Manslaughter

Stabbing - General

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	**Taouk** NSWSC Abadee J 28.3.1991 NSWCCA 20.3.1992	Unlawful and dangerous - stabbing Stabbing – general	PG	MT 5y AT 2y	AA MT 3y AT 3y 8m	nil	Brawl in night club one week before – on night of killing victim approached offender in hotel and commenced to harass and assault him – stabbed using knife carried for general use, not armed with knife for purpose of violence
2.	**Falconetti** NSW SC Mathews J 21.6.1991 NSWCCA 24.3.1992	Diminished responsibility Stabbing - general	PG	MT 5y 6m AT 11y 6m	AD		Unprovoked attack on visitor to uncle's farm - irrational belief that visitor had been involved in aunt's death - after stabbing slashed wrists and stabbed himself in abdominal region Paranoid schizophrenic - long history of mental illness and associated behaviour - real concern about danger to community
3.	**Azar** (1991) 56 A Crim R 414	Fight - stabbing Stabbing - general	VG	MT 4y 6m AT 18m [6m PSC]	AD	Nil	Stabbing during brawl – victim punched offender who obtained knife from nearby house and stabbed him
4.	**Hietikko** NSWCCA 18.6.1992	Diminished Responsibility Stabbing - general	PG	16y NPP 12y	AA MT 7y 7m 2d AT 2y 6m 2d		Struck foreman with hammer and stabbed him with knife brought from home Chronic paranoid schizophrenia and chronic alcohol abuse
5.	**Fletcher** NSWSC Newman J 20.8.1993	Unlawful and dangerous – stabbing Stabbing - general	VG	MT 4y AT 5y		serious record - offence committed on parole	During fight with stranger stabbed him twice in chest Much evidence of rehabilitation

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
6.	**Phu** NSWCCA 1.10.1993	Stabbing - general	VG	MT 3y 5m AT 2y	Conviction AD		Came to Vietnamese gathering to assist friend involved in earlier altercation - stabbed victim five times during altercation - little clear evidence about actual stabbing
7.	**Sofokleous** NSWCCA 13.12.1993	Stabbing - general	VG	MT 3y AT 1y	AD		Victim trying to drag woman along street - two men intervened and woman escaped - victim approached offender accusing him of interfering - fight broke out and stabbing occurred - both men had been drinking
8.	**MacDonald** NSWCCA 12.12.1995	Unlawful and dangerous - stabbing Stabbing – general	PG	5y GBB [PSC 17m]	Crown AA MT 3y AT 2y	on probation for unlawful wounding	Stabbed school teacher with fishing knife after altercation with students - students had stolen property - offence spontaneous
9.	**Cassel** (26) NSWSC Bruce J 14.3.1997	Diminished Responsibility Stabbing - general	PG	MT 5y AT 3y		nil	Stabbed stranger in stomach after fight over boat Tried suicide twice - manic depressive
10.	**Newman** (20) NSWSC Barr J 3.9.1997	Accessory Stabbing - general	PG Mansl AOABH	MT 6y AT 2y 10m (concurrent)		priors - on bail	Unprovoked attack with co-offender on group of strangers leaving hotel - armed with metal bar - co-offender stabbed victim who was attempting to protect friend from attack by offender - joint criminal enterprise to intimidate and inflict less than serious harm
11.	**Cheung** (19) NSWCCA 12.3.1998	Provocation Fight - stabbing Stabbing - general	VG	MT 6y AT 2y	AD	nil	Fracas in street involving number of people following earlier argument in restaurant - two men stabbed, one fatally in chest seven times - victim had attacked offender with club-lock during fight - took knife anticipating violence
12.	**Pham** (22) NSWSC Hidden J 15.5.1998	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 5y AT 3y		minor - not significant	Robbed two pedestrians with co-accused - later attempted to rob victim who pulled a knife - struggle ensued and victim stabbed in chest - low range of culpability

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
13.	**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
14.	**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 (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
15.	**Lewis** [1999] NSWSC 131 Sully J	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG	MT 6y AT 3y		mal wound with w/i GBH – breached bail and parole	Member of Rebel Motorcycle Club - helped bouncer remove victim who was being a nuisance at hotel - punched and kicked victim - left scene but other club members continued assault - victim stabbed to death Seriously assaulted in gaol because wife giving evidence - good prospects of rehabilitation
16.	**Green** (22) [1999] NSWCCA 97	Provocation Stabbing - general	VG	MT 8y AT 2y 6m	AD	drug offences and assault	Stabbed 36y friend when friend made homosexual advances on him - traumatised by father sexually assaulting sisters - stabbed victim with poultry shears multiple times
17.	**TM** (17) [1999] NSWSC 504 Hidden J	Unlawful and dangerous - stabbing Juvenile offender Stabbing - general	PG	MT 3y AT 2y JJ 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
18.	**Horton** (53) [1999] NSWSC 983 Studdert J	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 5y AT 3y		minor	Female - stabbed friend in heart after heavy drinking Alcoholic with dependent personality disorder

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
19.	**Nikau** [1999] NSWCCA 322	Unlawful and dangerous - stabbing Fight - stabbing Stabbing - general	PG	MT 8y AT 4y	AD		Stabbed victim during street fight between two groups - affected by drugs and alcohol Youthful offender
20.	**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
21.	**Wright** (31) [1999] NSWSC 1087 Bell J	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 4y AT 3y			Stabbed victim four times in fight outside hotel – victim intoxicated and initiated fight - offender suffering exaggerated sense of danger and carrying knife following assault several weeks earlier - spontaneous offence Good prospects of rehabilitation
22.	**Chami** (20) [1999] NSWSC 1268 Studdert J	Unlawful and dangerous - stabbing Fight - stabbing Stabbing - general	PG	MT 5y 6m AT 3y		on bail for firearm offences	Stabbed stranger in brawl outside nightclub Contrition, drug user, prospects of rehabilitation
23.	**Naudin** (39) [2000] NSWSC 18 Dowd J	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 3y AT 3y		minor	Arguing with friend who threatened offender with knife - turned knife back on victim stabbing him in abdomen - immediate remorse - both intoxicated Suffering acute psychotic illness in gaol
24.	**Esposito** (29) [2000] NSWSC 284 Dunford J	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 8y AT 4y		drug related record - breached recog at time of offence	Female stabbed man she just met at bar - affected by drugs and possibly motivated by robbery Has had some employment – drug and alcohol treatment and counselling in custody

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
25.	**Veen** (28 at offence – 45 at re-determination) [2000] NSWSC 656 Sully J	Diminished responsibility Stabbing - general	VG	Life Re-determination MT 20y Life		non fatal stabbing in 1971 and stabbing manslaughter in 1975 (DR)	Redetermination of life sentence (1983) stabbed homosexual male victim in flat - agreed initially to have sex but became angry and stabbed victim in rage Aboriginal male - fostered at young age and subjected to sexual abuse in early teens - brain damage and alcohol abuse - offence committed 9 months after release on licence for earlier manslaughter - issue of dangerousness.
26.	**Dimond** (22) (2000) 118 A Crim R 188 [2000] NSWSC 1212 B-Parker AJ	Provocation Stabbing - general	PG	6y NPP 4y 6m		record for some violence	Stabbed male victim once in chest with steak knife - provoked by behaviour of victim taunting offender and taking cap and t-shirt - armed self with knife and stabbed with intention to cause really serious harm Displayed aggressive personality disorder from early childhood - real risk of re-offending unless aggression dealt with
27.	**Cardoso** (22) [2001] NSWSC 775 Hulme J (2003) 137 A Crim R 535 [2003] NSWCCA 15	Provocation Stabbing – general Fight - stabbing	VG (at murder trial - 12.5% for offer on appeal)	8y NPP 5y	AA 7y NPP 4y	nil	Stabbed male stranger in head during confrontation in shopping centre - offender left fight and obtained table knife before returning and stabbing victim - high degree of force required - moderate degree of provocation Offender more sensitive because of refugee background - refugee from East Timor - difficult background - remorse - limited English - isolated
28.	**See** (30) [2001] NSWSC 776 Hulme J	Provocation Stabbing - general	VG (at murder trial) Manslaughter PG s33B	7y NPP 4y 6m FT 12m (concurrent)		nil	Stabbed fellow employee to death with carving knife and meat cleaver - 30 wounds - provoked by puerile teasing - chased another employee with meat cleaver History of being teased and picked on - Malaysian - working illegally - isolation in custody - little English
29.	**Santos** (47) [2001] NSWSC 923 Levine J	Substantial impairment Stabbing - general	PG (25%)	7y NPP 5y 3m		nil	Stabbed male 21 times in car park - believed victim having relationship with estranged wife - frenzied attack - carried knife for work purposes Depression and brain damage

