Contempt of Court

Common Law Offence

	Case (age if known)	Offence	Plea	Sentence	Appeal	Record	Facts
1.	**AG (NSW) v Whiley** (23) (1993) 31 NSWLR 314	2 x Contempt of Court	PG	3y 6m NPP 18m		Long history of violence – breached parole and recognisance	Infant son taken into foster care – application by Department of Community Services to have child made permanent ward of state – during hearing before magistrate threatened to shoot foster parents and take child – intentional attempt to influence outcome of court proceedings by influencing Director General of department of Community Services - magistrate and – serious threat in view of long history of violence – threats repeated outside court
2.	**Registrar NSWSC v Glasby** [1999] NSWSC 846 Adams J	Contempt	VG	MT 2y AT 4y (cumulative to existing murder sentence)			Female – refused to answer questions at murder trial for husband – deliberate attempt to frustrate course of justice – personally involved in murder herself – under domination of husband Some prospect of rehabilitation – sad background – mother to young child – suicide attempts
3.	**Prothonotary v Wilson** (57) [1999] NSWSC 1114 Wood CJ at CL [2000] NSWCA 23	2 x Contempt	VG	FT 2y	AA FT 3m 20d	No priors	Threw two plastic bags full of paint at judge after delivering judgment against offender - premeditated offence No contrition or remorse - dentist – genuine belief in injustices of legal system – served time in Vietnam resulting in poor health – heart condition – devoted family man with dependent children – obsessive compulsive personality disorder – faces substantial financial hardship
4.	**Duncan** (31) [2000] NSWSC 440 Dowd J	Contempt	VG	FT 2m		nil	Female - refused to give evidence in murder trial of de facto husband – no apology or adequate explanation – facing charges related to murder – importance of denunciation Good character – struggling with stress and depression – carer of daughter and twin sister

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5.	**Prothonotary v Hirata** (39) [2000] NSWSC 684 James J	Contempt		$2000 fine Suspended for 2y Order to pay costs of plaintiff		Nil	Female solicitor instructing defence counsel in criminal trial – formed belief jury member was previous acquaintance – approached juror in nearby hotel and tried to pass on envelope with name on front – juror did not read or take envelope – action had potential to interfere with trial although no discharge resulted from actions – offender's intention only to renew acquaintance – foolish but not ill intentioned – objectively serious Contrition – very little experience – prior good character Small fine in view of likely amount of plaintiff's costs
6.	**Justice Ireland v Russell** (21) [2001] NSWSC 468 Ireland AJ	Contempt	PG	5y GBB		Breached bond	Female - car belonging to offender and partner used in murder – made statement to police identifying one of four occupants of car – initially refused to give evidence – agreed to give evidence via video link but no genuine attempt to be truthful – abusive and aggressive manner towards Crown 7m pregnant at time of trial – poor health – oldest of three children has cerebral palsy – father of children in gaol – contrition – fear for safety of children – 6 days custody
7.	**Principal Reg NSWSC v Jando** (18) (2001) 125 A Crim R 473 [2001] NSWSC 969 Studdert J Co-offender: DROLLET	6 x Contempt		12m PD		Record	Refused to answer Crown Prosecutor at robbery trial for co-offender – breach of undertaking to given evidence – feared co-offender and consequences in prison – received 6m discount from prison sentence for undertaking to given evidence Low intelligence – some evidence of rehabilitation
8.	**Re Ezold** [2002] NSWSC 574 Barr J	Contempt		FT 6m (partially concurrent with existing sentence for murder)		Minor apart from related murder	Refusal to give evidence at murder trial of co-accused – convicted and sentenced for murder at separate trial – understood consequences of refusal – no serious consequences of refusal – refusal based on fear of retribution – never gave undertaking to give evidence

