Specially Aggravated Kidnapping

s.86(3) (NSW) *Crimes Act*

s 86(1) take or detain a person without their consent:

(a) with intent hold person for ransom

(a1) with the intention of committing a serious indictable offence, or (*subsection added 24.9.2012*)

(b) with intent of obtaining advantage

s 86(3) commit offence under subsection (1)

(a) in company of another person or persons, and

(b) at time of, or immediately before or after, actual bodily harm is occasioned to alleged victim

Maximum Penalty: **25 years**

Commenced: **14.12.2001**

	Case (age if known)	Offence	Plea	Sentence	Appeal	Record	Facts
1.	**Davis** (24) [2004] NSWCCA 310	s.86(3)	PG (1/3)	4y NPP 9m	AA 12m GBB (served 9m NPP)	Nil	With two male co-offenders forcibly removed female friend from residence – victim punched and kneed in stomach and forced into car –returned to offender's house where victim permitted to ring police – motivated by concern to have victim return to care properly for her 3y son Cook Island community.
2.	**JNN** (17) [2004] NSWCCA 426	s.86(3)	PG (15%)	3y 4m 1y 10m	3y 1y 6m (to be served in Juvenile Detention Centre)	Nil	Female offender in company with two female and two male assailants abducted female school acquaintance by car – victim kicked, hit and slapped – hair cut off – made to remove clothes and taunted – abandoned in underwear. Year 10 student – stable and supportive environment – now studying and working – matured – parity

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

	Case (age if known)	Offence	Plea	Sentence	Appeal	Record	Facts
3.	**VL** (15) [2005] NSWCCA 301 [2005] NSWCCA 389	s.86(3) Sched: AR Possess cannabis	PG (25%)	6y NPP 4y	5y 4m NPP 3y 6m	Aggravated robbery, BES, Carried in conveyance, Attempt escape custody. On parole when subject offence committed.	Group of males attacked male doctor in car park – threatened with knife and metal pole – victim robbed of cash and other items - forced into car and to give PIN – assaulted before escape. Substance dependent disorder.
4.	**Barlow** (19) (2008) 184 A Crim R 187 [2008] NSWCCA 96	s.86(3)	PG (35% plea and assist)	15m 2w NPP 5m 2w	AD	Nil	Female assaulted and terrorised male cousin over two hours with unidentified male associate – little planning – vigilante action in response to being sexually assaulted by cousin four years earlier Prior good character
5.	**Flentjar** (31) [2008] NSWSC 771 Buddin J	s.86(3) s.86(3)	PG	8y 6m NPP 5y 6m 8y 6m NPP 5y 6m <u>Total</u> 10y NPP 7y		Minor	Aider and abettor to two co-offenders – male victim lured to house, assaulted and hogtied – wife subsequently lured to house and also hogtied – left house before both victims murdered – believed action taken in retaliation for sexual assault on daughter of co-offender – failed to assist victims – callous disregard Previously good character – contrition – assistance
6.	**Dong** **Tran** (43) **Nguyen** (26) [2010] NSWCCA 107	s.86(3) s.86(3) s.86(3)	VG VG VG	8y NPP 6y 10y 10m NPP 8y 9y 2m NPP 7y	AD AD AD	Includes AR – breached bond Prior record including manslaughter Lengthy custodial history	N and T attempted to detain victim for financial advantage, assisted by D – caused ABH – struggle outside club – shots discharged T - leader – mid range gravity N – difficult childhood – drug addiction