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
30.	**Dang** (21) [2001] NSWCCA 321	Accessory Stabbing - general	VG (at murder trial) Manslaughter PG Rob in company Use weapon to avoid appreh	7y 6m 2y 2y 6m Total: 10y NPP 6y 6m	AD	nil	Involved in robbery with co-offender - during escape separated from co-offender who stabbed male to death - offender injured male pursuer with knife Remorse - good background with supportive family - need for counselling for lack of insight and drug use
31.	**CVH** (15) [2002] NSWSC 1160 O'Keefe J [2003] NSWCCA 237 [2004] NSWSC 205 O'Keefe J	Accessory Juvenile offender Stabbing - general	VG Manslaughter 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
32.	**Waterman** (30) [2002] NSWSC 1236 Hidden J **Leyman** (30) [2002] NSWSC 1226 Hidden J	Unlawful and dangerous - stabbing Stabbing – general Accessory	VG (at murder trial – offered to plead) PG	6y NPP 3y 6m 5y 6m NPP 3y		lengthy record but mostly juvenile old and brief record	PW became involved in argument with homeless men outside house - returned to argument with co-offender and knife - victim stabbed when impaled self on knife - no intent to kill - history of tension between residents and homeless men PW - intoxicated - offence out of character - good prospects of rehabilitation although needing assistance with alcohol abuse - remorse L – accessory - accompanied co-offender knowing he was armed with knife contemplating it might be used to cause injury - alcohol abuse - good character evidence - remorse

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
33.	**Johnson** (22) [2003] NSWCCA 129	Provocation Stabbing - general	VG (at murder trial - 10% on appeal for offer)	10y NPP 7y 6m	AA 9y NPP 6y 9m	Breached parole for assault w/i to rob w/ wounding (stabbing)	Sexually abused by victim when 13y – went to victim's house seeking cannabis – fight over sexual advances resulted in stabbing in chest Protective custody – behavioural problems exacerbated by abuse
34.	**Battur** (22) [2003] NSWSC 1164 Greg James J	Unlawful and dangerous - stabbing Stabbing – general	PG (25%)	6y 3m NPP 2y 9m (PSC 3m)		Nil	Mongolian offender and victim – argument over failure of offender to show proper respect – threats and physical assault by victim – armed self with knife for self-defence – met again later in evening and threats / assaults continued – stabbed victim in chest - element of provocation and self defence Co-operation and contrition – onerous custodial conditions – strong prospects of rehabilitation – facing reprisals in Mongolia
35.	**Vongsouvanh** (28) **Namalauulu** (24) [2003] NSWSC 1203 Whealy J [2004] NSWCCA 158 Co-offender: HAYES	Unlawful and dangerous – stabbing Stabbing – general Accessory	PG (15%)	6y 9m NPP 4y 6y 9m NPP 4y	Crown AD Crown AD	Drug related offences Lesser record	2 females became involved with third co-offender in struggle with fellow male drug user – not aware co-offender had knife prior to struggle – continued involvement after production of knife – victim stabbed 4 times in stomach – offenders prevented victim defending self or escaping then ran away and left him KV – born in Laos – mother of young child – some evidence of rehabilitation from drug addiction FN – born in Samoa – mother of young child – some evidence of rehabilitation from drug addiction
36.	**Boyd** (37) [2004] NSWSC 263 Buddin J	Excessive self defence Stabbing - general	PG	7y 6m NPP 4y 6m		Includes violence but only one period of imprisonment	Multiple stab wounds to neighbour in hotel with carving knife – violent argument – both intoxicated Violent and deprived childhood – hearing deficit and low intelligence – reduced ability to deal with stress

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
37.	**V D N** (17) [2004] NSWSC 426 Whealy J	Unlawful and dangerous - stabbing Juvenile offender Stabbing – general Accessory	PG (15%) Manslaughter 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
38.	**Forbes** (29) [2004] NSWSC 421 Hulme J (2005) 160 A Crim R 1 [2005] NSWCCA 377	Manslaughter One Unlawful and dangerous - stabbing Fight - stabbing Stabbing – general Accessory Manslaughter Two Excessive self defence Shooting – general	PG (12%) Manslaughter VG Manslaughter (at murder trial - 12% for offer to plea)	12y NPP 9y 12y NPP 8y Total: 19y NPP 15y	AA 9y NPP 6y 9m 12y NPP 8y Total: 16y 9m NPP 12y 9m	Lengthy record – breached parole	Involved in fight outside hotel – male stabbed by friend of offender – aware friends intoxicated and had knife – aware risk knife would be used 3 months later took loaded gun to confront male acquaintance over disputed issues – aware victim violent – shot victim in caravan in subsequent struggle – second shot fired while victim on or near floor – intent to kill Low prospects of rehabilitation
39.	**Price** (29) [2004] NSWSC 868 Barr J	Excessive self defence Unlawful and dangerous - stabbing Stabbing - general	PG	8y NPP 5y		Significant, incl 4 offences with a knife	Stabbed drug dealer – plea accepted but not wholly clear whether excessive self-defence or unlawful and dangerous act – habitually carried a knife Aboriginal male – previous alcohol problems – on methadone program but continues to use heroin from time to time – prospects of rehabilitation

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
40.	**Hayes** (26) [2004] NSWSC 1195 Campbell AJ Co-Accused: VONGSOUVANH NAMALAUULU	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG	6y 9m NPP 4y		Minor record – similar to Namalauulu	Female – involved with two other females in struggle with fellow male drug user – victim stabbed 4 times in stomach - unable to establish who did stabbing Difficulty as Aboriginal child adopted by non-Aboriginal family – drug addiction – protective custody – good prospects of rehabilitation
41.	**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) Manslaughter 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
42.	**Cakovski** (19) [2005] NSWSC 1001 Studdert J	Excessive self defence Stabbing - general	PG (15%)	7y 8m NPP 5y 8m		Minor but breach of bail	Stabbed elderly drunk during attempt to rob – victim killed 3 people over 25 years earlier and had threatened to kill someone on night he of offence Behaviour in custody improved since converting to Islam – supportive relationship and family – emotionally immature – possible ADHD – no genuine remorse – special circumstances Earlier conviction for murder overturned on appeal.
43.	**Bullock** (25) [2005] NSWSC 1071 Buddin J	Provocation Stabbing - general	VG (at murder trial – discount for offer)	8y NPP 5y		Minor	Punched by victim in hotel causing broken nose – walked to father's unit nearby and retrieved knives – on approaching victim outside hotel victim attempted to punch and offender stabbed victim multiple times – significant provocation – intent to cause GBH Immediate remorse
44.	**Hamshere** [2005] NSWSC 1319 Hall J	Unlawful and dangerous - stabbing Stabbing - general	PG (25%)	5y NPP 3y		Minor assault	Friendly wrestle between male friends became more heated – offender picked up knife from kitchen and stabbed victim in neck – intoxicated Great remorse

