

## Manslaughter

### Juvenile Offender

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

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

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| 3. | <b>O'Brien</b><br>(17)<br>NSWCCA<br>29.4.1993   | Unlawful and dangerous - shooting<br><br>Juvenile offender<br><br>Shooting – general   | VG<br>Mansl<br><br>Shoot with intent      | MT 7y<br>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. | <b>Aslan</b><br>(18)<br><br><b>El Kerdi</b><br>(17)<br><br>NSWSC<br>Ireland J<br>1.11.1994<br><br>Co-offender:<br>EL BADAR (1995) | Unlawful and dangerous – shooting (El-Kerdi)<br><br>Shooting – general<br><br>Juvenile offender<br><br>Accessory (Aslan)<br><br>Fight - shooting | PG<br><br>PG                              | MT 2y<br>AT 3y<br>(assistance,)<br><br>MT 3y<br>AT 3y<br>(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.<br>El-Kerdi – shooter - possibly under the influence of Rohypnol at the time - early plea.             |
| 5. | <b>Dixon</b><br>(under 17)<br><br><b>Dunn</b><br>(under 17)<br><br>NSWSC<br>Loveday J<br>18.11.1994                               | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender   | PG<br>Mansl<br><br>Robbery<br><br>Assault | MT 5y<br>AT 4y 6m<br><br>MT 6y<br>AT 4y 6m                            |        | no priors<br><br>serious record     | Intoxicated Aboriginal youths fatally assaulted 69y during robbery - assaulted second victim with broken bottle and stake<br>Both offenders had alcohol addiction   |
| 6. | <b>El Badar</b><br>(17)<br>NSWCCA<br>3.4.1995<br><br>Co-offenders:<br>ASLAN<br>EL KERDI   | Juvenile offender<br><br>Shooting – general<br><br>Accessory<br><br>Fight - shooting   | PG  | MT 2y 5m<br>AT 2y 7m<br>(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.  | <b>ALH</b><br>NSWSC<br>Dunford J<br>26.5.1995   | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender                           | PG   | MT 3y 6m<br>AT 4y<br>Detention                                  |  | juvenile convictions   | Aboriginal youth bashed victim while in company, suspecting him of stealing - hard punch to head caused death<br>Intellectually disabled - contrite   |
| 8.  | <b>SAE</b><br>(15)<br>NSWCCA<br>3.4.1997  | Accessory<br><br>Juvenile offender<br><br>Shooting - general   | PG   | MT 1y 6m<br>AT 2y 3m  | AA<br>MT 1y 3m<br>AT 2y 6m<br>(to allow for PSC) | long record - real and continuing risk to community                      | Acted as look out during robbery - security guard shot  |
| 9.  | <b>PN</b><br>(17)<br>NSWSC<br>Barr J<br>30.10.1998  | Unlawful and dangerous - stabbing<br><br>Stabbing – general<br><br>Fight - stabbing<br><br>Juvenile offender | PG   | MT 8y<br>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<br>Tragic background – mother suicided when offender 2y, then watched sister suicide when 7y – low average intellectual disability  |
| 10. | <b>MHN (No.2)</b><br>(17 at offence – 20 at sentence)<br>NSWSC 553<br>Kirby J<br>20.11.1998 | Unlawful and dangerous - stabbing<br><br>Stabbing – general<br><br>Juvenile offender                         | PG   | FT 4y<br><br>(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<br>Volunteered previously unknown guilt to police – unhappy childhood – suffering depression – sentenced at similar time for murder - <i>MHN</i> NSWSC 29.10.1998 |
| 11. | <b>TM</b><br>(17)<br><a href="#">[1999] NSWSC 504</a><br>Hidden J                           | Unlawful and dangerous - stabbing<br><br>Juvenile offender<br><br>Stabbing - general                         | PG   | MT 3y<br>AT 2y<br>(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<br>Good prospects of rehabilitation, supportive family   |

