Manslaughter

Juvenile Offender

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	**Cotton** NSW SC Hunt J 28.6.1990	Provocation Assault – general Accessory Juvenile offender	VG	MT 2y AT 18m			Female - assaulted male victim with de facto - could not determine which blows caused death - victim had verbally insulted offender Intellectual disability and limited insight
2.	**French** (16) NSW SC Wood J 2.10.1990	Unlawful and dangerous - assault Assault – general Juvenile offenders Accessory	PG	MT 4y 6m AT 2y (assistance)		priors and tragic upbringing	8 young people involved in assault - phoned number from toilet wall to arrange meeting with homosexual victim, then bashed him to death F – involved in assault JPL – took part in assault but intended only to bash and rob J – involved in attack Y – did not physically participate in attack – intended less serious harm - completed HSC and some employment - emotionally immature – remorseful - low risk of reoffending. Three offenders convicted of murder - *Howard & Ors* (1992) 29 NSWLR 242
	JPL (16) NSWCCA 5.10.1994		PG	MT 7y AT 2y	AA MT 6y AT 3y	nil	
	J (16) NSW CCA 5.12.1992		PG	MT 5y 6m AT 2y 6m (assistance)		nil	
	Young NSW SC B-Parker J 15.4.1991		VG (at murder trial)	MT 5y AT 3y (juvenile detention until 21y)		nil	

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)	Type	Plea	Sentence	Appeal	Record	Facts
3.	**O'Brien** (17) NSWCCA 29.4.1993	Unlawful and dangerous - shooting Juvenile offender Shooting – general	VG Mansl Shoot with intent	MT 7y AT 6y	AD	nil	Intoxicated youth had confrontation with victim and others on street - obtained gun from home then used it to facilitate escape from second confrontation
4.	**Aslan** (18) **El Kerdi** (17) NSWSC Ireland J 1.11.1994 Co-offender: EL BADAR (1995)	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.
5.	**Dixon** (under 17) **Dunn** (under 17) NSWSC Loveday J 18.11.1994	Unlawful and dangerous - assault Assault – general Juvenile offender	PG Mansl Robbery Assault	MT 5y AT 4y 6m MT 6y AT 4y 6m		no priors serious record	Intoxicated Aboriginal youths fatally assaulted 69y during robbery - assaulted second victim with broken bottle and stake Both offenders had alcohol addiction
6.	**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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7.	**ALH** NSWSC Dunford J 26.5.1995	Unlawful and dangerous - assault Assault – general Juvenile offender	PG	MT 3y 6m AT 4y Detention		juvenile convictions	Aboriginal youth bashed victim while in company, suspecting him of stealing - hard punch to head caused death Intellectually disabled - contrite
8.	**SAE** (15) NSWCCA 3.4.1997	Accessory Juvenile offender Shooting - general	PG	MT 1y 6m AT 2y 3m	AA MT 1y 3m AT 2y 6m (to allow for PSC)	long record - real and continuing risk to community	Acted as look out during robbery - security guard shot
9.	**PN** (17) NSWSC Barr J 30.10.1998	Unlawful and dangerous - stabbing Stabbing – general Fight - stabbing Juvenile offender	PG	MT 8y AT 4y		assaults committed in gaol awaiting sentence; on bond at time of offence	Pacific Islander - brother involved in earlier fight with group - armed with knife went back with others to continue fight - stabbed one victim in back and fatally stabbed second victim under influence of alcohol and cannabis Tragic background – mother suicided when offender 2y, then watched sister suicide when 7y – low average intellectual disability
10.	**MHN (No.2)** (17 at offence – 20 at sentence) NSWSC 553 Kirby J 20.11.1998	Unlawful and dangerous - stabbing Stabbing – general Juvenile offender	PG	FT 4y (representing NPP – concurrent to murder sentence)			Unarmed Vietnamese youth followed from skating rink and attacked by group wielding weapons – picked up knife dropped by assailants and fatally stabbed one male attacker and wounded second male – not aggressor – element of provocation and diminished responsibility Volunteered previously unknown guilt to police – unhappy childhood – suffering depression – sentenced at similar time for murder - *MHN* NSWSC 29.10.1998
11.	**TM** (17) [1999] NSWSC 504 Hidden J	Unlawful and dangerous - stabbing Juvenile offender Stabbing - general	PG	MT 3y AT 2y (detention)		not relevant	Chased victim with friends after confrontation in pub - friends kicked and punched victim to ground - offender stabbed victim in leg causing death Good prospects of rehabilitation, supportive family