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
45.	**Berrier** (22) [2006] NSWSC 1421 Hidden J [2009] NSWCCA 40	Provocation Stabbing - general	VG (at murder trial)	9y NPP 6y	AD	Minor	History of animosity and threatening behaviour by victim – stabbed during fight – single stab wound – significant level of provocation – intent to inflict GBH Remorse – low intellectual ability
46.	**Hamilton** (34) [2007] NSWSC 452 Adams J	Excessive self defence Stabbing - general	PG (25%)	5y 6m NPP 2y 6m		Priors – no violence	Struggled with male friend at house – victim acting in irrational, violent and threatening manner with knife – genuine fear – three blows excessive – took body and dumped in creek at golf course at bequest of occupier of house afraid of going to gaol –offence in low range Borderline intellectual functioning – remorse
47.	**Siose** (18) [2007] NSWSC 1202 Hidden J	Accessory Stabbing - general	PG (15%)	6y 9m NPP 3y 9m		Brief	Young stranger stabbed by co-offender during fight in amusement arcade – in company – carrying knives for protection – single stab to chest – spontaneous offence Philippino – evidence of rehabilitation and remorse
48.	**Lu** (32) [2007] NSWSC 1259 Price J (2008) 190 A Crim R 109 [2008] NSWCCA 261	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG (15%)	9y 4m NPP 6y 2m	AD	Lengthy – breached bond	One month before offence had violent confrontation with victim - on day of offence saw victim walking down street - collected co-offender and chased victim with iron bar – struck victim's mother then punched victim in face – co-offender fatally stabbed victim – unaware co-offender armed with knife - intended only to assault – co-offender acquitted at murder trial Vietnamese with traumatic background
49.	**Harris** (53) [2007] NSWSC 1417 Bell J	Unlawful and dangerous - stabbing Stabbing - general	PG (12%)	7y NPP 4y		Minor – drink driving offences	Stabbed female friend during argument – lashed out with knife striking victim in chest – both intoxicated History of alcohol abuse – remorse – good prospects of rehabilitation

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
50.	**A.S.Jones** (43) [2007] NSWSC 1333 Buddin J Co-offenders: A JONES SM JONES S JONES E JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	VG (at murder trial - 15% for offer) Manslaughter Mal wound Sched: 4 off	8y 3m NPP 5y 3m FT 18m Total 9y NPP 6y		Nil	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims' family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – not clear which offender responsible for fatal stabbing – element of self-defence and provocation – offenders convicted of alternative offences at trial for murder and attempt murder Father to A Jones and son of S Jones - exemplary conduct in custody – possibility of deportation – prospects of rehabilitation
51.	**A.Jones** (21) [2007] NSWSC 1333 Buddin J [2009] NSWCCA 169 Co-offenders: AS JONES SM JONES S JONES E JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	VG (at murder trial – 15% for offer) Manslaughter Mal wound Assault	8y 3m NPP 5y 3m FT 18m FT 4m Total 9y NPP 6y	AD	Minor	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims' family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – offender assaulted 16y female – not clear which offender responsible for fatal stabbing – element of self-defence and provocation – convicted of alternative offences at trial for murder and attempt murder Son of AS Jones - remorse – prospects of rehabilitation

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
52.	**S.M.Jones** (32) [2007] NSWSC 1333 Buddin J Co-offenders: AS JONES A JONES S JONES E JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	PG (15%) Manslaughter Mal wound	8y 3m NPP 5y 3m FT 18m Total 9y NPP 6y		Minor	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims' family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – not clear which offender responsible for fatal stabbing – element of self-defence and provocation Evaded police and voluntarily surrendered during trial of other offenders
53.	**S.Jones** (64) [2007] NSWSC 1333 Buddin J Co-offenders: AS JONES A JONES SM JONES E JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	VG (murder trial) Manslaughter Mal wound	7y 9m NPP 4y 9m FT 18m Total 8y 6m NPP 5y 6m		Minor	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims' family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – not clear which offender responsible for fatal stabbing – element of self-defence and provocation – offenders convicted of alternative offences at trial for murder and attempt murder Father to AS Jones and S Jones and grandfather of A Jones

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
54.	**E.Jones** (female) 63) [2007] NSWSC 1333 Buddin J Co-offenders: AS JONES A JONES SM JONES S JONES	Excessive self defence Provocation Fight - stabbing Stabbing – general Accessory	VG (murder trial) Manslaughter Mal wound	7y NPP 4y 6m FT 12m Total 7y 6m NPP 5y		Nil	All offenders part of Romany gypsy family – victims members of another Romany gypsy family related by marriage to offenders – during evening AS Jones and A Jones involved in aggressive altercation with members of victims' family – both families armed selves and prepared for confrontation – SM Jones, S Jones and E Jones travelled to caravan park for purpose of confrontation – fight broke out in which male victim fatally stabbed and second male victim badly injured – not clear which offender responsible for fatal stabbing – element of self-defence and provocation – offenders convicted of alternative offences at trial for murder and attempt murder Culpability slightly less – wife of S Jones, mother to AS Jones – health problems – isolation from family (most in custody)
55.	**Forrest** (48) [2008] NSWSC 301 Studdert AJ [2009] NSWCCA 11	Provocation Stabbing - general	PG (25%)	7y 6m NPP 5y 9m	AD	No serious violence	Stabbed male acquaintance with kitchen knife – victim threatening to stab female – entered house to retrieve knife – significant degree of provocation Genuine remorse – effected by incident many years prior where innocently involved in stabbing
56.	**Salah** (33) [2008] NSWSC 311 Johnson J [2009] NSWCCA 2	Excessive self defence Stabbing - general	PG (10%)	8y 9m NPP 5y 9m	AA Technical matter only – same effective sentence	Minor	Earlier in day had violent argument with victim – several hours later returned to area and warned that victim was armed with knife – in subsequent confrontation victim broke hand of brother and threatened with knife – grabbed knife from victim and stabbed six times – more serious category Israeli national – good character
57.	**Ibrahim** (27) [2008] NSWSC 268 Price J [2009] NSWCCA 15 Co-offenders: KR PR	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG (15%)	9y 4m NPP 6y 6m	AD	Priors – breached bail	Victim and brother lured to car park to discuss dispute – four men assaulted victim – victim stabbed in leg by co-offender causing death – aware of presence of knife – agreement to assault causing less than GBH – premeditated offence – joint criminal enterprise Difficult childhood