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9.	**Principal Reg NSWSC v Drollet** (20) [2002] NSWSC 490 Newman AJ Co-offender: JANDO	4 x Contempt	PG	FT 15m (cumulative to existing sentence for robbery offences)		Poor criminal record	Refused to answer questions at trial – threw container of water at judge –breached undertaking to give evidence in armed robbery trial – given credit for undertaking in sentence Serious drug problem
10.	**NSW Crime Commission v Field** (61) [2003] NSWSC 5 Bell J [2008] NSWSC 103 Adams J [2009] NSWCA 144	Contempt	VG	FT 12m (partially concurrent to existing sentence for drug offences – effectively increased NPP by 6m) FT 4y 6m (partially concurrent with existing sentences – effectively increased NPP by 2y)	AD		Refused order to be examined by registrar under *Criminal Assets Recovery Act* – refused to answer questions in view of pending criminal trial – received legal advice Serious health problems After initial sentencing was ordered to appear for examination – continued to refuse to be examined and committed to imprisonment until further orders of court by Hulme J Subsequently appeared before Adams J for finalisation of sentence
11.	**Rustom** (22) [2005] NSWSC 61 Dunford J	Contempt	PG	250h CSO		Bad record	Outburst against juror after announcement of murder conviction against brother – addressed female juror by name – intent to intimidate – significant effect on juror Evidence of recent rehabilitation
12.	**Principal Reg NSWSC v Assi** [2005] NSWSC 183 Brownie AJ	8 x Contempt		12m NPP 3m (cumulative to existing sentenced for fraud offences)			Held himself out as a solicitor over two years knowing prohibited from doing so by Supreme Court – sentenced for related fraud offences – defrauded four people Gambling addiction Took into account sentence for related offences
13.	**Styman** (24) [2005] NSWSC 1329 Studdert J	Contempt	PG	FT 12m (cumulative to existing sentence for manslaughter)			Convicted of manslaughter at trial with co-offenders – co-offenders successfully appealed against murder conviction and sent for retrial – refused to give evidence and became verbally abusive – feared for safety in prison and safety of family Prospects of rehabilitation – difficult childhood

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14.	**Comm Police Integrity Commission v Walker** [2006] NSWSC 964 McDougall J	Contempt	VG	6m (referred for assessment for home detention)		No significant record	Refused to answer questions truthfully at Police Integrity Commission – subsequently answered questions Suffering depression – otherwise of good character – former police officer
15.	**Razzak** (24) (2006) 166 A Crim R 132 [2006] NSWSC 1366 Johnson J	Contempt	PG	FT 15m		Larceny, GIC, traffic offences, mal wounding	Victim of shooting refused to take oath or affirmation when called by Crown at trial of shooter for attempted murder and murder – serious offence with substantial consequences – context of ongoing and violent feud between families – evidence suggests motivated by fear
16.	**Principal Registrar of Supreme Court of NSW v Thanh Vu Tran** (29) (2006) 166 A Crim R 393 [2006] NSWSC 1183 Buddin J	Contempt	PG	FT 4m			Refusal to answer questions at own trial - withdrew confession to murder and stood trial, claiming confession under duress – in giving evidence about duress, refused to answer questions in cross-examination - acquitted of principal charges but pleaded guilty to contempt – refusal based on fear of retribution. On remand for other offences.
17.	**Trad v Pickles Auction Ltd; in the Matter of Carl Trad** [2006] NSWSC 1177 Hamilton J	Contempt	PG (25%)	21 days		Older offences	Refused to answer questions during civil proceedings in relation to ownership of a car – seriousness of offence applies equally to civil matters – feared for safety to himself and family
18.	**Prothonotary of Supreme Court of NSW v Katelaris** [2008] NSWSC 389 Hoeben J [2008] NSWSC 702 Hoeben J	2 x Contempt	VG	12m suspended sentence		Contempt, drug cultivation	After conviction of drug cultivation offence, made insulting remarks in presence of jurors – further insulting remarks made to media outside court - not high level of seriousness - statement to TV journalists more serious matter – not planned or organised – absence of remorse. Medical practitioner until removed from Register in 2005 for prescribing and using drugs – stable family background.
19.	**Prothonotary of the Supreme Court of NSW v Jalalabadi** (21) [2008] NSWSC 811 Simpson J	Contempt	PG	Declaration of guilt sufficient – no penalty		Limited – no significant	Refused to attend Court to give evidence in criminal trial for armed robbery as required by subpoena – had provided signed statement to police in relation to offence Born in Iran – difficult childhood – schizophrenic disorder a significant contributing factor - delay