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7.	**Tattersall** (35) [2011] NSWCCA 282	s.86(3) Sched: Supply drug	PG (10%)	14y 5m NPP 11y	AD	Record for violence – released from custody two days before offence	Detained 18y male at house – sustained assault over seven hours – punched, kicked and hit with baseball bat – tattooed with word DOG on forehead – forced to sign over car – threats to kill victim, friends and family – offence committed in company – 5 young children sleeping in house – angered over sexual relationship between victim and offender's girlfriend – serious injuries – very high end of range of seriousness
8.	**Khan** [2012] NSWCCA 74	s.86(3)	VG	4y 6m NPP 2y 8m	Conviction AD		Victim voluntarily accompanied two co-offenders to offender's home - beaten by co-offenders in presence of offender – told he could not leave until paid $7,000 - threatened with knife No further details provided.
9.	**Jinette** [2012] NSWCCA 217	s.86(3) Escape Robbery Aggravated take motor vehicle Sched: 2 driving offences	PG (25%)	9y NPP 6y 9m 2y 3m NPP 1y 8m 7d FT 2y 6y NPP 4y 6m Total 10y NPP 7y 9m	AD	Extensive	Escaped from minimum security prison farm by cutting hole in fence – next morning approached female in car park of nearby town – threatened her with screwdriver and forced her into car – drove for lengthy period of time at excessive speed with victim in car – police abandoned pursuit – took bankcard from victim – lots control of car and crashed Dysfunctional childhood – poor prospects of rehabilitation
10.	**Wilken** (24) [2013] NSWCCA 304	s.86(3)	PG (10%)	7y 2m NPP 5y 2m	AD	Assault, AOABH, stalking, stealing - on bond.	Three offenders drove with female victim to house in search of male - took victim's keys so she could not leave – choked victim with material around neck and threats made
11.	**M O** (15) [2014] NSWCCA 11	s.86(3)	PG (25%)	18m NPP 9m	AA 12m GBB	nil	Female victim punched in face by two co-offenders outside unit – walked back to unit and forced into bedroom – assault continued – offender punched victim once in face – limited involvement Aboriginal male with violent and deprived childhood – alcohol and drug abuse – mother to young child – remorse – prospects of rehabilitation

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12.	**Sheen** [2014] NSWCCA 42	s.86(3) Common assault	PG	7y 2m NPP 5y 2m FT 3m Total: 7y 5m NPP 5y 5m	AD Conviction AA (s166 back-up charge quashed)		Four co-offenders sought to collect $200 debt of $200 owed by male victim – offender took swing at victim (common assault) – victim escaped – one co-offender forcibly entered car of victim's girlfriend waiting nearby – female victim physically assaulted and threatened - made to drive car as directed in search of male victim with other offenders following in their vehicle - threatened with being killed and facially disfigured – choked with fabric around her neck – hailed down police car - joint criminal enterprise Instigator of offence to recover money – clear role in inciting co-offenders to aggression and violence.
13.	**Morrison** (50) [2014] NSWCCA 199	s.86(3) s.86(3)	VG	7y NPP 4y 7y NPP 4y Total: 13y NPP 9y	AD	Lengthy	Two young male victims detained for different periods of time by female offender and her partner – victims were friends of offender's daughters – victims subjected to ongoing physical and mental abuse - regular violence, threats, starvation and other mistreatment to compel them to support daily running of house and to remain living there – offender and partner exercised full psychological control over victim - virtually enslaved – serious physical injuries - high level of objective seriousness and moral culpability Dysfunctional upbringing – depression, low self-esteem – rehabilitation prospects not hopeful

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14.	**Carroll** [2015] NSWCCA 219	s.86(3) Common assault s.52A(2) s.166 6 offences Sched: Drive under influence	PG	7y 2m NPP 4y 6m FT 3m 5y NPP 3y 9m (concurrent) <u>Total</u> 10y 9m NPP 8y 1m	AA 7y 2m NPP 4y 6m FT 3m 5y NPP 3y 9m (concurrent) <u>Total</u> 8y 9m MPP 6y 1m	Breached bond	Drove while drinking and smoking marijuana – 120khp in 60kph zone – lost control and collided with pole killing friend – on separate occasions attended service station with two co-offenders to discuss debt with male victim – victim threatened and chased – pursued victim's girlfriend in car – female victim pulled from car and assaulted – forced to drive car and throttled around neck with dress Dysfunctional childhood resulting in substance abuse On appeal accumulation excessive
15.	**Sorenson** [2016] NSWCCA 54 Co-offender: HALL	s.86(3) Armed with intent to commit offence Indecent assault AOABH	VG	<u>Indicative</u> 10y 3y 3y NPP 2y 3m 3y 3m <u>Aggregate</u>: 12y NPP 8y	AA <u>Indicative</u> 8y 3y 3y NPP 2y 3m 2y <u>Aggregate</u>: 10y NPP 7y	Lengthy	Spent evening drinking with male co-offender, and three female acquaintances – co-offender initiated attack on female after allegation she attempted to steal from co-offender's mother – victim detained for several hours – hit and punched – forced to remove clothes – touched around breasts and stomach – made to crawl like a dog – forced to apologize – escaped when car stopped at petrol station – quasi-vigilante – obtained gratification by punishing and humiliating Drug user – poor prospects of rehabilitation
16.	**Williams** (54) [2017] NSWCCA 7	s.86(3)	PG (5%)	3y 3m NPP 1y 9m	AD	Minor	Arranged for victim to attend offender's jewelry store at arranged time – four other men also attended – victim detained in workshop and punched in face – dispute over money owed – offender remained outside workshop and did not anticipate actual violence – co-offenders took victim away to storage unit and took property Out of character