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| 12. | <b>Korhonen</b><br>(16)<br><a href="#">[1999] NSWSC 933</a><br>Hulme J<br><br>(K)<br><a href="#">[2000] NSWCCA 24</a> | Diminished responsibility<br><br>Provocation<br><br>Juvenile offender<br><br>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<br>Developmental delays and profoundly disturbed - appalling childhood - gross psychiatric disturbances - ill-equipped to deal with stress - positive evidence of rehabilitation |
| 13. | <b>SMP</b><br>(17)<br><a href="#">[1999] NSWCCA 318</a>   | Unlawful and dangerous - stabbing<br><br>Juvenile offender<br><br>Stabbing - general   | PG   | MT 4y<br>AT 3y                 | AA<br>MT 2y 9m<br>AT 2y 9m<br>(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. | <b>TJP</b><br>(16)<br><a href="#">[1999] NSWCCA 408</a>   | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender   | PG   | MT 2y 11m<br>AT 3y<br>(PSC 1m) | AD  | assault, robbery - on recog | Aboriginal female bashed and robbed 67y male with two co offenders<br>Alcohol and cannabis user since 11y  |
| 15. | <b>Luong</b><br>(17)<br><a href="#">[2000] NSWSC 505</a><br>Sully J   | Unlawful & dangerous - shooting<br><br>Criminal negligence<br><br>Juvenile offender<br><br>Victim under 18y<br><br>Shooting - domestic | VG   | 4y<br>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<br>Excellent subjective features  |

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| 16. | <b>PRFN</b><br>(15)<br><a href="#">[2000] NSWCCA 230</a>  | Diminished responsibility<br><br>Juvenile offender<br><br>Shooting - general              | VG   | MT 3y<br>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<br>Post-Traumatic Stress Disorder and major depressive disorder  |
| 17. | <b>Sutcliffe</b><br>(25)<br><br><b>S McGoldrick</b><br>(21)<br><br><b>L McGoldrick</b><br>(17)<br><br><a href="#">[2000] NSWSC 825</a><br>Adams J | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender (L.Mc) | PG   | 5y 3m<br>NPP 3y<br><br>4y 5m<br>NPP 2y 3m<br><br>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<br>S: most culpable - limited intelligence – immature - psychological handicaps - genuine remorse - strict protection - good prospects of rehabilitation<br>S.McG: less than average intelligence – immature – remorse - onerous conditions of bail<br>L.McG: least culpable – immature – remorse |
| 18. | <b>Bowtell</b><br>(17 at offence - 29 at re-sentence)<br><a href="#">[2000] NSWSC 803</a><br>Hidden J   | Diminished responsibility<br><br>Assault – general<br><br>Juvenile offender               | PG   | Life<br><br>Re-determination 21y<br>NPP 15y<br>(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<br>After initial struggle in jail marked improvement in behaviour - diagnosed with ADD and good rehabilitation - genuine remorse  |
| 19. | <b>ANG</b><br>(16)<br><a href="#">[2001] NSWSC 758</a><br>Ireland AJ  | Criminal negligence<br><br>Drowning<br><br>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<br>Well respected youth - good family support - deeply affected by incident - rehabilitation.  |

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| 20. | <b>CVH</b><br>(15)<br><a href="#">[2002] NSWSC 1160</a><br>O'Keefe J<br><br><a href="#">[2003] NSWCCA 237</a><br><br><a href="#">[2004] NSWSC 205</a><br>O'Keefe J | Accessory<br><br>Juvenile offender<br><br>Stabbing - general  | VG<br>Mansl<br><br>Assault<br><br>Affray | 10y<br>NPP 6y<br><br>FT 2y<br><br>FT 1y<br>(all concurrent) | AA<br>remitted for re-sentence<br><br>Re-sentence -<br>manslaughter<br>8y 6m<br>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<br>Difficult childhood resulting in early drug addiction - genuine remorse                         |
| 21. | <b>CK</b><br>(16)<br><a href="#">[2002] NSWSC 942</a><br>Studdert J<br><br><a href="#">[2004] NSWCCA 116</a>   | Unlawful and dangerous - assault<br><br>Juvenile offender<br><br>Assault – general<br><br>Fight - assault | PG<br>(25%)                              | 7y 6m<br>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<br>Born to Korean parents - contrition - uncharacteristic behaviour - hardship to family   |
| 22. | <b>Kerr</b><br>(17)<br><a href="#">[2004] NSWSC 75</a><br>Kirby J<br><br>(RIK)<br><a href="#">[2004] NSWCCA 282</a>  | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender                        | VG                                       | 3y<br>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<br>Prior good character – intoxicated – family support – excellent prospects of rehabilitation  |
| 23. | <b>V D N</b><br>(17)<br><a href="#">[2004] NSWSC 426</a><br>Whealy J   | Unlawful and dangerous - stabbing<br><br>Juvenile offender<br><br>Stabbing – general<br><br>Accessory     | PG<br>(15%)<br><br>Att AR                | 6y 9m<br>NPP 3y<br><br>FT 15m<br>(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<br>Evidence of rehabilitation from drug abuse – genuine remorse |