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20.	**Prothonotary of the Supreme Court of New South Wales v Hall** [2008] NSWSC 994 Harrison J	Contempt	PG	Rising of the court		Record – outburst occurred while applying for bail for domestic violence offences	After being refused bail in Local Court made statements which had tendency to interfere with administration of justice – abusive towards magistrate – spontaneous outburst of anger Suffering drug withdrawal at time of offence – anti-social personality disorder – remorse – difficult personal circumstances Importance of reasonable and reasoned result
21.	**El Jamal** (23) [2009] NSWSC 686 Hulme J	Contempt	VG	9m – suspended		Assault and resist arrest	Brother on trial for murder – threatened witness during break in evidence in corridor outside courtroom – no significant premeditation – no threat to kill – no evidence threat influenced giving of evidence Fact that offender not following in footsteps of brothers as professional criminal a significant mitigating factor
22.	**Prothonotary of Supreme Court of NSW v Rakete** (2010) 202 A Crim R 117 [2010] NSWSC 665 Harrison J	Contempt	VG	GBB 9m		Nil	Filmed witness giving evidence with digital camera during high-profile court case - had no idea of consequences - just wanted to view some court cases. Custodial sentence not warranted.
23.	**R v Abdallah: In the matter of John Leger** [2014] NSWSC 320 Campbell J	Contempt	PG (25%)	FT 6m		Appalling driving and traffic record	Refused to answer questions in murder trial of Abdallah - Abdallah shot associate of contemnor in street – shot at fleeing contemnor - acquitted of attempted murder of L contemnor – declined to give account to police or give evidence at committal or trial Suffering PTSD from shooting – protective custody
24.	**R v Abdallah: In the matter of Matthew Lewis** (25) [2014] NSWSC 319 Campbell J	Contempt	PG (25%)	FT 3m			Refused to answer questions in murder trial of Abdallah - Abdallah shot associate of contemnor in street – contemnor fled and did not witness second shooting at second person – declined to give account to police or give evidence at committal or trial Suffering anxiety after shooting

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25.	**In the matter of Steven Smith** (28) [2015] NSWSC 1141 Wilson J	2 x Contempt	PG (19%)	3y (Partially concurrent with existing sentence)		Lengthy	When called to give evidence against co-offender in murder sentence refused to take oath and became verbally and physically aggressive – threatened court officer – very serious examples – refused to purge contempt after legal advice Aboriginal male with difficult background – given no warning he would be called to give evidence – related to co-offender – concerned would be labelled an informer in gaol – serving lengthy sentence for murder
26.	**In the Matter of Barnes** (26) [2016] NSWSC 133 Hall J	Contempt	PG	1y 10m NPP 12m		Relatively minor	Refused to take oath or affirmation in preparation for giving evidence at murder trial – some evidence he was motivated by fear of reprisals
27.	**Prothonotary of the Supreme Court of NSW v Fajloun** [2016] NSWSC 927 Rothman J	5 x contempt	PG (17%)	4y GBB		Significant record	During trial for serious assault charges offender became frustrated and angry – on several occasions over multiple days wilfully insulted judge by swearing – spat at judge – threw paper cup – spontaneous offences – serious contempt Apology given to court – already serving sentence for original trial offences
28.	**Prothonotary of the Supreme Court of New South Wales v Mallegowda** [2016] NSWSC 1087 Adams J	Contempt	PG (19%)	9m NPP 6m Suspended		Nil	During defamation proceedings made threatening phone calls to two witnesses – impulsive acts Suffering mental illness which affected culpability and time in prison – good character