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12.	**Korhonen** (16) [1999] NSWSC 933 Hulme J (K) [2000] NSWCCA 24	Diminished responsibility Provocation Juvenile offender Stabbing - domestic	VG	4y GBB	Crown AD	insignificant	Stabbed man he had been staying with – previous week had been sodomised by victim – provocation very high Developmental delays and profoundly disturbed - appalling childhood - gross psychiatric disturbances - ill-equipped to deal with stress - positive evidence of rehabilitation
13.	**SMP** (17) [1999] NSWCCA 318	Unlawful and dangerous - stabbing Juvenile offender Stabbing - general	PG	MT 4y AT 3y	AA MT 2y 9m AT 2y 9m (detention)	nil	Stabbed victim after he attacked offender with knife by surprise – victim suffered mental problems and drug addiction - no suggestion offender carrying knife with intent to injure - no premeditation or ill will
14.	**TJP** (16) [1999] NSWCCA 408	Unlawful and dangerous - assault Assault – general Juvenile offender	PG	MT 2y 11m AT 3y (PSC 1m)	AD	assault, robbery - on recog	Aboriginal female bashed and robbed 67y male with two co offenders Alcohol and cannabis user since 11y
15.	**Luong** (17) [2000] NSWSC 505 Sully J	Unlawful & dangerous - shooting Criminal negligence Juvenile offender Victim under 18y Shooting - domestic	VG	4y NPP 2y		nil	Hosted party for school friends at family home - while displaying gun deliberately fired at 16y female friend mistakenly believing no live ammunition in gun Excellent subjective features

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16.	**PRFN** (15) [2000] NSWCCA 230	Diminished responsibility Juvenile offender Shooting - general	VG	MT 3y AT 3y	AD		Anally raped by victim when 14y old - victim continued to make sexual overtures - devastating effect - became obsessed that victim would hurt baby nephew - killing carefully implemented - lured victim to farm and shot him - element of revenge Post-Traumatic Stress Disorder and major depressive disorder
17.	**Sutcliffe** (25) **S McGoldrick** (21) **L McGoldrick** (17) [2000] NSWSC 825 Adams J	Unlawful and dangerous - assault Assault – general Juvenile offender (L.Mc)	PG	5y 3m NPP 3y 4y 5m NPP 2y 3m 2y 6m PD			Four offenders involved in pushing large rocks off motorway overpass attempting to strike truck trailers - one rock smashed through windscreen of victim's truck causing death - went to assistance of driver but attempted to conceal involvement in offence S: most culpable - limited intelligence – immature - psychological handicaps - genuine remorse - strict protection - good prospects of rehabilitation S.McG: less than average intelligence – immature – remorse - onerous conditions of bail L.McG: least culpable – immature – remorse
18.	**Bowtell** (17 at offence - 29 at re-sentence) [2000] NSWSC 803 Hidden J	Diminished responsibility Assault – general Juvenile offender	PG	Life Re-determination 21y NPP 15y (earliest release date 23.9.2003)		on bail for AR at time of offence	Redetermination of life sentence (1988) dragged 81y female victim into nearby yard - bashed her to death, and brutally sexually assaulted body - left naked body in bin After initial struggle in jail marked improvement in behaviour - diagnosed with ADD and good rehabilitation - genuine remorse
19.	**ANG** (16) [2001] NSWSC 758 Ireland AJ	Criminal negligence Drowning Juvenile offender	PG	2y suspended sentence		nil	Pushed unconscious body of 31y uncle into river - did so at earlier request of suicidal uncle - uncle suffered depression and intoxicated at time - offender under influence of drugs from drinks spiked without knowledge of offender Well respected youth - good family support - deeply affected by incident - rehabilitation.

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20.	**CVH** (15) [2002] NSWSC 1160 O'Keefe J [2003] NSWCCA 237 [2004] NSWSC 205 O'Keefe J	Accessory Juvenile offender Stabbing - general	VG Mansl Assault Affray	10y NPP 6y FT 2y FT 1y (all concurrent)	AA remitted for re-sentence Re-sentence - manslaughter 8y 6m NPP 5y	not relevant	Gang attack on two victims outside amusement centre - mistakenly believed victim belonged to gang responsible for assault on friend - one victim stabbed in shoulder - second victim stabbed in heart by co-offender - willing party to serious attack Difficult childhood resulting in early drug addiction - genuine remorse
21.	**CK** (16) [2002] NSWSC 942 Studdert J [2004] NSWCCA 116	Unlawful and dangerous - assault Juvenile offender Assault – general Fight - assault	PG (25%)	7y 6m NPP 4y	AD	nil	Present during series of confrontations between Asian and Australian youths throughout evening of killing - threw solid metal bar at car being driven by 17y male - bar penetrated skull of victim Born to Korean parents - contrition - uncharacteristic behaviour - hardship to family
22.	**Kerr** (17) [2004] NSWSC 75 Kirby J (RIK) [2004] NSWCCA 282	Unlawful and dangerous - assault Assault – general Juvenile offender	VG	3y NPP 12m	Conviction AD	Nil	Alighted from train and approached male sitting alone on platform in aggressive manner and swearing – victim jumped onto tracks and struck by train Prior good character – intoxicated – family support – excellent prospects of rehabilitation
23.	**V D N** (17) [2004] NSWSC 426 Whealy J	Unlawful and dangerous - stabbing Juvenile offender Stabbing – general Accessory	PG (15%) Att AR	6y 9m NPP 3y FT 15m (concurrent)		Drug offences	Involved in attempted robbery on Asian couple leaving store with daily takings – assaulted and detained female with knife – male assaulted by two co-offenders and fatally stabbed in chest – 2 shots fired into rear tyre by co-offender – aware knife would be presented during robbery Evidence of rehabilitation from drug abuse – genuine remorse