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|-----|---|---|---|---|----------|--------|---|
| 24. | <b>Mawson</b><br>(18)                                     | Assault – general   | PG<br>Mansl                                   | 6y 6m<br>NPP 4y                         |          | Minor  | Fatal assault by group of intoxicated youths on male stranger in street at night - second male assaulted and money stolen from wallet – intoxication – spontaneous<br>Each offender suffered difficult childhood – depression - low intelligence - alcohol abuse - some prospects of rehabilitation - remorse |
|     |   | Juvenile offender<br>(JWC)                                  | Agg Rob                                       | FT 2y 6m                                |          |        |   |
|     |   | Accessory   |   | <u>Total:</u><br>7y 3m<br>NPP 4y 9m     |          |        |   |
| 24. | <b>Robins</b><br>(18)                                     |   | PG<br>Mansl                                   | 6y 6m<br>NPP 4y                         |          | Nil    |   |
|     |   |   | Agg Rob                                       | FT 2y 6m                                |          |        |   |
|     |   |   |   | <u>Total:</u><br>7y 3m<br>NPP 4y 9m     |          |        |   |
| 24. | <b>JWC</b><br>(16)  |   | PG<br>Mansl                                   | 5y 6m<br>NPP 3y 1m 26d                  |          | Nil    |   |
|     |   |   | Agg Rob                                       | FT 2y                                   |          |        |   |
|     |   |   |   | <u>Total:</u><br>6y 6m<br>NPP 4y 1m 26d |          |        |   |
| 25. | <b>JD</b><br><a href="#">[2005] NSWSC 128</a><br>Levine J | Unlawful and dangerous -<br>stabbing                        | VG<br>(at murder trial<br>– 25% for<br>offer) | 5y 3m<br>NPP 3y                         | 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<br>Excellent prospects of rehabilitation – low intelligence – poor health  |
|     |   | Juvenile offender   | AR  | 4y 1m<br>NPP 3y<br>(concurrent)         |          |        |   |
|     |   | (2006) 160 A Crim R 392<br><a href="#">[2006] NSWCCA 31</a> | Stabbing - general                            |   |          |        |   |

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|-----|--|----------------------------------|----------------------|-------------------------------------|----------|--------|---|
| 26. | <b>MD</b><br>(17)  | Unlawful and dangerous - assault | PG<br>(10%)<br>Mansl | 5y 6m<br>NPP 3y 6m                  | 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<br>All showed contrition and evidence of rehabilitation |
|     |  | Assault – general                | Steal from person    | FT 6m                               |          |        |   |
|     |  | Juvenile offender                |                      | <u>Total:</u><br>5y 9m<br>NPP 3y 9m |          |        |   |
|     | <b>NA</b>  |                                  | PG<br>(15%)          | 4y 6m<br>NPP 2y                     | Crown AD |        |   |
|     | <b>BM</b><br>(16)  |                                  | PG<br>(10%)<br>Mansl | 4y<br>NPP 2y                        | Crown AD |        |   |
|     |  |                                  | Assault              | FT 6m                               |          |        |   |
|     |  |                                  |                      | <u>Total:</u><br>4y 1m<br>NPP 2y    |          |        |   |
|     | <b>JT</b><br>(17)  |                                  | PG<br>(5%)<br>Mansl  | 4y<br>NPP 2y 6m                     | Crown AD |        |   |
|     | <a href="#">[2005] NSWSC 344</a><br>G James J                |                                  | Assault              | 6m                                  |          |        |   |
|     | (2005) 156 A Crim R 372<br><a href="#">[2005] NSWCCA 342</a> |                                  |                      | <u>Total:</u><br>4y 3m<br>NPP 2y 9m |          |        |   |