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29.	**Dent** (53) [2016] NSWSC 444 RA Hulme J [2017] NSWCCA 166	Contempt Contempt Contempt Murder Agg Rob in Co	VG	FT 1y FT 1y FT 6m 40y NPP 30y No penalty Total: 42y NPP 32y	Conviction AD	Extensive record including murder as a 17y old – breached bail for drug offences	Contempt offences – assaulted co-offenders in dock during murder trial– threatened judge – sacked counsel and refused to proceed with trial – murder involved joint plan between four offenders to lure victim to park for purpose of robbery – assaulted, clothing removed, hogtied and gaged with underpants by offender – dominant offender – intended GBH and did not care if died Institutionalised
30.	**Prothonotary of the Supreme Court of New South Wales v Ceren** [2016] NSWSC 1187 Harrison J	Contempt	PG	12m GBB		Related offences of conspiracy to cause GBH and procure commission of serious indict offence	Female – refused to give evidence against co-offender – loss of significant evidence to crown – became fearful of way persons assisting authorities treated in gaol – feared for safety of family Released to parole – 19y when involved in substantive offence – difficult background – remorse – did not originally gain from promise to give evidence
31.	**Prothonotary of the Supreme Court of NSW v A** [2017] NSWSC 495 Bellew J	Contempt	PG (20%)	12m suspended sentence		Nil significant	Pleaded guilty to offence of recklessly firing at dwelling place and agreed to give evidence against co-offender – when called to trial of co-offender failed to appear then refused to give evidence – evidence vital to Crown case - original conviction quashed on appeal and pleaded guilty to being accessory after the fact – subsequently gave evidence against co-offender who pleaded guilty – significant objective gravity – feared for personal safety Remorse – good prospects of rehabilitation
32.	**Qaumi** (29) [2017] NSWSC 774 Hamill J	Contempt Multiple offences of violence including murder	PG VG	10m (accumulated to aggregate sentence for additional offences: 50y NPP 36y)	AA 10m (accumulated to aggregate sentence for additional offences: 46y NPP 33y)	Early record – seven year gap prior to these offences	Contempt committed by violent attack on co-accused in courtroom during murder trial - member of criminal gang – involved in arranging multiple shooting incidents over one month including murder – premeditated and planned incidents in the context of violent gangland war Refugee from Afghanistan – suffered extreme and traumatic violence as a child – suffering anxiety disorder and depressive illness – reasonable prospects of rehabilitation – harsh custodial conditions

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33.	**Doe v Dowling** [2017] NSWSC 1037 Harrison J	Contempt	VG	FT 4m		Contempt in similar circumstances	Published article online with names of plaintiffs – failed to comply with take down order and published further articles on Facebook, online and twitter account – intentional, wilful and deliberate action – views himself as journalist and proponent of free speech – seeks financial donations through website – need for deterrence and denunciation
34.	**The Prothonotary of the Supreme Court of NSW v AS** [2018] NSWSC 664 Latham J	Contempt	PG (25%)	FT 9m		nil prior to drug offences	Sentenced for involvement in serious drug offences and given 5% discount for future assistance – refused to give evidence at trial of co-accused citing fear for family – sustained and emphatic refusal to answer questions
35.	**Prothonotary of the Supreme Court of NSW v Dowling** (50) [2018] NSWSC 1301 Wilson J [2018] NSWCA 340	3 x Contempt	VG	9m (each) Total: 18m NPP 13m	AA 4m	contempt offences	Disrupted proceedings before a registrar at call-over by loudly and aggressively making insulting and baseless paedophile allegations about registrar and another named judge – published allegations on internet in deliberate contravention of court orders prohibiting publication – serious and deliberate breaches On appeal – considered application of *Crimes (SP) Act* to contempt proceedings – sentence excessive – irrational abuse
36.	**He v Sun** [2020] NSWSC 1298 Ward CJ at Eq [2021] NSWCA 95	4 x Contempt	VG	6 weeks (concurrent)	AD	nil	In context of civil proceedings search warrant for home of offender executed – offender permitted access but deliberately deleted material on several electronic devices over several hours – most serious class of case – frustrated related proceedings Apology made – impact of imprisonment on wife and two young children – low risk of re-offending – good character
37.	**Seven Network (Operations) Ltd v Dowling (No 2)** [2021] NSWSC 1106 Rees J	Contempt	VG	10m		Three previous contempt offences	Defied court orders and posted confidential material on twitter and website – made website anonymous causing cost to plaintiffs – ongoing course of conduct – serious contempt No contrition – entrenched views – importance of personal deterrence