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24.	**Mawson** (18) **Robins** (18) **JWC** (16) [2004] NSWSC 561 Buddin J	Assault – general Juvenile offender (JWC) Accessory	PG Mansl Agg Rob PG Mansl Agg Rob PG Mansl Agg Rob	6y 6m NPP 4y FT 2y 6m <u>Total</u>: 7y 3m NPP 4y 9m 6y 6m NPP 4y FT 2y 6m <u>Total</u>: 7y 3m NPP 4y 9m 5y 6m NPP 3y 1m 26d FT 2y <u>Total</u>: 6y 6m NPP 4y 1m 26d		Minor Nil Nil	Fatal assault by group of intoxicated youths on male stranger in street at night - second male assaulted and money stolen from wallet – intoxication – spontaneous Each offender suffered difficult childhood – depression - low intelligence - alcohol abuse - some prospects of rehabilitation - remorse
25.	**JD** [2005] NSWSC 128 Levine J (2006) 160 A Crim R 392 [2006] NSWCCA 31	Unlawful and dangerous - stabbing Juvenile offender Stabbing - general	VG (at murder trial – 25% for offer) AR	5y 3m NPP 3y 4y 1m NPP 3y (concurrent)	Crown AD	Nil	With brother planned armed robbery of family attempting to sell diamond engagement ring – during struggle son fatally stabbed and father stabbed in chest by co-offender Excellent prospects of rehabilitation – low intelligence – poor health

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26.	**MD** (17)	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (10%) Mansl Steal from person	5y 6m NPP 3y 6m FT 6m <u>Total</u>: 5y 9m NPP 3y 9m	Crown AD	Nil	Victim and companion set upon by group of youths walking near park late at night – action of MD forced victim into power pole head first – unclear if pushed or retreating – NA punched and kicked victim on ground – JT one kick to victim on ground – BM assisted by assaulting companion and preventing assistance – brutal and cowardly attack with no provocation – objective gravity very high – MD stole phone from victim All showed contrition and evidence of rehabilitation
	NA		PG (15%)	4y 6m NPP 2y	Crown AD		
	BM (16)		PG (10%) Mansl Assault	4y NPP 2y FT 6m <u>Total</u>: 4y 1m NPP 2y	Crown AD		
	JT (17) [2005] NSWSC 344 G James J (2005) 156 A Crim R 372 [2005] NSWCCA 342		PG (5%) Mansl Assault	4y NPP 2y 6m 6m <u>Total</u>: 4y 3m NPP 2y 9m	Crown AD		

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27.	**Bugmy** (20) **NMB** (15) [2005] NSWSC 561 Grove J	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (25%) PG (25%) Sched Larceny	7y 6m NPP 5y 6y NPP 4y		Minimal; breach of GBB Some; breach of conditional liberty	After many hours of drinking, offenders kicked victim to death – possible response to victim swearing at offender's aunt B – Aboriginal male – stable relationship with young child – alcoholic and domestic violence background – recent death of father – helped care for handicapped sister – average intelligence – good prospects for rehabilitation NMB – Aboriginal youth – some rehabilitation and remorse – drug/alcohol bender in days before offence – petrol sniffing leading to daily alcohol/marijuana use – dysfunctional alcohol and domestic violence background – only learned to read in custody
28.	**WKD** (19) **MJN** (15) [2005] NSWSC 694 Mathews AJ	Excessive self-defence (WKD) Assault – general Juvenile offender (MJN) Accessory (MJN)	VG (at murder trial) PG Steal from dwelling VG (at murder trial) PG Steal from dwelling	12y NPP 8y FT 1y 6m Total: 13y 6m NPP 9y 6y NPP 2y 6m FT 1y Total: 7y NPP 3y 6m		Included assault Nil relevant	Cousins assaulted male acquaintance in victim's home with iron bar and beer bottle – stole property – attended home with intent to assault – retaliation for earlier confrontation WKD - primary offender – inflicted majority of injuries – excessive self-defence - Aboriginal male – 2 children from long term relationship MJN –acted under pre-existing criminal enterprise to assault – under influence of older cousin – Aboriginal youth - remorse