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| 27. | <b>Bugmy</b><br>(20)<br><br><b>NMB</b><br>(15)<br><br><a href="#">[2005] NSWSC 561</a><br>Grove J              | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender                          | PG<br>(25%)<br><br>PG<br>(25%)<br><br>Sched<br>Larceny   | 7y 6m<br>NPP 5y<br><br>6y<br>NPP 4y  |        | Minimal; breach of GBB<br><br>Some; breach of conditional liberty    | After many hours of drinking, offenders kicked victim to death – possible response to victim swearing at offender's aunt<br>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<br>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. | <b>WKD</b><br>(19)<br><br><br><br><br><b>MJN</b><br>(15)<br><br><a href="#">[2005] NSWSC 694</a><br>Mathews AJ | Excessive self-defence (WKD)<br><br>Assault – general<br><br>Juvenile offender (MJN)<br><br>Accessory (MJN) | VG<br>(at murder trial)<br><br>PG<br>Steal from dwelling<br><br>VG<br>(at murder trial)<br><br>PG<br>Steal from dwelling | 12y<br>NPP 8y<br><br>FT 1y 6m<br><br><u>Total:</u><br>13y 6m<br>NPP 9y<br><br>6y<br>NPP 2y 6m<br><br>FT 1y<br><br><u>Total:</u><br>7y<br>NPP 3y 6m |        | Included assault<br><br><br><br><br><br><br><br><br><br>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<br>WKD - primary offender – inflicted majority of injuries – excessive self-defence - Aboriginal male – 2 children from long term relationship<br>MJN –acted under pre-existing criminal enterprise to assault – under influence of older cousin – Aboriginal youth - remorse  |

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| 29. | <b>King</b><br>(36)<br><br><b>Bugmy</b><br>(33)<br><br><b>CJ</b><br>(16)<br><br><a href="#">[2006] NSWSC 161</a><br>Buddin J         | Fight - assault<br><br>Assault - general<br><br>Accessory<br><br>Juvenile offender<br>(CJ) | PG<br>(20%)  | 6y<br>NPP 3y 8m<br><br>7y 6m<br>NPP 4y 4m<br><br>4y 4m<br>NPP 2y 8m |        | Minor<br><br>Extensive<br>including violence<br>– breached<br>parole<br><br>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<br>K – stable family life – good conduct in custody despite onerous conditions<br>B – tragic background – partially blind – alcohol problems<br>CJ – difficult childhood – good use of time in custody – low cognitive skill – good character |
| 30. | <b>KT</b><br>(16)<br><a href="#">[2007] NSWSC 83</a><br>Johnson J<br><br>(2008) 182 A Crim R 571<br><a href="#">[2008] NSWCCA 51</a> | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender         | PG<br>(25%)  | 6y<br>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<br>Borderline intellectual ability – remorse  |
| 31. | <b>LAL</b><br>(14)<br><br><b>PN</b><br>(14)<br><br><a href="#">[2007] NSWSC 445</a><br>McClellan CJ at CL                            | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender         | PG<br>(15%)<br><br>Sched:<br>LMV<br>Steal mobile phone | 6y<br>NPP 3y 6m<br><br>6y<br>NPP 3y 6m                              |        | Nil<br><br>Nil  | Assaulted taxi driver using moderate force – victim suffering heart disease and died from heart attack – opportunistic offence – under influence of alcohol and marijuana<br>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. | <b>CK</b><br>(15)<br><br><b>TS</b><br>(15)<br><br><a href="#">[2007] NSWSC 1424</a><br>Latham J                | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender<br><br>Victim under 18y | PG<br>(25%)<br><br>PG<br>(25%)   | 6y<br>NPP 4y<br><br>6y<br>NPP 3y 6m    |        | Priors – breached bond<br><br>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<br>Drug and alcohol abuse – difficult childhoods   |
| 33. | <b>APT</b><br>(17)<br><a href="#">[2008] NSWSC 302</a><br>Studdert AJ<br><br><a href="#">[2009] NSWCCA 230</a> | Unlawful and dangerous<br><br>Assault – general<br><br>Juvenile offender                                   | VG<br>(at murder trial)  | 8y<br>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<br>Remorse – good prospects of rehabilitation  |
| 34. | <b>Kari</b><br>(19)<br><br><b>H</b><br>(16)<br><br><a href="#">[2008] NSWSC 993</a><br>Hidden J                | Unlawful and dangerous - shooting<br><br>Shooting – general<br><br>Accessory<br><br>Juvenile offender (H)  | PG<br>(15%)<br><br>Sched:<br>Home invasion<br><br>PG<br>(15%)<br><br>Sched:<br>Rob in co | 7y<br>NPP 4y 6m<br><br>6y<br>NPP 3y 6m |        | Dishonesty and drug offences – breached bail and bond<br><br>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<br>K – remorse – family support – good prospects of rehabilitation<br>H – prospects of rehabilitation  |
| 35. | <b>C R</b><br>(16)<br><a href="#">[2008] NSWSC 1208</a><br>Kirby J   | Excessive self defence<br><br>Juvenile offender<br><br>Stabbing - general                                  | VG<br>(at murder trial)  | 7y<br>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<br>No history of violence – remorse – very good prospects of rehabilitation – early abuse of alcohol |