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17.	**Al Saadi** (20) [2017] NSWCCA 110	s.86(3)	PG (35% plea and assist)	3y 3m 1y 7m 15d	AD		Three co-offenders took 16y male to river bush area – questioned victim about statements he made about them - punched and kicked victim – offender kicked victim 20-30 times as hard as he could - grabbed victim, threatened to throw him into water and struck with tree branches - assaults took place over an hour Subordinate role – joint criminal enterprise.
18.	**Hall** [2017] NSWCCA 260 Co-offender: SORENSON	s.86(3) Armed with intent to commit offence Indecent assault AOABH Supply prohibited drug	VG PG (10%)	Indicative 10y 3y 3y NPP 2y 3m 3y 3m 2y 9m Aggregate 12y NPP 8y	AA Indicative 8y 3y 3y 2y 2y 9m Aggregate 10y NPP 7y	Lengthy including kidnapping – breached conditional liberty	Spent evening drinking with male co-offender, and three female acquaintances – after allegation she attempted to steal from offender's mother female victim detained for several hours – hit and punched – forced to remove clothes – touched around breasts and stomach – made to crawl like a dog – forced to apologize – escaped when car stopped at petrol station – quasi-vigilante Drug user – serious mental health issues
19.	**Calhoun** [2018] NSWCCA 150	s.98 s.33A s.86(3) Sched: 6 offences	PG (50% plea and assist)	Indicative 6y NPP 4y 6m 7y NPP 5y 3m 6y Total: 9y NPP 6y 9m	AD	extensive record for serious violence and firearms offences – breached parole	Approached victim leaving nightclub with co-offender – victim shot in ankle and torso – aware firearm loaded and could be used – degree of planning (s.98 offence) – on another occasion organised co-offenders to confront second victim at pub – believed victim reneged on deal – victim shot in leg, detained in car and threatened - $2000 stolen – principal offender

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20.	**Pashley** (33) [2019] NSWCCA 119	s.86(3) s.97(1) Take and drive conveyance	VG	Indicative 12y 6y 6m 1y 6m Aggregate: 13y NPP 8y	AD	nil	With co-offender drove in car with false number plates to hotel in different town – robbed hotel in early hours of morning armed with knife, claw hammer and screwdriver – bound night manager with duct tape and forced him into hotel van – co-offender drove van and threatened victim with death – victim escaped from moving van causing serious injuries – robbery just above mid-range – kidnapping well above mid-range Prior good character – drug user
21.	**Banat** (33) [2020] NSWCCA 321	s.86(3) 2015 offences: Demand property (s.99(1)) Proceeds crime (s.193B(2)) Participate criminal group (s.93T)	VG PG	Indicative 8y 16m 17m 16m Aggregate: 9y NPP 6y	AA only to vary commencement date.	Violent, property, drug and traffic offences. Serving suspended sentence.	Joint criminal enterprise – not present at initial detention of male victim by two co-offenders but involved from early stage – not satisfied had organisational role - victim taken in vehicle, held in shed for 39 hours, money demanded, assaulted, gun pointed at head, petrol poured over him and threatened to set alight, knife placed in mouth. Offence high level of moral culpability - planned and targeted - sophistication having regard to use of a blue light on one of the motor vehicles to make observers think they were watching a police operation - balaclavas to conceal identity. Substance abuse disorder, depression and impulsive aggression. CCA: Variation of commencement date due to bail periods.
22.	**Korovou** (21) [2021] NSWCCA 28 Co-offender: CONTOS	s.86(3) s.86(2) Sched: Armed rob s.97(1)	PG (25%)	6y NPP 3y 8m FT 2y Total: 6y 4m NPP 4y	AD	Limited. On bail for AOABH, assault police.	Offender and brother recruited by C to obtain return of alleged stolen jewellery from C or payment of $10k – victims lured to C's apartment – detained and beaten – C beat first victim with baseball bat, held knife to throat - offender and brother tied wrists - threats to family and victims - took victim's keys, phone, money – second victim directed to kneel – put first victim in tarpaulin and drove to victim's home to get money – offence for financial gain – sustained conduct over four hours. Prior good character - first custodial sentence – drug alcohol addiction – depression, anxiety, PTSD