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29.	**King** (36) **Bugmy** (33) **CJ** (16) [2006] NSWSC 161 Buddin J	Fight - assault Assault - general Accessory Juvenile offender (CJ)	PG (20%)	6y NPP 3y 8m 7y 6m NPP 4y 4m 4y 4m NPP 2y 8m		Minor Extensive including violence – breached parole nil	History of animosity between two family groups in small town – male associated with one family threatened by group associated with second family including offenders – victim assaulted by offenders armed with rocks and known weapons – fatal assault to head K – stable family life – good conduct in custody despite onerous conditions B – tragic background – partially blind – alcohol problems CJ – difficult childhood – good use of time in custody – low cognitive skill – good character
30.	**KT** (16) [2007] NSWSC 83 Johnson J (2008) 182 A Crim R 571 [2008] NSWCCA 51	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (25%)	6y NPP 4y	AD	Nil	Driving with friend throwing eggs at strangers on street – victim became agitated at conduct and threw can at car – confrontation resulted in single fatal punch to head – victim small Sudanese man with limited English Borderline intellectual ability – remorse
31.	**LAL** (14) **PN** (14) [2007] NSWSC 445 McClellan CJ at CL	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (15%) Sched: LMV Steal mobile phone	6y NPP 3y 6m 6y NPP 3y 6m		Nil Nil	Assaulted taxi driver using moderate force – victim suffering heart disease and died from heart attack – opportunistic offence – under influence of alcohol and marijuana Female offenders - genuine remorse – Islander parentage – violent households – need for continued supervision – evidence of progress in rehabilitation – immature and intellectual deficits – early exposure to alcohol abuse - PN suffering psychiatric problems

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32.	**CK** (15) **TS** (15) [2007] NSWSC 1424 Latham J	Unlawful and dangerous - assault Assault – general Juvenile offender Victim under 18y	PG (25%) PG (25%)	6y NPP 4y 6y NPP 3y 6m		Priors – breached bond nil	17y walking down main street of town late at night – headbutted by CK – punched to head by TS – unprovoked attack – died of subarachnoid haemorrhage Drug and alcohol abuse – difficult childhoods
33.	**APT** (17) [2008] NSWSC 302 Studdert AJ [2009] NSWCCA 230	Unlawful and dangerous Assault – general Juvenile offender	VG (at murder trial)	8y NPP 5y 6m	AD	Nil	Involved in brutal assault on young male outside service station in early hours of morning – lesser offender – kicked victim on ground Remorse – good prospects of rehabilitation
34.	**Kari** (19) **H** (16) [2008] NSWSC 993 Hidden J	Unlawful and dangerous - shooting Shooting – general Accessory Juvenile offender (H)	PG (15%) Sched: Home invasion PG (15%) Sched: Rob in co	7y NPP 4y 6m 6y NPP 3y 6m		Dishonesty and drug offences – breached bail and bond Alarming record for violence – breached probation	Part of group of men attending victim's house intending to shut down drug operation – K handed gun by H at last minute – during subsequent struggle K fired shot voluntarily but without intent hitting victim fatally in chest – reluctant participants K – remorse – family support – good prospects of rehabilitation H – prospects of rehabilitation
35.	**C R** (16) [2008] NSWSC 1208 Kirby J	Excessive self defence Juvenile offender Stabbing - general	VG (at murder trial)	7y NPP 3y 6m		AOABH	Met male stranger outside toilet block while waiting for friend – intoxicated but not drunk – after sharing drink and talking subjected to bear hug by victim – misunderstanding as to actions and motives – panicked and stabbed victim twice – carried knife for protection – impulsive offence – no intent to kill – victim suffering Aspergers – offender not homophobic No history of violence – remorse – very good prospects of rehabilitation – early abuse of alcohol

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36.	**TT** (20) **RT** (17) **ET** (25) [2009] NSWSC 437 Latham J	Excessive self defence Stabbing – general Fight - stabbing Accessory (TT and ET) Juvenile offender (RT)	PG (15%)	6y 3m NPP 3y 3m 6y 6m NPP 3y 6m 6y NPP 3y		Breached bond for minor offence Nil Nil	TT and RT became involved in fight on street with group of men including victim – woke brother and returned to scene armed with sword and knife – victim stabbed by RT – TT and ET charged on basis of participation in affray in knowledge that serious physical injury could result – moderately below mid-range TT and ET suffered skull fractures from affray – good prospects of rehabilitation – no problem with alcohol and drugs - remorse
37.	**SF** (16) [2009] NSWSC 1069 Hall J	Criminal negligence Juvenile offender Shooting - general	VG	4y NPP 2y		minor	Gun produced in room full of youths – no dispute or argument – took gun, opened chamber, observing bullet, cocked gun and pointed gun over shoulder at victim – playing with gun and showing off Drug use - remorse
38.	**CW** (16) [2009] NSWSC 1155 Hall J [2011] NSWCCA 45 Co-Offenders: DGP PB	Unlawful and dangerous - assault Assault – general Juvenile offender Accessory	VG (at murder trial)	9y NPP 6y	AD	Nil	Joint criminal enterprise – group of three young males kicked and assaulted male on oval – offender kicked victim on ground – spontaneous attack with no pre-planning – unprovoked attack Prior good character