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|     | Case<br>(age if known)   | Type  | Plea                    | Sentence   | Appeal | Record  | Facts   |
|-----|--|---|-------------------------|--|--------|---|---|
| 36. | <b>TT</b><br>(20)<br><br><b>RT</b><br>(17)<br><br><b>ET</b><br>(25)<br><br><a href="#">[2009] NSWSC 437</a><br>Latham J                    | Excessive self defence<br><br>Stabbing – general<br><br>Fight - stabbing<br><br>Accessory (TT and ET)<br><br>Juvenile offender (RT) | PG<br>(15%)             | 6y 3m<br>NPP 3y 3m<br><br>6y 6m<br>NPP 3y 6m<br><br>6y<br>NPP 3y |        | Breached bond for minor offence<br><br>Nil<br><br>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<br><br>TT and ET suffered skull fractures from affray – good prospects of rehabilitation – no problem with alcohol and drugs - remorse |
| 37. | <b>SF</b><br>(16)<br><a href="#">[2009] NSWSC 1069</a><br>Hall J   | Criminal negligence<br><br>Juvenile offender<br><br>Shooting - general  | VG                      | 4y<br>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<br><br>Drug use - remorse  |
| 38. | <b>CW</b><br>(16)<br><a href="#">[2009] NSWSC 1155</a><br>Hall J<br><br><a href="#">[2011] NSWCCA 45</a><br><br>Co-Offenders:<br>DGP<br>PB | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender<br><br>Accessory                                 | VG<br>(at murder trial) | 9y<br>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<br><br>Prior good character   |

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|     | Case<br>(age if known)  | Type   | Plea   | Sentence   | Appeal | Record                            | Facts  |
|-----|---|--|--|--|--------|-----------------------------------|--|
| 39. | <p><b>DGP</b><br/>(16)</p> <p><b>PB</b><br/>(16)</p> <p><a href="#">[2009] NSWSC 1154</a><br/>Hall J</p> <p><a href="#">[2010] NSWSC 1408</a><br/>Hall J</p> <p>Co-offender:<br/>CW</p> | <p>Unlawful and dangerous</p> <p>Assault – general</p> <p>Juvenile offender</p> <p>Accessory</p>                                 | <p>PG<br/>(20%)</p> <p>PG<br/>(20%)</p>                          | <p>8y<br/>NPP 5y</p> <p>7y 11m 20d<br/>NPP 4y 11m 20d<br/>(sentence adjusted to allow full term to be spent in juvenile detention centre)</p> <p>5y<br/>NPP 3y</p> |        | <p>Nil</p> <p>Limited history</p> | <p>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</p> <p>DGP – prior good character – intoxicated – low intelligence – remorse – good prospects of rehabilitation – Aboriginal youth – sentence adjusted to allow total time in detention centre</p> <p>PB – remorse – rehabilitation – good prospects of rehabilitation</p> |
| 40. | <p><b>HT</b><br/>(16)</p> <p><a href="#">[2010] NSWSC 324</a><br/>Hidden J</p>  | <p>Excessive self defence</p> <p>Juvenile offender</p> <p>Fight – stabbing</p> <p>Victim under 18y</p> <p>Stabbing - general</p> | <p>PG<br/>(15%)<br/>Mansl</p> <p>Carry knife in public place</p> | <p>6y<br/>NPP 3y</p> <p>FT 3m<br/>(concurrent)</p>   |        | <p>nil</p>                        | <p>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</p> <p>Deep remorse – fearful as a result of being a victim of violence in the past – violence out of character</p>  |

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|     | Case<br>(age if known)  | Type   | Plea  | Sentence   | Appeal                            | Record                    | Facts  |
|-----|---|--|---|--|-----------------------------------|---------------------------|--|
| 41. | <b>AA</b><br>(17)<br><br><b>AC</b><br>(17)<br><br><b>SS</b><br>(17)<br><br><a href="#">[2010] NSWSC 495</a><br>Kirby J<br><br>(AA)<br><a href="#">[2010] NSWSC 703</a><br>Kirby J | Accessory<br><br>Assault – general<br><br>Juvenile offender                        | VG<br>(at murder trial<br>– 10% for<br>offer)<br><br>VG<br>(at murder trial<br>– 25% for<br>offer)<br><br>VG<br>(at murder trial<br>– 15% for<br>offer) | 6y 3m<br>NPP 3y 7m<br><br>5y 3m<br>NPP 3y<br><br>5y 11m<br>NPP 3y 4m |                                   | Nil<br><br>Nil<br><br>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<br>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<br>SS - probably struck victim with wooden handle on legs twice – also tried to pull attackers away – outstanding rehabilitation - remorse<br>AC – drove assailants to and from attack – major turnaround in custody with good rehabilitation - remorse<br>Co-offenders Tatchell and Wildsmith sentenced for murder: <a href="#">[2010] NSWSC 495</a> / <a href="#">[2012] NSWCCA 116</a> |
| 42. | <b>AJC</b><br>(17)<br>(2010) 207 A Crim R 307<br><a href="#">[2010] NSWCCA 168</a>  | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender | PG<br>(40% for plea<br>and assist on<br>appeal)   | 2y 6m<br>NPP 18m<br>PD   | Crown AA<br>3y<br>NPP 1y 9m<br>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<br>Genuine and deep remorse – voluntarily surrendered to police – assistance in relation to co-accused – publicly named by newspaper<br>On appeal - discount for assistance excessive   |