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38.	**Prothonotary of the Supreme Court of New South Wales v Patrick (a pseudonym)** [2023] NSWSC 1077 N.Adams J	3 x Contempt	PG (25%)	8m (2m added to existing sentence for murder)		Lengthy record	Gave evidence at murder trial of co-offender - refused to answer questions at retrial after conviction appeal – evidence from first trial replayed at third trial where co-offender convicted – aware of consequences of refusal – genuine fears for safety – assaulted while in custody – ultimately fulfilled undertaking to give evidence – first and third offence at lower end of seriousness – second offence moderately serious example Background of disadvantage – mental health issues – multiple suicide attempts – reduction in moral culpability
39.	**Prothonotary of the Supreme Court of New South Wales v London** (22) [2023] NSWSC 1252 Davies J		PG (25%)	6m		Record for violence including breaches of prison discipline	Prisoner refused to give evidence in criminal proceedings against female correctional officer – refusal resulted in three offences being discontinued and fourth offence reduced in severity although offences at lower end of seriousness – serious and reasonable fear for safety in prison environment – assaulted in custody - aware of consequences of refusal – mid-range seriousness Serious mental health issues – some evidence of remorse
40.	**Prothonotary of the Supreme Court of New South Wales v Ibrahim** [2023] NSWSC 1275 Yehia J	Contempt	PG (25%)	8m Suspended upon entering 2y bond		Prior record – no similar offences	Refused to give evidence at murder trial – had not given police statement or agreed to be crown witness – Crown used transcript of evidence given to NSW Crime Commission – aware of consequences of refusal – refusal did not deprive Crown of evidence or contribute to acquittal – fear for safety of self and family – had not received benefit by indicating willingness to give evidence - lower end of objective seriousness Remorse – difficult childhood – substance abuse – mental health issues casually related to offending and reduce moral culpability
41.	**In the matter of KL** (16) [2024] NSWSC 1334 Hamill J	2 x Contempt	PG	6m 9m Suspended (see facts)		Violence offences dealt with by Children's Court	Refused to give evidence in murder trial – 13y at time of killing – friend of victim and present at time of killing – evidence potentially important although refused to co-operate with police – several months later fatally stabbed man in unconnected events – conscious and sustained choice – took oath and answered limited questions in respectful manner – traumatised by events of killing – motive unclear Condition of suspension includes being of good behaviour – if KL refuses to give evidence in future trial will be recalled to show cause

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42.	**Prothonotary of the Supreme Court of New South Wales v Emmanual Majak (aka Emmanuel Deng)** (23) [2026] NSWSC 54 N.Adams CJ at CL	4 x Contempt	PG (25%)	10m		Assault / resist police – participate criminal group – carried in conveyance - proceeds	On three separate occasions refused to come to court to give evidence as witness in murder trial – on fourth occasion refused to take oath or affirmation – no reason given – evidence offender would have given unknown but present at time of offence – reasonably serious No remorse – born in Egypt – no remorse
43.	**Prothonotary of the Supreme Court of New South Wales v Casper (a pseudonym)** [2026] NSWSC 969 Sirtes J	Contempt	PG (25%)	6m		Lengthy record including firearms, other weapons, explosives, violence and drugs.	Refused to give evidence in trial for shooting with intent to murder – gave two statements to police – gave third statement alleging falsehoods in first statements – when brought to courthouse (while in custody serving sentence for other offences) refused to give evidence – serious contempt – actual consequences to outcome of trial not significant – desire to remain loyal and be seen to be loyal to primary offender – some slight apprehension of danger – no benefit from silence – denunciation a significant factor – personal and general deterrence also important

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