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39.	**DGP** (16) **PB** (16) [2009] NSWSC 1154 Hall J [2010] NSWSC 1408 Hall J Co-offender: CW	Unlawful and dangerous Assault – general Juvenile offender Accessory	PG (20%) PG (20%)	8y NPP 5y 7y 11m 20d NPP 4y 11m 20d (sentence adjusted to allow full term to be spent in juvenile detention centre) 5y NPP 3y		Nil Limited history	Joint criminal enterprise – three young males kicked and assaulted intoxicated male walking across oval – mistakenly believed victim had called out abuse – spontaneous attack with no pre-planning – kicked to head by co-offender – PB initiated verbal attack but no actual physical attack and therefore lesser culpability – seriousness of offence towards high end of range DGP – prior good character – intoxicated – low intelligence – remorse – good prospects of rehabilitation – Aboriginal youth – sentence adjusted to allow total time in detention centre PB – remorse – rehabilitation – good prospects of rehabilitation
40.	**HT** (16) [2010] NSWSC 324 Hidden J	Excessive self defence Juvenile offender Fight – stabbing Victim under 18y Stabbing - general	PG (15%) Mansl Carry knife in public place	6y NPP 3y FT 3m (concurrent)		nil	Fatally stabbed 17y youth on train – victim's group pursued offender's group on train – victim stabbed several times to chest when he approached offender throwing punches – carried knife for personal protection Deep remorse – fearful as a result of being a victim of violence in the past – violence out of character

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41.	**AA** (17) **AC** (17) **SS** (17) [2010] NSWSC 495 Kirby J (AA) [2010] NSWSC 703 Kirby J	Accessory Assault – general Juvenile offender	VG (at murder trial – 10% for offer) VG (at murder trial – 25% for offer) VG (at murder trial – 15% for offer)	6y 3m NPP 3y 7m 5y 3m NPP 3y 5y 11m NPP 3y 4m		Nil Nil Nil	Victim fatally assaulted by group of youths – retaliation for victim's abuse of ex-partner known to AC and SS – after discussion at fast food restaurant weapons collected at nearby house and victim assaulted while walking along road – opportunistic offence of short duration – metal pole, wooden axe handle and golf club used - equal culpability AA – physically involved in attack – struck V with weapon – limited involvement – tried to pull attackers away when realised attack gone too far – born in Kuwait – good rehabilitation in custody – profound remorse SS - probably struck victim with wooden handle on legs twice – also tried to pull attackers away – outstanding rehabilitation - remorse AC – drove assailants to and from attack – major turnaround in custody with good rehabilitation - remorse Co-offenders Tatchell and Wildsmith sentenced for murder: [2010] NSWSC 495 / [2012] NSWCCA 116
42.	**AJC** (17) (2010) 207 A Crim R 307 [2010] NSWCCA 168	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (40% for plea and assist on appeal)	2y 6m NPP 18m PD	Crown AA 3y NPP 1y 9m PD	nil	Single punch to 20y male at show – been advised by co-accused that victim had tried earlier to fight physically vulnerable youth – followed victim and delivered unexpected punch to head – no provocation or opportunity for self-defence – innocent victim – impulsive attack of immature youth - committed in presence of child under 18y – below mid-range Genuine and deep remorse – voluntarily surrendered to police – assistance in relation to co-accused – publicly named by newspaper On appeal - discount for assistance excessive