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|-----|---|---|---|--------------------|--------|---------------------------|--|
| 43. | <b>NR</b><br>(16)<br><a href="#">[2011] NSWSC 280</a><br>Garling J  | Unlawful and dangerous - assault<br><br>Assault – domestic<br><br>Juvenile offender   | VG<br>(at murder trial – 25% for offer) | 7y 6m<br>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<br>Remorse – very good prospects of rehabilitation |
| 44. | <b>AH</b><br>(16)<br><a href="#">[2011] NSWSC 1535</a><br>Johnson J<br><br><a href="#">[2013] NSWCCA 32</a><br><br>Co-offender:<br>BARGHACHOUN<br>SMITH | Accessory<br><br>Fight - stabbing<br><br>Stabbing – general<br><br>Juvenile offender<br><br>Unlawful and dangerous - stabbing | PG<br>(20%)                             | 4y<br>NPP 2y       | AD     | Record –<br>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<br>Immaturity  |
| 45. | <b>MB</b><br>(16)<br><a href="#">[2011] NSWSC 1376</a><br>RS Hulme J  | Substantial impairment<br><br>Stabbing – general<br><br>Juvenile offender   | VG<br>(at murder trial)                 | 7y<br>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<br>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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|     | Case<br>(age if known)   | Type  | Plea  | Sentence   | Appeal | Record   | Facts   |
|-----|--|---|---|--|--------|--|---|
| 46. | <b>HT</b><br>(17 / 34)<br><a href="#">[2012] NSWSC 656</a><br>Hidden J   | Accessory<br><br>Juvenile offender<br><br>Stabbing – general<br><br>Victim under 18y                                | VG<br>(at murder trial<br>– 30% for offer<br>to plead and<br>assist)<br><br>Rob in Co | 6y 6m<br>NPP 2y 3m<br><br>FT 3y 6m<br>(concurrent) |        | Little of<br>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<br>Evidence of rehabilitation – assistance against father of co-offender for accessory after fact to murder   |
| 47. | <b>JC</b><br>(17)<br><a href="#">[2012] NSWSC 1393</a><br>Barr AJ  | Unlawful and<br>dangerous -<br>stabbing<br><br>Juvenile offender<br><br>Stabbing – domestic<br><br>Victim under 18y | PG<br>(modest)  | 5y 6m<br>NPP 3y                                    |        | nil  | Female – stabbed 16y brother of de facto at offender's flat – reason for killing unclear – spontaneous offence<br>Troubled background – drug and mental health problems – probably in dissociative state at time of killing – remorse – chronic physical illness  |
| 48. | <b>WA</b><br>(20) (16 at time of<br>offence)<br><a href="#">[2012] NSWSC 1317</a><br>Button J<br><br><a href="#">[2014] NSWCCA 92</a><br><br>Co-offender<br>ASLETT<br>ASLETT | Unlawful and<br>dangerous -<br>shooting<br><br>Juvenile offender<br><br>Shooting – general                          | PG<br>(25%)   | 8y<br>NPP 6y                                       | AD     | Agg BES – BES -<br>resist police –<br>stalking -<br>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<br>Dysfunctional upbringing – remorse – rehabilitation prospects. |