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
58.	**Williamson** (19) [2008] NSWSC 686 James J	Excessive self defence Stabbing – general Victim under 18y	PG (15%)	5y NPP 2y 6m		Nil	Stabbed 15y male once in abdomen with broken glass drug smoking pipe during fight at party in bushland – fight provoked by victim jealous of offender's relationship with ex-girlfriend – assaulted by victim and others – sustained head injury – spontaneous offence – intent to cause GBH – intoxicated Disrupted childhood – substance abuse – good prospects of rehabilitation
59.	**Sin** (20) [2008] NSWSC 621 McClellan CJ at CL	Unlawful and dangerous - stabbing Fight - stabbing Stabbing - general	PG (12.5%)	10y 6m NPP 7y		Driving offences and involvement in brawl	Fight outside shopping centre between Lebanese and Asian groups – offender stabbed male in side with cheese knife – no intent to inflict deep wounds Genuine remorse – Cambodian – prospects of rehabilitation
60.	**Stephens** (34) [2008] NSWSC 1429 Latham J [2009] NSWCCA 240	Excessive self defence Stabbing - general	PG (15%)	10y NPP 7y	AD		Single stab wound to chest of male acquaintance with serrated knife after victim threatened to 'smash' offender – victim had been indicating intention to fight – grossly disproportionate response to threat
61.	**KR** (25) **PR** (21) [2008] NSWSC 970 Price J Co-offender IBRAHIM	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG (50% plea and assist) PG (50% plea and assist) Sched: Assault	5y 2m NPP 3y 7m 5y 2m NPP 3y 7m		AOABH and intimidate police – not agg factor Intimidate police – not significant	Victim and brother lured to car park to discuss dispute – four men assaulted victim – victim stabbed in leg by co-offender causing death – aware of presence of knife – agreement to assault causing less than GBH – pre-planned offence – PK punched victim's brother Difficult childhood – remorse – good prospects of rehabilitation – unlikely to reoffend – valuable assistance in unrelated matter – protective custody and witness protection
62.	**Lynn** (29) [2008] NSWSC 1122 Hidden J	Excessive self defence Stabbing - general	PG (12.5%)	7y NPP 4y 6m		Lengthy – includes carrying weapon in public place	During confrontation with victim reached over and stabbed him once at base of neck – spontaneous offence – reacted to comment made by victim and having fought with victim 3-4 weeks earlier Difficult childhood – lacks insight into offence

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
63.	**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
64.	**Hatch** [2008] NSWSC 1411 Adams J	Unlawful and dangerous - stabbing Stabbing - general	VG (at murder trial)	5y 6m NPP 2y 6m		Priors – breached bond	Stabbed male acquaintance during struggle – during earlier fight victim punched and kicked offender to unconsciousness – several hours later victim entered house containing offender and two friends armed with knife and iron pipe – co-offender stabbed and seriously wounded by victim – during subsequent struggle offender used knife to fatally stab victim - elements provocation and aggression – all parties intoxicated – co-offenders sentenced for AOABH in company – lower end of seriousness Difficult childhood – drug and alcohol abuse – remorse – prospects of rehabilitation
65.	**Abbas** (33) [2009] NSWSC 127 Mathews AJ	Excessive self defence Stabbing - general	PG (20%)	6y 9m NPP 3y 9m		Minor record – no gaol	Intoxicated male stranger threatened offender and friend at table in fast food outlet – retrieved knife from car to scare victim – stabbed victim four times when victim held friend by shirt neck - lower end of spectrum Voluntarily attended police station – extreme remorse – severely physically assaulted by mother leaving heightened response to threats – attempted suicide twice as teen – good work record – married with two children – strong prospects of rehabilitation
66.	**Jackson** [2009] NSWSC 168 Howie J	Unlawful and dangerous- stabbing Stabbing – general Accessory	PG (15%)	8y NPP 5y 6m		Lengthy record – breached parole	Involved in armed robbery of restaurant with co-offender – co-offender entered restaurant armed with club lock from stolen car and stabbed employee during struggle – offender waited outside in car then entered to take cash register – foresaw use of weapon to inflict injury only Aboriginal male - deprived upbringing – drug addiction – protection – genuine remorse Co offender sentenced for murder – Webb [2008] NSWSC 1351

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
67.	**TT** (20) **RT** (17) **ET** (25) [2009] NSWSC 437 Latham J	Excessive self defence Juvenile offender Stabbing – general Fight - stabbing Accessory (TT and ET)	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
68.	**Whitmore** (35) [2009] NSWSC 520 Adams J	Accessory Stabbing - general	PG (10%)	6y 6m NPP 4y		Assaults	Male victim stabbed in back during argument with offender and sister over dogs – unclear who inflicted fatal stab wound but offender sentenced on basis armed with knife and inflicted only minor wounds during argument – did not advert to possibility lethal blow could be inflicted by someone with intent to kill or inflict GBH – lower range of culpability - sister sentenced for murder History of alcohol and drug abuse – suffering depression – good prospects of rehabilitation
69.	**Mills** (40) [2009] NSWSC 521 Howie J	Unlawful and dangerous - stabbing Stabbing - general	PG	7y 3m NPP 4y 6m		Old assault offences – more recent minor offences	Stabbed 44y male acquaintance during argument in kitchen of mutual friend – one stab to chest – intoxicated and under influence of drugs Genuine remorse
70.	**White** (21) [2009] NSWSC 809 Hidden J	Substantial impairment Stabbing - general	PG (15%)	10y NPP 6y		nil	Stabbed male acquaintance in block of residential units during struggle – high level of violence Schizophrenia – paranoid delusions Long history of schizophrenia – cannabis and alcohol use

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
71.	**HT** (16) [2010] NSWSC 324 Hidden J	Excessive self defence Juvenile offender Fight – stabbing Victim under 18y Stabbing - general	PG (15%) Manslaughter 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
72.	**Good** (22) [2010] NSWSC 402 Buddin J	Excessive self defence Stabbing - general	VG (at murder trial – 25% for offer)	7y 9m NPP 4y 9m		Assaults – breached bond	Stabbed male acquaintance – 6 stab wounds – during confrontation outside party responded to assault by victim – showed some reluctance to fight - history of antagonism between offender and victim over offender's relationship with victim's sister – spontaneous offence
73.	**Lynch** (24) [2010] NSWSC 952 Studdert AJ	Provocation Fight – stabbing Stabbing - general	PG (15%)	7y NPP 5y		minor	Stabbed victim lightly to back of neck then fatally to stomach during confrontation between group of people outside house at night – all drinking – used work knife – intent to cause GBH – provocation of pushing offender's fiancé significant and shortly before stabbing Genuine remorse – good character
74.	**Horton** (27) [2010] NSWSC 1007 Davies J	Excessive self defence Unlawful and dangerous – stabbing Stabbing - general	PG (15%)	4y 3m NPP 2y		Record including violence – breached bond for assault offence	Stabbed victim with victim's knife during drug deal – victim first stabbed offender three times leaving knife in shoulder – stabbed once only - element of provocation – unlawful and dangerous act – bottom of range – disposed of victim's car keys Drug and alcohol addiction – depression – genuine remorse

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
75.	**Pirini** (21) [2011] NSWSC 1395 RA Hulme J Co-offenders: LA ROSA AOULI COSTA MENZIES HAWI	Accessory Stabbing – general Assault – general Fight – assault / stabbing Unlawful and dangerous – assault / stabbing	PG (20%) Manslaughter Affray	6y NPP 3y FT 2y 2m Total: 6y 6m NPP 3y 6m		Driving offences	Member of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell's Angels club killed – member of rival club pursued and assaulted inside security gate by Comancheros including offender – involved in scuffle but did not punch or kick – during affray outside security area involved in fight with single member of rival club but did not use weapon and did not assault manslaughter victim – during common purpose to intimidate contemplated possibility that unlawful and dangerous act would be committed with appreciable risk of serious injury Left Club - good prospects of rehabilitation – remorse
76.	**Winefield** (45) [2011] NSWSC 337 Fullerton J	Unlawful and dangerous – stabbing Stabbing - general	VG (at murder trial)	10y NPP 7y 6m		Prior record for violence	Stabbed 18y male stranger in chest during fight on street – both intoxicated – offender was aggressor at all times and wielded knife – victim killed in presence of friends aged below 18y – use of knife an aggravating factor
77.	**La Rosa** (37) [2011] NSWSC 1394 RA Hulme J Co-offenders: PIRINI AOULI COSTA MENZIES HAWI	Accessory Stabbing - general Assault – general Fight – stabbing / assault Unlawful and dangerous – assault / stabbing	PG (15%) Manslaughter Affray	6y 7m NPP 3y 3m FT 2y 4m Total: 7y 1m NPP 3y 9m		Driving offences – on bail for driving offence	Treasurer of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell's Angels club killed – member of rival club pursued and assaulted inside security gate by Comancheros - affray outside security area where manslaughter victim fatally assaulted and stabbed – present but no physical acts during either incident - during common purpose to intimidate contemplated possibility that unlawful and dangerous act would be committed with appreciable risk of serious injury Left Club - good prospects of rehabilitation - remorse