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43.	**NR** (16) [2011] NSWSC 280 Garling J	Unlawful and dangerous - assault Assault – domestic Juvenile offender	VG (at murder trial – 25% for offer)	7y 6m NPP 4y 6m		nil	Struck 19y male sitting on chair in abandoned house from behind with piece of wood to head – angered at relationship between victim and offender's ex-girlfriend – intended to have fist fight – picked up piece of timber close to entering house and while in distressed state of mind – became distressed prior to offence when realised close friend had died traumatically in area - unusual strength and hardness of wood not known to offender – intended to provoke fight not cause serious injury - panicked and refused to allow ambulance to be called for 30mins – offence involved a weapon and was committed in presence of others aged under 18y Remorse – very good prospects of rehabilitation
44.	**AH** (16) [2011] NSWSC 1535 Johnson J [2013] NSWCCA 32 Co-offender: BARGHACHOUN SMITH	Accessory Fight - stabbing Stabbing – general Juvenile offender Unlawful and dangerous - stabbing	PG (20%)	4y NPP 2y	AD	Record – breached bond	An instigator of fight between two groups of youths and men at night – agreed to several confrontations – continuing argument with male from second group – called for assistance and attended scene armed with metal pole and expecting fight - male from second group stabbed in chest – offender not aware of knife nor of stabbing until group left scene – unlawful and dangerous act was affray Immaturity
45.	**MB** (16) [2011] NSWSC 1376 RS Hulme J	Substantial impairment Stabbing – general Juvenile offender	VG (at murder trial)	7y NPP 4y 6m		Nil	Walked 3km to victim's house and stabbed him in chest when he answered door – attempted to cover scene by setting fire to house Extremely disturbed youth with significant behavioural problems - difficult background – suffered some physical and emotional abuse –– suicide attempts – cannabis use – suffered some sexual abuse at hands of victim over several years – angered at dissension in family home – facilitated administration of justice in conduct of trial – reasonable prospects of rehabilitation

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46.	**HT** (17 / 34) [2012] NSWSC 656 Hidden J	Accessory Juvenile offender Stabbing – general Victim under 18y	VG (at murder trial – 30% for offer to plead and assist) Rob in Co	6y 6m NPP 2y 3m FT 3y 6m (concurrent)		Little of significance	1995 – robbed 16y school boy walking home from sports training – co-offender armed with knife – victim stabbed by co-offender during struggle – aware of knife and contemplated use to scare victim Evidence of rehabilitation – assistance against father of co-offender for accessory after fact to murder
47.	**JC** (17) [2012] NSWSC 1393 Barr AJ	Unlawful and dangerous - stabbing Juvenile offender Stabbing – domestic Victim under 18y	PG (modest)	5y 6m NPP 3y		nil	Female – stabbed 16y brother of de facto at offender's flat – reason for killing unclear – spontaneous offence Troubled background – drug and mental health problems – probably in dissociative state at time of killing – remorse – chronic physical illness
48.	**WA** (20) (16 at time of offence) [2012] NSWSC 1317 Button J [2014] NSWCCA 92 Co-offender ASLETT ASLETT	Unlawful and dangerous - shooting Juvenile offender Shooting – general	PG (25%)	8y NPP 6y	AD	Agg BES – BES - resist police – stalking - intimidation	Offender's car allegedly set alight by neighbour – offender went with brother and cousin to confront victim – brother and cousin armed with baseball bat and machete – offender armed with loaded rifle – shot number of bullets parallel to ground – one bullet hit victim in back and penetrated heart – gross spontaneous overreaction Dysfunctional upbringing – remorse – rehabilitation prospects.

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49.	**JP** (15) [2014] NSWSC 698 Hall J Co-offenders: AN JH	Unlawful and dangerous - assault Assault - general Juvenile offender Victim under 18y	VG (murder trial)	10y NPP 7y		Nil	Attended party uninvited - part of deliberate and unprovoked attack by six members of group on male guest – during sustained assault struck victim over head with bottle causing death Suffering intellectual disability
50.	**AN** (15) [2014] NSWSC 1879 Hall J [2015] NSWSC 308 Hall J Co-offenders: JP JH	Accessory Juvenile offender Unlawful and dangerous - assault Assault – general Victim under 18y	PG (15%)	5y 11m NPP 3y (Order made to remain in juvenile detention until 21 years)		Nil prior – subsequent break and enter offences	Present in group of 6 during attack on 17y victim outside a party – victim struck to head with wine bottle and died of head injuries – intentional and unprovoked attack – attack was retaliation for victim speaking to police after being robbed months earlier – did not strike victim and not initiator of attack – bottom of hierarchy of co-offenders Good prospects of rehabilitation
51.	**JH** (15) [2014] NSWSC 1878 Hall J [2017] NSWCCA 22 Co-offenders: JP AN	Accessory Juvenile offender Unlawful and dangerous - assault Assault – general Victim under 18y	VG (at murder trial)	10y NPP 7y	AD	nil	Present in group of 6 during attack on 17y victim outside a party – victim struck to head with wine bottle and died of head injuries – intentional and unprovoked attack – attack was retaliation for victim speaking to police after being robbed months earlier – part of group decision to attack victim