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23.	**AR** (15) [2022] NSWCCA 5	s.86(3) AOABH Assault	PG (25%)	CCO 18m No conviction recorded Not indicated	Crown AA CCO 18m Vacated order that no conviction be recorded		Female - took mobile phone from 13y male victim - with co-offenders set upon victim - dragged back to residence – bound wrists, ankles and mouth with duct tape - while restrained assaulted, including by punching in groin and burning arm with cigarette lighter - used scissors to cut hair and shave eyebrows Remorse, contrition, prospects of rehabilitation. On appeal: Crown appeal only against recording no conviction
24.	**Contos** (31) [2022] NSWCCA 92 Co-offender: KOROVOU	s.86(3) s.86(2)	PG (20%)	5y 6m NPP 3y 6m FT 1y 10m Total: 5y 10m NPP 3y 10m	AD	Nil offences of violence	Offender believed victim had stolen from him while cleaning his apartment – lured victim and employee to unit – with two co-offenders forced employee to kneel in corner then assaulted victim multiple times demanding return of property – made threats to victims and family – took victims to home of one victim and demanded $10,000 – instigator of planned offence – mid-level seriousness Out of character – prior good character – promising prospects of rehabilitation – remorse and insight On appeal: no error in assessment of seriousness or parity
25.	**Jackson** (35) [2022] NSWCCA 148	2 x s.86(3) s.35(3) Sched: Rob in company	PG (25%)	5y (each) 2y NPP 6m Aggregate 7y NPP 4y 6m	AA 4y 6m 1y 6m NPP 6m Aggregate 6y NPP 3y 10m	AOABH, driving offences. First time custody.	Female – with 4 co-offenders detained 2 victims over 24 hours – motive for applicant's involvement somewhat obscure – applicant assaulted and stabbed female victim above knee – victims restrained with duct tape and subject to numerous assaults by co-offenders – took mobile phones – offenders all under influence of methamphetamine ("ice"). Aboriginal female – dysfunctional background – victim of domestic abuse On appeal: Parity ground established.

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26.	**AN** (17) **LM** (17) **WD** (17) [2022] NSWSC 1272 Walton J	s.86(3) s.86(3) s.86(3)	PG (12%) PG (20%) PG (15%)	5y 8m NPP 3y 10m 4y 4m NPP 2y 11 3y 10m NPP 2y 7m		Nil Nil Nil	AN lured male victim from Canberra to South Coast bush area with promise of sexual activity through dating app – victim subjected to sustained assault then bound and gagged by all three offenders – no attempt made to provide medical assistance and victim died – planned offences – AN leading and organising role recruiting LN and WD as willing participants – distorted vigilante motivation – AN also motivated by desire to rob victim of drugs – WD less morally culpable – serious offence All offenders significant mitigating factors: youth – prior good character – remorse – good prospects of rehabilitation – likelihood of re-offending low LM: mental health issues WD: difficult childhood with Bugmy considerations – mental health issues reducing culpability and impacting custodial conditions
27.	**Moran** (21) [2022] NSWCCA 217	s.86(3) s.86(3)	PG (25%)	6y NPP 4y 2y 10m NPP 1y 6m <u>Total</u>: 6y NPP 4y 6m	AD	Minor offences – breached conditional release order	First offence committed by five offenders – victim assaulted in garage of home, seriously struck to leg by machete and forced into car – driven to remote area and abandoned in car – serious injury to leg – drug debt – mid range – second offence committed seven months earlier – three men approached female victim and forced her into car – drove victim around seeking information on money and whereabouts of victim's uncle – victim returned to family residence – below mid-range Reasonable prospects of rehabilitation – some limited remorse – mental health taken into account on second offence On appeal: no breach of parity

