

<h2 style="margin: 0;">Manslaughter</h2> <h3 style="margin: 0;">During Fight / Brawl Involving More Than Two People</h3> <h3 style="margin: 0;">Shooting</h3>

Maximum Penalty: 25 years (s.25 (NSW) Crimes Act)

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	Aslan (18) El Kerdi (17) NSWSC Ireland J 1.11.1994 Co-offender: EL BADAR	Unlawful and dangerous – shooting (El-Kerdi) Shooting – general Juvenile offender Accessory (Aslan) Fight - shooting	PG PG	MT 2y AT 3y (assistance) MT 3y AT 3y (assistance)		Record for violence – breached bail	Drive by shooting at dance party - three shots fired, killing one person and injuring another - retaliation for being forced to leave party after fight. El-Kerdi – shooter - possibly under the influence of Rohypnol at the time - early plea.
2.	El Badar (17) NSWCCA 3.4.1995 Co-offenders: ASLAN EL KERDI	Juvenile offender Shooting – general Accessory Fight - shooting	PG	MT 2y 5m AT 2y 7m (Assistance)	AD	Nil	With group of youths had altercation with another group at dance party – left and armed selves with various weapons before returning in offender's car - five shots fired as drove past party killing victim – offender armed with machete and did not fire gun

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3.	Cioban (37) [2002] NSWSC 972 Studdert J (2003) 139 A Crim R 265 [2003] NSWCCA 304	Excessive self defence Shooting – general Fight - shooting	VG s.33A	8y NPP 5y FT 18m <u>Total:</u> 9y NPP 6y	Conviction AA - s.33A Manslaughter: AA 6y 6m NPP 4y		Involved in fight with group of Fijians on street - punched and kicked - fired shot at victim failing to strike anything - pursued by victim in aggressive manner - backed into door way and shot victim in chest - no premeditation - believed necessary to defend self Romanian - full time carer for disabled son - out of character - good prospects of rehabilitation
4.	Ahmad (30) [2005] NSWSC 911 Howie J [2006] NSWCCA 177	Excessive self defence Fight - shooting Shooting - general	PG (15%) Mal inflict GBH Mal wound AOABH	9y 4m NPP 6y FT 15m FT 9m FT 9m <u>Total:</u> 10y 4m NPP 7y	AD	Irrelevant	Arguments between factions of Lebanese community – offender broke one victim’s jaw and later shot and killed second victim – intent to kill Lebanese – married with 3 young children – wife sentenced for hindering police – out of character – some hearing loss from bomb blasts in Lebanon – very low IQ – good rehabilitation prospects
5.	Forbes (20) [2011] NSWSC 1547 Harrison J Co-offender: SHEDDEN	Accessory Fight - shooting Shooting – general Unlawful and dangerous - shooting	PG (50% plea and assist)	3y NPP 1y 6m		nil	Continuation of earlier confrontation between two groups – offender one of group who gathered and planned assault – co-offender armed with gun – car driving victim and others stopped by group – victim emerged from car armed with weapon and shot by co-offender – offender was not armed but aware co-offenders were – shooting was not intended – no planning – contemplated unlawful and dangerous act was AOABH Protective custody – special circumstances – assistance to authorities - prior good character. Second co-offender sentenced for murder <u>Shedden</u> [2012] NSWSC 854

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6.	Shedden (31) [2012] NSWSC 759 Fullerton J [2013] NSWCCA 225 Co-offender: FORBES	Unlawful and dangerous - shooting Shooting – general Fight - shooting Accessory	PG (25% plea and assist)	9y NPP 6y 9m	AD	violence	Male shot dead emerging from car that had been lured into suburban street – attack retaliation for earlier assault by victim on several members of group – offender allowed house to be used for planning of assault on victim and was present during attack - aware someone in group had gun – played principal role – high degree of criminality Protective custody - lost all contact with family, wife and children Brother sentenced for murder Shedden [2012] NSWSC 854
7.	Mariam (24) [2012] NSWSC 1023 Latham J [2013] NSWCCA 338	Unlawful and dangerous - shooting Fight - shooting Shooting - general	VG (at murder trial – 15% for offer) Mansl Affray	7y 9m NPP 5y 9m FT 3y <u>Total:</u> 8y NPP 6y	Crown AA 12y NPP 8y 9m FT 4y <u>Total:</u> 13y NPP 9y 9m	Old robbery offences	Involved in arranged confrontation between two groups of male youths – fired up to ten cartridges from Ruger pistol at opposing group in car park – bullet struck truck driver across road killing him instantly – first to discharge firearm Married with two children – moderate prospects of rehabilitation
8.	Ahmad (33) [2020] NSWSC 1195 Button J [2021] NSWCCA 30	Fight - shooting Shooting – general Accessory	PG (25% combined on appeal)	7y NPP 5y 3m	AA 6y NPP 4y 6m	Violence: AOABH, affray, firing firearms, possess loaded firearm	Extended joint criminal enterprise - altercation between two groups resulting in gunfight – offender's brother shot and killed victim - spontaneous and unexpected involvement by offender - did not bring weapon and not aware of altercation – picked up weapon from wounded associate – saw opposing male point gun - fired warning shot. Loving husband and father - difficult family upbringing, including civil war in Lebanon - chronic anxiety and substance abuse. On appeal: SJ failed to give discount for assistance – 5% discount imposed.

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9.	Faaloii (23) NSWDC 28.10.2024 Wilson SC DCJ [2026] NSWCCA 51	Shooting – general Fight - shooting Unlawful and dangerous act - shooting	PG (25%)	12y NPP 9y	AD	Multiple armed robbery, wound with intent cause GBH. On parole.	(2020) Confrontation with rival group – applicant only became involved in confrontation shortly before – unplanned, spontaneous - drove younger co-offenders to confrontation - armed with shotgun, approached vehicle of deceased – pointed gun at head of 15-year-old passenger - walked to deceased’s side of car and manually actioned firearm a second time - did not know deceased - accidentally discharged shotgun striking deceased at close range to centre of chest - no intent kill or GBH - deliberately pointed firearm at deceased at close range, knowing it was loaded. No remorse - medium risk reoffending. CCA: Error in assessment of moral culpability by having regard to post-offence conduct that applicant failed for two years to acknowledge responsibility for offending – no lesser sentence warranted.

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