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52.	**BH** (17) [2016] NSWCCA 290	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (25%)	5y 3m NPP 3y 11m	AD	Assault with intent to rob, rob in company, acts of threatened / actual violence - on probation.	Single punch – killed 60y male during altercation at shopping mall – responding in anger to racial slur or out of fear Difficult upbringing - borderline intellectual disability – ADHD
53.	**ST** (17) [2022] NSWSC 1696 Davies J	Unlawful and dangerous - assault Assault – general Fight - assault Accessory	PG (25%)	6y 9m NPP 4y 1m		AOABH – offences while in custody including affray	Group of youths assaulted 18y male outside party – victim kicked, punched and stomped to head and face for several minutes while defenseless on ground – assault fatal – offender joined brother in assault – kicked, punched and stomped on victim but did not cause death – contemplated grievous bodily harm – sentenced separately for unrelated assault committed at party earlier in night Low intellectual functioning – substance abuse since early teens – remorse – some evidence of rehabilitation progress – prospects of rehabilitation good and risk of re-offending low – special circumstances Co-offenders sentenced for murder and affray
54.	**TB** (13y 3m) [2024] NSWSC 447 RA Hulme AJ	Assault – general Unlawful and dangerous – assault Accessorial	PG (25%)	7y 6m NPP 4y 6m		nil	One of group of people bashed 16y male victim over 33 minutes – victim suspected of stealing airpods so lured to home of owner – victim assaulted by adult male in bedroom while offender and others looked on – when adult male left offender and others continued assault – offender stomping on victim's chest - sustained and extremely vicious assault involving kicking, punching and stomping – attack filmed Moral culpability reduced by youth and background of serious neglect, trauma, violence and transience – cultural disconnection – mental health issues – genuine remorse – good prospects of rehabilitation Co-offenders sentences for murder: BE [2023]; BL [2024]; AD [2024]

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
55.	**MR (No.5)** (17) [2024] NSWSC 912 Huggett J	Stabbing – general Excessive self defence	VG (at murder trial – 25% for offer)	4y 6m NPP 2y 6m		Breached bond for AR – no other record	Stabbed male victim once in chest outside house at night – believed victim pulling knife from pants after physical altercation – offender had punched victim once to head after victim had accused offender's girlfriend of indecent assault and acted in provocative manner – spontaneous and unplanned act – carried knife for protection after being victim of stabbing several years earlier – did not attend house for purpose of violence – intended GBH – lower end of objective seriousness Aboriginal male - history of family violence, incarceration and substance abuse – cognitive impairment and learning disorder – positive engagement with counselling and education – some detention incidents – remorse – reasonable prospects of rehabilitation – special circumstances permitting sentence to be served as juvenile
56.	**JM** (17) [2024] NSWSC 1345 Dhanji J	Excessive self - defence Stabbing – general Fight - stabbing	VG	5y NPP 2y 9m		Nil (mental health dismissal – treated as clear record)	Violent melee outside fast food restaurant – 17y victim had been aggressive and threatening towards offender in preceding days – sought out offender and initiated confrontation – at one point offender assaulted while on ground by group – perception of danger increased by mental health and cognitive deficiencies – swung knife at victim three times – significant level of threat – objectively exposed to risk of serious injury or death – believed necessary to defend self but not reasonable response – failed to take potential escape route – intent GBH only Long term impairments – anxiety, FASD and ADHD – cognitive and verbal deficits – very good prospects of rehabilitation – unlikely to re-offend – co-operation and conduct during trial – vulnerability in custody

