall – while escapee attacked taxi driver with two co- offenders – punched victim in face twice – above range criminality Also sentenced for armed robbery and robber in company Aboriginal youth with chaotic upbringing and alcohol and drug abuse
26.	Mattar [2012] NSWCCA 98	Escape	VG	Not indicated.	2y NPP 18m	AA 12m FT		Serving sentence at Long Bay – Went to hospital for treatment for heart condition – escaped from the hospital. SJ erred in not finding special circumstances – protective custody – poor health.

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