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28.	**Green** (24) [2022] NSWCCA 230	s.86(3)	PG (5%)	6y 7m NPP 3y 4m	AA 5y 8m NPP 3y	On bail.	With two co-offenders (juveniles) - joint criminal enterprise - detained at victim's residence for 16 hours – assaulted - humiliating mistreatment - motivation to recover rent money and suspicion that victim stole offender's wallet – kneed, kicked, punched victim multiple times to head – co-offender cut cheek with knife inflicting wound CCA: failure to arrange timely entry of guilty plea. Progress toward rehabilitation - stable employment in custody – remorse - insight - credit for period of quasi-custody - special circumstances: youth and drug rehabilitation
29.	**Cross** [2022] NSWCCA 261	s.86(3) s.166 Certificate: supply dugs	PG (25%)	4y 6m NPP 2y 6m	AD	Extensive (offences not stated) – related to drug use. Not offences of violence.	Female – with two co-offenders detained male 19y for 12-15 hours due to victim owing money – in vehicle offender punched victim several times to head – took victim to co-offender's home - offender told victim to remove clothing to underwear, pulled victim by dog lead outside causing him to fall and strike head on concrete, suffered significant pain, grazing and bleeding - forced victim to say he was a dog – kicked victim to torso and testicles, denied food and sleep – placed victim in boot of vehicle with bound wrists and ankles - took to another house – taken back to co-offender's house and released by another person - victim subjected to humiliation and degradation. Deprived background - domestic violence between parents and sexual abuse by family friend – drug use – PTSD – anxiety - prospects of rehabilitation guarded

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30.	**El Katrib** (55) [2022] NSWCCA 266	s.86(3)	PG (25%)	5y 3m NPP 3y 6m	AD	All Local Court but pattern of domestic violence	Victim stole drugs from home of co-offender – victim lured to address by female co-offender and brutalised by three co-offenders – tied up, threats of murder and serious injury, demand made for drugs or $80,000 – offender arrived and helped move victim to van – pursued and caught victim escaping and returned him to van – specially aggravating circumstances was actual bodily harm although offender did not inflict any violence Difficult and impoverished childhood in Lebanon – gambling and ice addict at time of offending – mental health caused some impairment – medical conditions On appeal: dismissed parity ground
31.	**MH** [2022] NSWCCA 287	s.86(3) Supply drug Assault with intent take motor vehicle Accessory after fact discharge firearm	PG (7 / 5%)	6y 3m 16m 3y 3m NPP 2y 2m 16m Aggregate 7y 9m NPP 5y 3m	AD	Driving, destruction of property, reckless wounding	With 2 co-offenders – mistook victim for a person with whom had dispute – approached victim in vehicle, victim's head covered, assaulted, forcibly removed from vehicle, thrown in boot of offenders' vehicle, driven around for 15 minutes, repeatedly punched, threatened to be bashed - released when mistake realised - involved much deliberation, determination and considerable organisation. Delay of 5 years - background of very substantial disadvantage – health issues - prospects of rehabilitation fair

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32.	**TA** (16) [2023] NSWCCA 27	s.86(3) s.86(2) Sched: 5 related violence off	PG (25%)	4y NPP 2y 2y (concurrent)	AD	Nil – bond for subsequent offence of use carriage service to menace	Female offender and co-offender approached three females aged 20y, 15y and 14y in park at 1.00am – after insignificant verbal exchange offender assaulted one victim – sustained assault in park and car park involved kicking and punching and throwing on concrete – victims forced into their car – offender sat in back and co-offender drove – threats to kill – one victim forced to withdraw $500 – instigator of offences – opportunistic – vicious and brutal – just below mid-range Given bond for using carriage service to menace victim's sister 6m later Disrupted and difficult childhood – exposed to violence, abuse and neglect – out of home care – disrupted childhood – early substance abuse - self harm – sexual assault – trauma resulting in significant mental health issues – prospects of rehabilitation guarded – highly likely to re-offend On appeal: no error in application of *Bugmy* and youth principles – no breach of parity
33.	**O'Brien** (41) [2023] NSWCCA 41	s.86(3) s.97(1) s.154A	VG	Indicative 13y 7y 2y Aggregate 14y NPP 9y	AD	Offence of violence	Well-planned robbery with co-offender of Hotel where offender previously employed – used insider knowledge, knew one employee (night duty manager) would be on duty and how much money on premises - used masks, balaclavas – offender held knife to victim's face, while co-offender bound victim's hands with duct tape - offender opened Hotel safe and removed $30k – put victim in rear of van - reason for taking and detaining victim was because there was only one road in and out of town so that if victim raised alarm the offenders could be apprehended – victim jumped from van whilst travelling; suffered "life threatening" injuries, lacerations to skull and hip, pneumothorax (air in pleural cavity) and right lung nearly collapsed. Specially aggravated committed in company, and infliction of actual bodily harm - motive was financial gain and revenge for dismissal from employment – no remorse – supportive unremarkable upbringing.