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|     | Case<br>(age if known)  | Type  | Plea                    | Sentence  | Appeal | Record  | Facts   |
|-----|---|---|-------------------------|---|--------|---|---|
| 49. | <b>JP</b><br>(15)<br><a href="#">[2014] NSWSC 698</a><br>Hall J<br><br>Co-offenders:<br>AN<br>JH  | Unlawful and dangerous - assault<br><br>Assault - general<br><br>Juvenile offender<br><br>Victim under 18y                  | VG<br>(murder trial)    | 10y<br>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<br>Suffering intellectual disability   |
| 50. | <b>AN</b><br>(15)<br><a href="#">[2014] NSWSC 1879</a><br>Hall J<br><br><a href="#">[2015] NSWSC 308</a><br>Hall J<br><br>Co-offenders:<br>JP<br>JH | Accessory<br><br>Juvenile offender<br><br>Unlawful and dangerous - assault<br><br>Assault – general<br><br>Victim under 18y | PG<br>(15%)             | 5y 11m<br>NPP 3y<br><br>(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<br>Good prospects of rehabilitation |
| 51. | <b>JH</b><br>(15)<br><a href="#">[2014] NSWSC 1878</a><br>Hall J<br><br><a href="#">[2017] NSWCCA 22</a><br><br>Co-offenders:<br>JP<br>AN           | Accessory<br><br>Juvenile offender<br><br>Unlawful and dangerous - assault<br><br>Assault – general<br><br>Victim under 18y | VG<br>(at murder trial) | 10y<br>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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|     | Case<br>(age if known)  | Type  | Plea        | Sentence            | Appeal | Record   | Facts   |
|-----|---|---|-------------|---------------------|--------|--|---|
| 52. | BH<br>(17)<br><a href="#">[2016] NSWCCA 290</a>                   | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Juvenile offender                | PG<br>(25%) | 5y 3m<br>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<br>Difficult upbringing - borderline intellectual disability – ADHD  |
| 53. | ST<br>(17)<br><a href="#">[2022] NSWSC 1696</a><br>Davies J       | Unlawful and dangerous - assault<br><br>Assault – general<br><br>Fight - assault<br><br>Accessory | PG<br>(25%) | 6y 9m<br>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<br>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<br>Co-offenders sentenced for murder and affray   |
| 54. | TB<br>(13y 3m)<br><a href="#">[2024] NSWSC 447</a><br>RA Hulme AJ | Assault – general<br><br>Unlawful and dangerous – assault<br><br>Accessorial                      | PG<br>(25%) | 7y 6m<br>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<br>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<br>Co-offenders sentences for murder:<br>BE [2023]; BL [2024]; AD [2024] |

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|     | Case<br>(age if known)  | Type   | Plea                                    | Sentence           | Appeal | Record  | Facts   |
|-----|---|--|---|--------------------|--------|---|---|
| 55. | <b>MR (No.5)</b><br>(17)<br><a href="#">[2024] NSWSC 912</a><br>Huggett J | Stabbing – general<br><br>Excessive self defence                           | VG<br>(at murder trial – 25% for offer) | 4y 6m<br>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<br><br>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. | <b>JM</b><br>(17)<br><a href="#">[2024] NSWSC 1345</a><br>Dhanji J        | Excessive self - defence<br><br>Stabbing – general<br><br>Fight - stabbing | VG                                      | 5y<br>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<br><br>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  |

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|     | Case<br>(age if known)   | Type   | Plea  | Sentence   | Appeal | Record                 | Facts   |
|-----|--|--|---|--|--------|------------------------|---|
| 57. | <b>AD</b><br>(17 at offence; 20 at sentence)<br><a href="#">[2024] NSWSC 1650</a><br>Hamill J<br><br>Co-offenders:<br>KARISE<br>DIALLO<br>AG<br>YA | Stabbing – fight/brawl<br><br>Stabbing general<br><br>Accessory<br><br>Unlawful and dangerous act – stabbing | VG Manslaughter (at murder trial - 25% early offer)<br><br>s.27 Attempt Murder<br><br>s.33(1)(b) Cause GBH with intent to cause GBH | <u>Indicative</u><br>6y<br><br>5y<br><br>3y<br><br><u>Aggregate:</u><br>8y<br>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<br>Dysfunctional upbringing - war-torn country background – mental health - “moderate risk” re-offending - some prospects of reform. |
| 58. | <b>AG</b><br>(17 at offence; 21 at sentence)<br><a href="#">[2024] NSWSC 1650</a><br>Hamill J<br><br>Co-offenders:<br>AD<br>KARISE<br>DIALLO<br>YA | Stabbing – fight/brawl<br><br>Stabbing general<br><br>Accessory<br><br>Unlawful and dangerous act – stabbing | VG Manslaughter (at murder trial - 25% early offer)<br><br>s.27 Attempt Murder<br><br>s.33(1)(b) Cause GBH with intent to cause GBH | <u>Indicative</u><br>3y<br><br>4y 6m<br><br>2y<br><br><u>Aggregate:</u><br>6y 6m<br>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<br>Previously elite athlete – untreated mental health - excellent prospects rehabilitation - unlikely to reoffend – remorse.         |