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
78.	**Aouli** (28) [2011] NSWSC 1393 RA Hulme J [2012] NSWCCA 104 Co-offenders: PIRINI COSTA LA ROSA MENZIES HAWI	Accessory Stabbing - general Assault – general Fight – stabbing / assault Unlawful and dangerous – assault / stabbing	PG (12.5%) Manslaughter Affray	5y 8m NPP 3y FT 2y 5m Total: 6y 2m NPP 3y 6m	AD	Priors including assault – breached bail	Member of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell's Angels club killed – flew in from Melbourne with other members of club having arranged for additional members to meet at airport - member of rival club pursued and assaulted inside security gate by Comancheros including offender – did not throw punch – present during affray outside security area where manslaughter victim fatally assaulted and stabbed but not physically involved – during common purpose to intimidate contemplated possibility that unlawful and dangerous act would be committed with appreciable risk of serious injury Left Club - good prospects of rehabilitation – remorse – good employment history
79.	**Costa** (29) [2011] NSWSC 1392 RA Hulme J Co-offenders: PIRINI AOULI LA ROSA MENZIES HAWI	Accessory Stabbing - general Assault – general Fight – stabbing / assault Unlawful and dangerous – assault / stabbing	PG (12.5%) Manslaughter Affray	6y 7m NPP 3y 4m FT 2y 4m Total: 7y 1m NPP 3y 9m		Nil	Secretary of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell's Angels club killed – met Club members alighting from plane having arranged for attendance of other members at airport - member of rival club pursued and assaulted inside security gate by Comancheros including offender - involved in scuffle but did not punch or kick – present during affray outside security area where manslaughter victim fatally assaulted and stabbed but not physically involved – during common purpose to intimidate contemplated possibility that unlawful and dangerous act would be committed with appreciable risk of serious injury Left Club - good prospects of rehabilitation – remorse – good work ethic – married with two children
80.	**Barghachoun** (21) [2011] NSWSC 1534 Johnson J Co-offender: AH SMITH	Accessory Fight - stabbing Stabbing – general Unlawful and dangerous - stabbing	PG (20%)	4y NPP 2y 3m		Short record	Involved in fight between two groups of youths and men at night – responded to call 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 Good prospects of rehabilitation - remorse

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
81.	**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
82.	**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
83.	**Smith** (18) [2012] NSWSC 38 Mathews AJ Co-offender: BARGHACHOUN AH	Excessive self defence Fight - stabbing Stabbing - general	VG (at murder trial – 20% for offer to plead)	6y NPP 3y		Nil	Stabbed male during confrontation between two groups at night – victim called in to support one group and approached offender with bat – stabbed victim once to side of body in self-defence – spontaneous offence – took knife from friend earlier to prevent friend using it Impeccable character – offence out of character – immediate remorse – onerous bail conditions

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
84.	**Menzies** (26) [2012] NSWSC 158 RA Hulme J Co-offenders: PIRINI AOULI LA ROSA COSTA HAWI	Accessory Stabbing - general Assault – general Fight – stabbing / assault Unlawful and dangerous – assault / stabbing	PG (15%) Mansl VG Affray	7y 2m NPP 3y 8m 3y Total: 7y 8m NPP 4y 2m		Two incidents of violence in public place	Member of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell's Angels club killed – flew in from Melbourne with other members of club – involved in affray where member of rival club pursued and assaulted inside security gate by Comancheros – present during affray outside security area where manslaughter victim fatally assaulted and stabbed - sentenced for participation in joint criminal enterprise to commit unlawful and dangerous act in circumstances which objectively carried appreciable risk of serious injury being caused Aboriginal male - left Club - good prospects of rehabilitation – genuine remorse
85.	**HT** (17 / 34) [2012] NSWSC 656 Hidden J	Accessory Juvenile offender Stabbing – general Victim under 18y	VG Manslaughter (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
86.	**Cook** (18) [2012] NSWSC 480 Garling J	Excessive self defence Fight - stabbing Stabbing - general	PG (25%)	7y 6m NPP 4y		BE&S - on bond at time of offence.	Stabbed victim once in chest during affray between two groups of males – victim walking towards offender with broken bottle – both took swing at each other – offender did not bring knife to fight but had picked it up in self-defence – actions of immature teenager Employed – reasonable rehabilitation prospects – little chance of reoffending – general good character
87.	**Pitts** [2013] NSWSC 518 Adamson J [2014] NSWCCA 244	Excessive self defence Stabbing – general	VG	10y NPP 7y 6m	AD	No significant convictions	Victim attended home of offender to purchase cannabis - kicked in front door causing offender's nieces to lock themselves in back room out of fear – offender called out to victim from doorway, retrieved knife from kitchen then followed victim down hallway of unit building – altercation resulted in fatal stabbing in heart – thought he was stabbing in stomach - no animosity or hostility but misjudged threat - knew victim a former boxer Rehabilitation prospects good – difficult childhood – alcohol and drug abuse from young age – epilepsy

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
88.	**Brown** (20) [2013] NSWSC 715 Grove AJ	Unlawful and dangerous - stabbing Stabbing general Accessory	VG (murder trial)	5y NPP 3y		Reckless GBH	With three co-offenders confronted victim over belief offender had damaged prized motor vehicles – victim arrived armed with gun and discharged shots – all offenders chased and assaulted victim – co-offender inflicted stab wound – element of provocation – offender acted with no intent to cause GBH Aboriginal male – deprived upbringing – mild intellectual disability Co-offenders sentenced for murder
89.	**Phanekham No.3** (36) [2014] NSWSC 508 Beech-Jones J [2015] NSWCCA 295	Unlawful and dangerous - stabbing Stabbing - general	VG (murder trial - 10% for offer)	8y NPP 6y	AD	assault, possess drugs	Stabbed victim in abdomen following confrontation – victim intoxicated and argumentative
90.	**Robertson** (44) [2014] NSWSC 1401 Harrison J [2015] NSWCCA 251	Unlawful and dangerous - stabbing Accessory Stabbing – general Victim under 18y	PG (15%)	10y 8m NPP 8y	AD		Part of a joint criminal enterprise involving unlawful and dangerous act – agreement to "rough up" or assault male target in return for drugs – offender drove co-offender to place where target worked – stayed in car – co-offender mistakenly and fatally stabbed 15y son of target in chest - no knowledge co-offender armed with knife/weapon or would kill or inflict GBH Rehabilitation prospects – good family support – no previous violence Co-offender sentenced for murder: McArthur [2014] NSWSC 1401
91.	**Dennis** (26) **Elwood** (21) [2014] NSWSC 1615 Hulme J (Elwood) [2016] NSWCCA 18	Accessory Stabbing - general	VG (murder trial) Manslaughter VG (murder trial) Manslaughter Assault with intent to rob	5y NPP 3y 4y 6m NPP 2y 6m 3y 6m NPP 2y 6m <u>Total</u>: 5y NPP 3y	AD	Violent offences – breached bond nil	Four males attended home of victim with intent to rob – victim sold small amounts of cannabis on regular occasions – victim surrounded by all four men in front yard - stabbed four times by co-offender McKellar – party to joint enterprise to rob and / or assault victim foreseeing possibility of harm D - party to assault – not aware of weapon – Aboriginal male – father to seven children – evidence of rehabilitation – remorse E - party to robbery – aware of presence of weapon – subordinate to McKellars – Aboriginal male – prospects of rehabilitation - remorse Co-offenders E & B McKellar sentenced for murder: [2014] NSWSC 1243