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34.	**Lee** [2023] NSWCCA 70	s.86(3) Intimidation Sched: s.35(3)	PG (25%)	Indicative: 5y 7m 15m Aggregate: 6y 3m NPP 4y 3m	AD	Manslaughter – affray – resist arrest – carried in stolen vehicle	Attended home where victim being detained after robbery – participated in threatening victim with blow torch – one of five people who broke into home of second victim – offender hit sleeping victim to side of head with piece of wood – victim detained in bedroom then loungeroom during search for drugs over 1.5 hours – money demanded – assaulted and detained second male – significant lead role – mid-range Bugmy factors – substance abuse On appeal: no error in assessment of objective gravity
35.	**Wade** [2023] NSWCCA 135	s.86(3) s.111(2)	PG (25%)	Indicative: 5y 6m 2y 2m Aggregate: 6y NPP 3y 7m	AD	Wound intent GBH (juvenile offence)	Victims in civil dispute with others over business – applicant and co-offender used as "muscle" and instrument of fear in the civil dispute, to place pressure on male victim and intimidate him on behalf of someone else - applicant and co-offender attended victims' home; told victims they owed money to building company– during struggle, female victim's left index finger cut by machete by one of the offenders causing wound and disfigurement - knife held to male victim's neck throughout incident – threats to kill and cut female victim's fingers off - stole watch. *Bugmy* - guarded likelihood of reoffending and prospects of rehabilitation – remorse.

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36.	**Rahman** [2023] NSWCCA 148	2 x s.86(3) Sched: 2 offences	PG (10% / 25%)	Indicative: 8y 6m 5y Aggregate: 10y 6m NPP 6y 9m	AD	Take and detain in company, assault, stalk and intimidate, breaching domestic violence order.	With co-offender - joint criminal enterprise to abduct individuals for monetary gain - role of organiser - co-offender carried out more acts of violence - first victim: abducted and detained in workplace; co-offender struck victim to head with pistol causing GBH; further "bashed" by both; driven to semi-rural property; placed unconscious into a shed; demand for payment of $4 million; victim left in shed overnight; found by passers-by – second victim: offenders caused motor vehicle collision; attempted to carry driver into their motor vehicle, managed to escape; choked by one of the co-offenders grabbing gold chain around neck in an effort to prevent escape. Tumultuous childhood – substance abuse.
37.	**Tasdik** (22) [2024] NSWCCA 195	s.86(3) 2 x s.86(2) s.61		Indicative 3y 9m 2y 6m s.10A conviction with no further penalty Aggregate 4y 3m 2y 4m	AA Indicative 3y 1y 9m s.10A conviction with no further penalty Aggregate 3y 6m 1y 11m	Nil	Detained male victim for 1h 30m with co-offenders – ongoing violent assault - argument between victim and co-offender/ringleader - attended out of loyalty - angry due to victim threatening applicant's younger brother – held knife towards victim - took up makeshift weapons striking victim – two other male victims detained in vehicle, held knife – unplanned offences. Low risk reoffending - good character – family support. CCA: Parity with co-offender.

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38.	**Jones** [2025] NSWCCA 28	s.86(3) Steal motor vehicle 2 x s.99(2) Drive conveyance without consent s.166 Certificate: 4 offences	PG (25%)	Indicative 12y 2y 8y (each) 12m Aggregate 13y NPP 8y s.10A	Indicative 11y 3m 18m 7y 6m (each) 9m Aggregate 12y NPP 7y 4m	AOABH, assault, intimidate police, firearms, drug supply.	Arrived at male victim's unit with male and female - detained victim alleging victim owed female money for coming to premises for sexual encounter – victim punched and kicked, thrown to ground, not permitted to leave - driven in vehicle to another location, withdrew $400 from ATM and gave to offender – threatened, hands tied with USB cable, injected with drugs. Mental health. CCA: Evidence of childhood sexual abuse not at sentence, admitted on appeal – reduced moral culpability - deprived background over entirety of youth
39.	**Tonga** (20) [2025] NSWCCA 100 Co-accused LIAVAA	s.112(3) – Intimidate s.86(3) Possess pistol s.7(1) *Firearms Act*	PG (25%)	Indicative 6y 9m NPP 4y 3m 7y 3y NPP 1y 8m Aggregate 8y 6m NPP 5y 4m	AD Crown AD	Limited.	With number of others, home invasion of male victim's premises - joint criminal enterprise – offender armed with pistol – two others armed with pistol and sledgehammer – victim forced into vehicle - offender followed in separate vehicle – victim detained at premises for 6 days for $5m ransom – victim nephew of ransom target - in underwear, gagged, blindfolded, hands bound by zip ties, pillowcase over head, fed minimal food and water – serious extreme assaults and violence, blade run across back, three teeth extracted with pliers and hammer – offender present inside premises for one day – no evidence offender inflicted violence - video of offender holding gun to victim's head and threatening victim sent to ransom target – offender collected $150k set up by police operation Medium-low risk reoffending – good rehabilitation prospects – remorse - family and community support – youth - special circumstances.