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|     | Case<br>(age if known)  | Type  | Plea  | Sentence  | Appeal | Record | Facts  |
|-----|---|---|---|---|--------|--------|--|
| 59. | YA<br>(17 at offence; 20 at sentence)<br><a href="#">[2024] NSWSC 1650</a><br>Hamill J<br><br>Co-offenders:<br>AD<br>KARISE<br>DIALLO<br>AG | Stabbing –<br>fight/brawl<br><br>Accessory<br><br>Unlawful and<br>dangerous act -<br>stabbing | PG<br>(25%)<br>Manslaughter<br><br>PG<br>(5%)<br>s.33(1)(b)<br>Cause GBH<br>with intent to<br>cause GBH<br><br>s.33(1)(b)<br>Cause GBH<br>with intent to<br>cause GBH | <u>Indicative</u><br>3y 9m<br><br>4y 9m<br><br>2y 4m<br><br><u>Aggregate:</u><br>6y 9m<br>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<br>Very good prospects rehabilitation - unlikely to reoffend – remorse - supportive family. |
| 60. | LK<br>(17)<br>NSWDC,<br>17.12.2024,<br>McHugh SC DCJ<br><br><a href="#">[2025] NSWCCA 143</a>   | Stabbing<br><br>Unlawful and<br>dangerous act -<br>stabbing                                   | PG<br>(25%)   | 6y 4m 15d<br>NPP 3y 10m 16d   | AD     | Nil    | Male victim aged 16y had commenced relationship with applicant’s ex-girlfriend - approached victim and his group of friends - fight ensued – victim held applicant in headlock - unable to escape, applicant grabbed knife from pocket and stabbed victim in leg three times, ultimately leading to death - acting in self-defence albeit with excessive force – however, applicant brought a knife to the fight.<br>Mental health, cannabis use disorder, ADHD - PTSD and schizophrenia onset two months after offence.<br>Strong subjective case - good prospects rehabilitation – remorse – good character – special circumstances.<br>CCA: Sentence not manifestly excessive.    |

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|     | Case<br>(age if known)                                       | Type  | Plea                                | Sentence        | Appeal | Record                       | Facts  |
|-----|--|---|-------------------------------------|-----------------|--------|------------------------------|--|
| 61. | KL<br>(14)<br><a href="#">[2025] NSWSC 1574</a><br>Garling J | Stabbing – general<br><br>Unlawful and dangerous<br><br>Juvenile offender | VG<br>(25% for earlier offer to PG) | 7y<br>NPP 4y 3m |        | AOABH, assault.<br>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 deceased, or members of deceased’s group - confrontation occurred without planning and by chance - met up with deceased and his group – short confrontation of 10 seconds – some words spoken but no physical confrontation – offender suddenly stabbed deceased 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. |

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|     | Case<br>(age if known)  | Type   | Plea        | Sentence   | Appeal | Record  | Facts  |
|-----|---|--|-------------|--|--------|---|--|
| 62. | <p>TH<br/>(15)</p> <p>KT<br/>(15)</p> <p>LT<br/>(14)</p> <p>DR<br/>(14)</p> <p><a href="#">[2025] NSWSC 1578</a><br/>Cavanagh J</p> | <p>Stabbing – general</p> <p>Excessive self defence</p> <p>Accessorial</p> <p>Juvenile offender</p> <p>Fight</p> | PG<br>(25%) | <p>4y 3m<br/>NPP 2y 3m</p> <p>3y<br/>NPP 1y 10m</p> <p>2y 10m<br/>NPP1y 8m</p> <p>2y Community<br/>Corrections<br/>Order</p> |        | <p>Violence and robbery – breached conditional liberty</p> <p>Lengthy – violence and property – breached bonds</p> <p>Violence ad theft – breached conditional liberty – unable to comply with court orders</p> <p>Very limited record – breached conditional liberty</p> | <p>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</p> <p>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</p> <p>KT – reduction in moral culpability due to background of significant trauma and disadvantage – mental health issues - continued violence in custody</p> <p>LT - reduction in moral culpability due to background of significant trauma and disadvantage – uncertain prospects of rehabilitation</p> <p>DR - reduction in moral culpability due to background of trauma – genuine remorse – good prospects of rehabilitation – positive period in community since arrest</p> |

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