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
92.	**F Barbieri** (45) [2014] NSWSC 1808 Hulme J	Accessory Substantial impairment Stabbing - general	PG (10%) Manslaughter Use off weapon to prevent apprehend Sched: 2 offences	9y NPP 6y 6m FT 4y 6m Total: 10y NPP 7y 6m		nil	Female lived with 19y son on rural property - relationship with neighbour became antagonistic – son fired crossbow at workers on neighbour's property – siege developed with police – attacked police with knife and sledgehammer – police officer fatally stabbed by son – mother aware of possibility of infliction of GBH – mother was dominant offender Suffered serious mental illness causing paranoia and social isolation Son sentenced for murder
93.	**Hawi** (28) [2015] NSWSC 206 Hoeben CJ at CL Co-offenders: PIRINI COSTA LA ROSA MENZIES AOULI	Stabbing – general Assault - general Accessory Fight – stabbing / assault Unlawful and dangerous – stabbing / assault	PG (17.5%)	6y 2m NPP 3y 6m		Nil significant	President of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell's Angels club killed – member of rival club pursued and assaulted inside security gate by Comancheros - affray outside security area where victim fatally assaulted and stabbed – present but no physical acts during either incident - common purpose to intimidate and contemplated possibility unlawful and dangerous act would be committed with appreciable risk of serious injury – aggravating factor that it took place in public airport Good prospects of rehabilitation – good family support
94.	**Huang** (43) [2015] NSWSC 375 Beech-Jones J	Stabbing – general Excessive self defence	VG (murder trial – 35% for offer and co-op)	7y 10m NPP 5y 11m		nil	Stabbed fellow employee at workplace – multiple stab wounds – intent to kill – history of conflict between offender and victim – limited provocation - both Chinese nationals Voluntary surrender - genuine remorse
95.	**Misiepo** (35) [2016] NSWSC 565 Hall J [2017] NSWCCA 210	Excessive self defence Stabbing - general	VG (murder trial - 20% for offer to plead)	12y NPP 9m	AD	Personal violence, armed robbery, resist officer, supply drugs.	Armed self with knife believing victim was member of outlaw motorcycle gang – victim not armed – offender was aggressor - stabbed unarmed victim three times – intent to inflict grievous bodily harm – objective gravity of high order Difficult upbringing – drug abuse

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
96.	**McGuiness** (26) [2016] NSWSC 1806 RA Hulme J	Excessive self-defence Stabbing – general Fight - stabbing	PG (15%)	8y 6m NPP 6y 4m		Reckless wounding	Became involved in incident between two groups - victim invited offender to fight – punched offender to head - victim initiated and gained upper hand in assault – offender stabbed victim once to neck – did not directly aim to stab in neck but clearly directed knife toward upper body - intention to inflict really serious harm - moderate objective seriousness. Reasonable prospects rehabilitation – ADHD.
97.	**Mitchell** (22) [2016] NSWSC 1855 Adams J	Excessive self-defence Stabbing – general	PG (10%)	3y 6m NPP 2y		Minor offences of violence – affray, assault officer	Ongoing quarrel with male victim – stabbed victim to chest during altercation – thought victim was going to break his neck - not aggressor – attacked by victim in offender's home - victim lying in wait to attack – taken unawares by ambush and responded in heat and panic – done everything possible to avoid physical confrontation - misjudgement in heat of the moment – only slightly excessive force - lowest degree of objective seriousness Aberration - will not re-offend – youth – special circumstances – remorse
98.	**Jenkins** (21) [2017] NSWSC 593 Mathews AJ	Stabbing – general	VG (at murder trial – 10% for offer to plead)	9y NPP 5y 6m		Numerous minor offences – no imprisonment	Picked up by police suffering drug induced psychosis – left hospital and made acquaintance of previously unknown couple – later in day intervened in violent confrontation between new male acquaintance and victim on street by stabbing victim in chest - basis of manslaughter verdict unclear – could have been unlawful and dangerous act / substantial impairment / excessive defence of another Long history of drug and alcohol abuse – difficult childhood – suffering ADHD and permanent brain damage from gas accident

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
99.	**Gilson** (38) [2017] NSWSC 1670 Button J (Sheiles) [2018] NSWCCA 285	Excessive self defence Stabbing - general	VG (murder trial – 10% for offer to plead)	8y NPP 5y	AD	Nil	Exact circumstances of killing unclear – female offender sexually assaulted by male victim while drinking at victim's house with two friends – two days later arranged to meet victim in remote street in early hours of morning – further sexual assault resulting in single stab wound to chest in excessive self-defence – intent to inflict GBH – had indicated on Facebook prior to killing intent to harm victim – attempt to cover tracks – effect of killing on gravely ill wife and young daughter of victim Difficult background including sexual abuse by relative – prior good character – small reduction for conduct of trial
100.	**Aljubouri** (26) [2019] NSWSC 180 Wilson J	Excessive self-defence Stabbing - general	PG (20%) Manslaughter Conceal corpse	6y 6m 2y 5m Aggregate: 7y 6m NPP 5y 7m		Drive recklessly, escape police custody. On bail.	Offender stabbed victim after struggle – confrontation initiated by victim – weapon introduced by victim - body concealed for four years – with two co-offenders, cleaning of crime scene – disposal of victim's property. Family support.
101.	**Walcott** (28) [2019] NSWSC 443 RA Hulme J	Excessive self defence Stabbing - general	VG (at murder trial)	10y NPP 7y 6m		Nil	Single stab wound to chest – offender and victim both heavily intoxicated by drugs – harmonious friendship – bizarre account by offender of circumstances leading to stabbing – after verbal threats by victim offender deliberately armed himself with knife, approached victim, initiated physical struggle and inflicted stab wound with intention to kill - effect of drugs on both parties obvious - mid-range Good prospects of rehabilitation
102.	**Rossi-Murray** (30) [2019] NSWSC 482 Rothman J	Stabbing – general Unlawful and dangerous - stabbing	VG (murder trial - 15% for offer to plead)	11y NPP 7y 4m		Significant - wound with intent GBH - agg BES – breached parole	During confrontation regarding money owed by victim to offender over drug transaction chased victim and stabbed in chest - above mid-range of seriousness, although not well in excess. Aboriginal male – institutionalised – early exposure to violence and drugs and social exclusion – strong subjective circumstances – strong chance of rehabilitation – special circumstances