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40.	**Liavaa** (19) [2025] NSWCCA 101 Co-accused: TONGA	s.112(3) – Intimidate s.86(3)	PG (25%)	Indicative 6y 9m NPP 4y 3m 7y Aggregate 8y 6m NPP 5y 4m	AD Crown AD	Nil	With number of others, home invasion of male victim's premises – joint criminal enterprise - offenders armed with pistols and sledgehammer – offender sourced sledgehammer - victim forced into vehicle - offender transported three offenders and travelled in same vehicle as victim – victim detained at premises for 6 days for $5m ransom – victim nephew of ransom target - in underwear, gagged, blindfolded, hands bound by zip ties, pillowcase over head, fed minimal food and water – serious extreme assaults and violence, blade run across back, three teeth extracted with pliers and hammer – no evidence offender inflicted violence - not established offender inside premises, but in vicinity and aware of violence – picked up offenders who collected $150k set up by police operation PTSD, background trauma, mental health - mild traumatic brain injury – childhood disadvantage – drug abuse - community support – youth – special circumstances
41.	**Rangihuna** [2025] NSWCCA 186	s.86(3) s.112(3) Sched: s.317(a): tamper with evidence s.65(3) possess ammunition	PG (25%)	Indicative 8y 5y 6m Aggregate 8y NPP 5y	AD	Robbery armed and in company, personal violence. On parole.	With group of males, entered home - group assaulted victim's elderly father striking in head with pistol and punched – dragged male victim to vehicle, struck victim – suffered injuries – took to warehouse – wrapped head in duct tape – detained for 9 hours – group members took turns to sit on victim to restrain him – messages sent to victim's contacts demanding money up to $100 million – sent photos of victim showing injuries – set three fires in warehouse to destroy evidence when police arrived – motive financial gain: stood to gain $10k - well planned, organised joint criminal enterprises. Remorse - good prospects of rehabilitation - drug use – PTSD - very real risk of institutionalisation. CCA: No disparity with co-offenders.

	Case (age if known)	Offence	Plea	Sentence	Appeal	Record	Facts
42.	**Simpson (a pseudonym)** (40) [2026] NSWCCA 6	s.86(3) Act with intent to influence witness: s.323 s.166 Certificate Recklessly damage property	VG	10y NPP 5y 3y Total: 11y NPP 6y	AD	Old robbery and GIC offences – driving offences	Detained female victim in shed for twenty hours – angered that victim had endangered offender's 6y daughter in car crash – threatened and physically assaulted victim causing injuries – relied upon assistance of father and partner – elements of cruelty, torture and humiliation – high objective gravity – deliberately damaged car of victim's partner – thirteen months later sought to dissuade co-offender not to plead and give Crown evidence – mid-range offence Female – difficult childhood and personal life – son with physical disabilities
43.	**Cowan** (39) [2026] NSWCCA 105	Attempt s.86(3)	PG (5%)	4y 9m NPP 3y	AD	Extensive – driving, drugs, property, assault, AVO, possess knife and prohibited weapon – breached parole	Victim attending house to obtain drugs – grabbed by four offenders and threatened with removal of fingers with angle grinder – assaulted and punched - pursued as attempted to escape and attempt made to put into boot of car – intent to intimidate History of substance abuse and mental health issues – prospects of rehabilitation not hopeless On appeal: no error in declining to apply Bugmy principles

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