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
57.	**AD** (17 at offence; 20 at sentence) [2024] NSWSC 1650 Hamill J Co-offenders: KARISE DIALLO AG YA	Stabbing – fight/brawl Stabbing general Accessorial Unlawful and dangerous act – stabbing	VG Manslaughter (at murder trial - 25% early offer) s.27 Attempt Murder s.33(1)(b) Cause GBH with intent to cause GBH	Indicative 6y 5y 3y Aggregate: 8y NPP 5y		On conditional liberty	Joint criminal enterprise / extended JCE – fight between two groups - five co-offenders armed with knives attended home of rival group – offenders initial aggressors, goaded victims to come outside to fight – victims armed with zombie knife, machete, golf clubs – element of self-defence when victim's group responded with extreme aggression and gained upper hand in conflict - AD inflicted single stab wound to chest of male deceased – Karise stabbed victim EO (s.27 attempt murder) – victim EC stabbed but identity of perpetrator unknown (s.33(1)(b)) - some planning Dysfunctional upbringing - war-torn country background – mental health - "moderate risk" re-offending - some prospects of reform.
58.	**AG** (17 at offence; 21 at sentence) [2024] NSWSC 1650 Hamill J Co-offenders: AD KARISE DIALLO YA	Stabbing – fight/brawl Stabbing general Accessorial Unlawful and dangerous act – stabbing	VG Manslaughter (at murder trial - 25% early offer) s.27 Attempt Murder s.33(1)(b) Cause GBH with intent to cause GBH	Indicative 3y 4y 6m 2y Aggregate: 6y 6m NPP 4y			Joint criminal enterprise / extended JCE – fight between two groups - five co-offenders armed with knives attended home of rival group – offenders initial aggressors, goaded victims to come outside to fight – victims armed with zombie knife, machete, golf clubs – element of self-defence when victim's group responded with extreme aggression and gained upper hand in conflict - AD inflicted single stab wound to chest of male deceased – Karise stabbed victim EO (s.27 attempt murder) – victim EC stabbed but identity of perpetrator unknown (s.33(1)(b)) - some planning Previously elite athlete – untreated mental health - excellent prospects rehabilitation - unlikely to reoffend – remorse.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
59.	**YA** (17 at offence; 20 at sentence) [2024] NSWSC 1650 Hamill J Co-offenders: AD KARISE DIALLO AG	Stabbing – fight/brawl Accessorial Unlawful and dangerous act - stabbing	PG (25%) Manslaughter PG (5%) s.33(1)(b) Cause GBH with intent to cause GBH s.33(1)(b) Cause GBH with intent to cause GBH	Indicative 3y 9m 4y 9m 2y 4m Aggregate: 6y 9m NPP 4y 3m		Nil	Joint criminal enterprise / extended JCE – fight between two groups - five co-offenders armed with knives attended home of rival group – offenders initial aggressors, goaded victims to come outside to fight – victims armed with zombie knife, machete, golf clubs – element of self-defence when victim's group responded with extreme aggression and gained upper hand in conflict - AD inflicted single stab wound to chest of male deceased – Karise stabbed victim EO (s.27 attempt murder) – victim EC stabbed but identity of perpetrator unknown (s.33(1)(b)) - some planning Very good prospects rehabilitation - unlikely to reoffend – remorse - supportive family.
60.	**LK** (17) [2025] NSWCCA 143	Stabbing Unlawful and dangerous act - stabbing	PG (25%)	6y 4m 15d NPP 3y 10m 16d	AD	Nil	16y male victim commenced relationship with offender's ex-girlfriend - approached victim and his group of friends - fight ensued – victim held offender in headlock - unable to escape, offender grabbed knife from pocket and stabbed victim in leg three times, ultimately leading to death - acting in self-defence albeit with excessive force – brought a knife to fight Mental health, cannabis use disorder, ADHD - PTSD and schizophrenia onset two months after offence - strong subjective case - good prospects rehabilitation – remorse – good character – special circumstances. CCA: Sentence not manifestly excessive.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
61.	**KL** (14) [2025] NSWSC 1574 Garling J [2026] NSWCCA 87	Stabbing – general Unlawful and dangerous Juvenile offender	VG (25% for earlier offer to PG)	7y NPP 4y 3m	AD	AOABH, assault. On bonds.	Killed 17y male victim – background of gang "postcode" fighting - offender, together with brother, cousin and four friends attended Easter Show – offender did not attend looking for violent encounter with victim, or members of victim's group - confrontation occurred without planning and by chance - met up with victim and his group – short confrontation of 10 seconds – some words spoken but no physical confrontation – offender suddenly stabbed victim in a single movement - single stab wound to right upper abdominal area - impulsive reaction, engaged in as a response to confrontation in very short period of time. Psycho-socially immature - exposure to domestic violence at early age – PTSD significantly reduced moral culpability – led to carrying knife which lowered anxiety, operated as security blanket - hypervigilant - impulsive aggression - some realistic prospects of rehabilitation On appeal: sentence not manifestly excessive

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
62.	**TH** (15) **KT** (15) **LT** (14) **DR** (14) [2025] NSWSC 1578 Cavanagh J	Stabbing – general Excessive self defence Accessorial Juvenile offender Fight	PG (25%) PG (25%) PG (25%) PG (25%)	4y 3m NPP 2y 3m 3y NPP 1y 10m 2y 10m NPP 1y 8m 2y Community Corrections Order		Violence and robbery – breached conditional liberty Lengthy – violence and property – breached bonds Violence ad theft – breached conditional liberty – unable to comply with court orders Very limited record – breached conditional liberty	39y female fatally stabbed during pre-arranged fight between two groups of teenage girls – groups exchanged insults and threats of violence through group chat – offenders attended house, three armed with knives – second group, including victim, armed with bat and improvised weapons initiated attack on offenders – TH given knife – stabbed victim three times in act of excessive defence of self and KT – excessive force not high – moving backwards - below mid-range - KT, LT and DR sentenced on basis of joint criminal enterprise to commit affray with foresight of possible serious harm – acted in defensive manner throughout affray – low to very low range – DR struck to head with plank of wood TH – significant reduction in moral culpability due to background of significant trauma and disadvantage –– lack of remorse and insight – some positive steps in rehabilitation while in custody on remand KT – reduction in moral culpability due to background of significant trauma and disadvantage – mental health issues - continued violence in custody LT - reduction in moral culpability due to background of significant trauma and disadvantage – uncertain prospects of rehabilitation DR - reduction in moral culpability due to background of trauma – genuine remorse – good prospects of rehabilitation – positive period in community since arrest

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