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
103.	**LK** (38) [2019] NSWSC 605 Hamill J Co-offenders: FEROZ NGUYEN TRINH	Stabbing – general Unlawful and dangerous - stabbing Accessory	PG (50% combined)	5y NPP 2y 9m		Not significant	Drug deal gone wrong – joint criminal enterprise - organised and brutal attack – acted as driver to five co-accused - limited role in offence. Special circumstances – first time custody - extensive long-standing drug dependence – reasonably good character - no previous offences of violence – remorse – good prospects of rehabilitation Co-offenders HO and HOANG sentenced for murder (2020)
104.	**Martinez** (21 at offence - 26 at sentence) **Tortell** (18 at offence - 24 at sentence) [2020] NSWSC 267 Johnson J (Martinez) [2022] NSWCCA 12	Stabbing – general Accessory Unlawful and dangerous - stabbing	VG (at murder trial – 10% for offer) VG (at murder trial - 5% for offer)	10y 6m NPP 7y 7m 8y 5m NPP 5y 6m	AA 9y 3m NPP 6y 11m	Intimidate police, AOABH Nil	Stabbing of victim - joint criminal enterprise to cause harm short of GBH - inability to find beyond reasonable doubt which offender killed victim – prior animosity between M and victim – M confronted victim, victim retreated and both offenders chased victim – T did not have motive but followed M M: higher objective gravity and moral culpability - reasonable prospects of rehabilitation – moderate risk reoffending T: good prospects of rehabilitation - low risk of reoffending CCA Martinez: error as to guilty plea discount of 5% - correct discount 10% applied.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
105.	**Feroz** (31) **Nguyen** (38) **Trinh** (36) [2020] NSWSC 341 Hamill J Co-offender: LK	Stabbing – general Accessory Unlawful and dangerous - stabbing	VG Manslaughter (at murder trial) s.166 firearms offences VG Manslaughter (at murder trial) VG Manslaughter (at murder trial – 10% for offer)	9y NPP 6y 12m (concurrent) 9y NPP 6y 9y NPP 6y 9m		nil relevant serious but old offences record reflective of being drug dealer	Co-offender arranged meeting with victim in suburban street in broad daylight after victim failed to pay for drugs – victim assaulted by group of men then stabbed fatally in chest – joint criminal enterprise to inflict unlawful violence – offence aggravated by use of weapon All offenders entitled to benefit for facilitation of trial under s.22A and delay F – drug user who was unaware of purpose of meeting – unaware violence or knife would be used until saw stabbing – struck victim with curtain rod – attempted to stop co-offender stabbing victim – called ambulance – supportive family and employer – excellent prospects of rehabilitation N – drug user with no involvement in planning and no act of violence during assault – aware violence to be used after getting into car – aware weapons to be used after getting out of car but not aware of knife – genuine remorse – good prospects of rehabilitation – PTSD from background and shooting in bar T – out of pocket due to drug deal – played role in setting up meeting – played no part in violence – mid-level drug dealer and user – abusive childhood and exposed to criminal element early in life – prospects of rehabilitation Additional co-offenders HO and HOANG sentenced for murder (2020)
106.	**Gale** (54) [2020] NSWSC 808 Ierace J	Excessive self-defence Stabbing - general	PG (25%)	12y NPP 8y		Lengthy - malicious wound inflict GBH, BES, assault, armed robbery, drug offences.	Stabbed victim during altercation over earlier incident – no provocation. Little evidence of remorse - difficult background – poor rehabilitation – drug abuse

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
107.	**Azzi (No 1)** (43) [2020] NSWSC 988 Walton J	Unlawful and dangerous - stabbing Stabbing - general	VG (at murder trial) Manslaughter s.33B(1)(a) Sched: 3 offences	8y NPP 7y 3m 4y NPP 3y 9m Total: 11y NPP 8y 3m		lengthy – possess firearms, dishonesty, resist/ assault police, threaten witnesses, pervert course of justice, numerous violence, affray (prison riot), infliction GBH, AOABH	Stabbed male victim in chest/heart – victim and companion attended offender's home regarding money owed by friend – left premises when offender emerged with knife – companion armed himself with timber pieces to defend himself – offender lunged at companion - stabbed victim who was running to assist - not merely acting spontaneously or impulsively but with deliberate and aggressive act. Using methylamphetamine or other drug at or about time of offences
108.	**Fuller (33)** [2020] NSWSC 1580 Cavanagh J [2022] NSWCCA 203	Stabbing – general Provocation Excessive self-defence	VG (at murder trial - 25% for offer to plead)	9y NPP 6y 3m	AA 8y 4m NPP 5y 8m	Assault, contravene AVO, driving.	Stabbed victim twice after victim deliberately drove into offender's car – brought two large knives to scene - offence committed in broad daylight with many witnesses – known to each other – ongoing conflict between offender and victim and family members - SJ determined not necessary to reach concluded view as to whether verdict based on provocation or excessive self-defence Drug abuse – disadvantage - good prospects of rehabilitation – remorse On appeal: increased discount for guilty plea from 20%
109.	**Newburn** [2020] NSWSC 1878 Wilson J [2022] NSWCCA 139	Stabbing - general Excessive self-defence	PG (25%)	9y NPP 5y 9m	AA 7y 6m NPP 4y 6m	Drugs, assault police, AOABH, stalking, domestic violence, damage property, contravene ADVO, Agg BES.	Stabbed male neighbour in chest and thigh - victim was helping offender's partner retrieve her property from offender's home – victim attacked offender's home with golf club; verbally abused offender – offender in shock and afraid – took weapon and left home to confront victim – fight ensued. CCA: previous medical and behavioural issues, drug addiction - emotional deficits made it likely offender more sensitive to the real or perceived threats and had diminished capacity to think of alternative courses of action - sentencing judge erred in objective criminality by failing to have regard to offender's perception of threat at time of offence. Remorse – steps to address drug addiction.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
110.	**Black (No.2)** (35) [2021] NSWSC 77 Cavanagh J [2022] NSWCCA 17	Excessive self-defence Stabbing - general	PG (25%)	6y 9m NPP 4y 4m	AA 5y 10m NPP 3y 7m 10d	Lengthy - violence, B&E, larceny, dishonesty – breached parole	Offender caused male victim to stab himself during struggle - offender instigated events, threatened victim over relationship with ex-girlfriend – victim became fearful, produced knife – during struggle, twisted victim's hand so that knife entered victim's left side / chest - below mid-range – did not bring knife – no earlier assault by offender – unplanned Supportive family – acquired brain injury / cognitive impairment although no causal link with offence. CCA: erroneous guilty plea discount of 10% - correct 25% discount applied.
111.	**Davis** [2021] NSWSC 235 N Adams J	Excessive self-defence Stabbing - general	VG (murder trial - 25% for offer to plead)	5y 3m NPP 2y 9m		Nil	Male victim on drugs, armed and masked, committed home invasion upon offender and female co-offender planning to rob drug money - pointed pistol at female co-offender's head - punched offender in face with knuckledusters - fled scene – offender chased victim down street – struck victim to head with samurai sword –- pre-existing anxiety and PTSD with effects of concussion and trauma from home invasion - led to believe he had to save co-offender - moderate case of excessive self-defence Small-time dealer in cannabis with co-offender - supportive family – good character.
112.	**Sharpe (No. 7)** (18) [2021] NSWCCA 379 Bellew J	Excessive self-defence Stabbing - general	VG (murder trial)	7y 6m NPP 4y 9m		Possess weapon in detention, driving, firearms.	Intervened in altercation between father and victim – victim used knife to seriously injure offender's father – offender repeatedly stabbed victim inflicting multiple stab wounds – intent to inflict really serious bodily injury – initial response was spontaneous but subsequent multiple wounds an excessive response. Guarded prospects of rehabilitation – difficult background - family support – special circumstances – youth – early drug / alcohol abuse – PTSD.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
113.	**Tailford (No. 2)** [2021] NSWSC 695 Rothman J	Stabbing – general Unlawful and dangerous - stabbing	Verdict not guilty of murder PG Manslaughter (25%)	7y 6m NPP 4y 3m		Larceny - destruction property, contravention AVO – drive disq – give false name – drive recklessly – assault – breached ICO	Offender extremely intoxicated – victim tried to prevent offender from driving vehicle, punched offender – offender obtained carving fork, inflicted wound nicking aorta causing heart to stop - purpose for which offender obtained carving fork was not to injure victim but to "scare off" anyone seeking to stop offender from leaving in car – not planned or organised - handed himself into police and accepted responsibility. Aboriginal male – remorse – substance use – mental condition ADHD – Foetal Alcohol Spectrum Disorder – Bugmy considerations, childhood deprivation
114.	**Krey (No.4)** (19) [2021] NSWSC 826 Ierace J	Stabbing – general Substantial impairment	VG (murder trial – 25% for offer)	11y NPP 6y 6m		Shoplifting dealt with under mental health provisions	Awoke late in afternoon in angry mood – threatened to stab mother who left house – male neighbour came to door then walked away – followed victim and stabbed him multiple times in front of neighbours – victim intoxicated and said something 'mildly insulting' – sustained attack with intent to kill – use of weapon – no motive – high objective seriousness Diagnosed with intermittent explosive disorder, FASD and complex PTSD History of neglect and exposure to extreme violence – out of home care with multiple and unstable placements – exhibiting violence and aggression from early age - father incarcerated for serious personal violence offence – parents had alcohol and drug issues – poor education and no employment – ceased taking medication several weeks earlier – ***Bugmy*** principles apply to both reduce moral culpability but increase need for community protection - prior good character – genuine remorse – prospects of rehabilitation dependent upon services and treatment
115.	**Cust** (20 at offence – 23 at sentence) [2021] NSWSC 1515 Wilson J	Extreme provocation Stabbing - general	VG 25% for early offer to PG	6y NPP 4y 6m		Nil	Attempted sexual assault of offender by male deceased – woke up finding deceased trying to rub his penis on offender – stabbed multiple times – tried to burn house down - immediate complaint and admissions by offender – extreme provocation of a high order. Supportive family - good prospects of rehabilitation - evidence of remorse - strong subjective case – had led worthy life.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
116.	**Scott (No.3)** (39) [2021] NSWSC 1646 N.Adams J	Substantial impairment Stabbing - general	VG (25% for offer)	9y NPP 6y		Lengthy – breached ICO for assault on mother in similar circumstances	While drinking with mother and male victim in victim's home threatened mother with large kitchen knife without warning – threatened mother with second knife – mother escaped when offender distracted by victim – victim continued to be threatened by offender then stabbed 31 times – frenzied and unprovoked attack – death caused by stab wound to heart and femoral artery in leg – moderately serious offence for SI manslaughter Schizophrenia – mild intellectual disability – chronic alcoholism Moral culpability reduced for *Bugmy* factors – some reduction for mental illness but stopped medication and kept drinking – protection of society and specific deterrence – physical health issues – limited evidence of remorse and some guarded prospects of rehabilitation – some reduction for facilitation of justice in conduct of trial
117.	**Johnson** (38) [2022] NSWSC 404 Cavanagh J	Stabbing – general Excessive self defence	VG (at murder trial – 5% for offer to plead to mansl)	9y 6m NPP 6y 4m		Limited – spread over several years – breached conditional liberty	Spent evening at home of victim with several others – unable to start car to leave so returned to conversation with victim and second male in shed – unclear what happened but offender lashed out with sharp implement causing fatal injury to neck of victim – no previous tension or argument - significantly excessive response to any perceived threat – offence committed in home of victim and use of weapon – intent GBH only – mid-range Special circumstances

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
118.	**Stanley (No.2)** (22) [2023] NSWSC 74 Lonergan J	Stabbing – general Excessive self defence	VG (Murder trial - 25% for offer)	6y NPP 3y 6m		Very limited - one offence.	Male deceased attended home of offender with others after argument – offender "called out" to fight – offender ran out of house wielding kitchen knife - waved knife around in close proximity to deceased who punched him to head - offender made contact with deceased with knife causing injuries to left side of neck and abdominal cavity. Reactive, spontaneous, not planned - offence in front of offender's home contributed to perceived need to defend himself. Vulnerable in custody – *Bugmy* considerations - complex developmental trauma – substance abuse – true remorse – good prospects rehabilitation – special circumstances.
119.	**Russell** (38) [2023] NSWSC 90 Cavanagh J	Stabbing – general Excessive self defence	VG (murder trial – 25% for offer)	6y 6m NPP 4y 5m		Lengthy record	Confronted by male in own apartment, threatened and struck with axe – armed himself with knife and fatally stabbed victim when he returned to offender's unit with axe and rake – excessive self-defence – no intent to kill – force used excessive but not significantly so – below mid-range – followed victim downstairs from unit then confronted by female wielding axe - fatally stabbed female victim in pure reflex (acquitted) Aboriginal male – difficult childhood – substance abuse – good prospects of rehabilitation – good family support – remorse – suffering PTSD
120.	**Carberry (No.5)** (21) [2023] NSWSC 523 Hamill J	Stabbing – general Excessive self defence	VG (murder trial – 12.5% offer and trial efficiency)	8y 9m NPP 5y 9m		Lengthy record including robbery offense - breached parole for rob in company	Three offenders involved in planned robbery of victim's car – victim lured to home of co-offender – during struggle offender stabbed victim twice to chest – knife initially produced by victim – intent to cause GBH formed quickly and in extreme circumstances Indigenous and Pacific island descent – deprived and disadvantaged childhood – Bugmy principles applied – reasonable prospects of rehabilitation

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
121.	**Borja** (18) [2024] NSWSC 44 Weinstein J	Stabbing – general Excessive self defence Fight - stabbing	PG (10%) Manslaughter s.35(4) s.35(4)	Indicative: 7y 2m 3y NPP 1y 10m 4y NPP 2y 6m Aggregate: 9y 6m NPP 5y 9m		nil	Stabbed three males during violent fight in public reserve between two groups – dispute over housing between one member of each group – all victims unknown to offender at time of offence – stabbed two victims, one unarmed, in arm, back and chest – fatally stabbed third victim once in neck in act of excessive self-defence – victim armed with unpowered reciprocating saw – perceived threat from bigger man armed with heavy saw in context of mayhem of melee – no intent to kill – single stab wound - unreasonable response – reckless wounding offences just below and somewhere above mid-range Complex psychological history – sexual abuse, dysfunctional family life and domestic violence – substance abuse – PTSD – *Bugmy* principles applied - developing insight and remorse – youth and immaturity – prospects of rehabilitation guarded – special circumstances
122.	**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 youth - 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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
123.	**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
124.	**Bowden** (21) [2024] NSWSC 1428 Yehia J	Excessive self - defence Stabbing - general	PG (25%)	7y NPP 4y 1m		Nil	Stabbed male deceased, inflicted fatal wound with knife - in company of three co-offenders – joint criminal enterprise – altercation - deceased swinging metal object, screwdriver - offender motivated by desire to retrieve property stolen by deceased - deceased with two others had earlier committed armed "home invasion" with gun at offender's home inflicting violence on offender and threatening family. Complex PTSD materially contributed to offence – disadvantaged deprived background – Bugmy – youth - very good prospects rehabilitation - unlikely to reoffend.
125.	**Oliver** (21) [2024] NSWSC 1571 Ierace J [2025] NSWCCA 227	Stabbing - general Accessorial Unlawful and dangerous act - stabbing	PG (10%) Manslaughter s.195(1A)(b): damage property by fire in company *[11y]*	Indicative: 9y 5y 4m Aggregate: 11y NPP 7y	AA Indicative: 8y 4m 5y 4m Aggregate: 10y 6m NPP 6y 6m	On CCO at time for offence for knife and stalking offences – breached bail for intimidation and threat to stab sister – subsequent knife and affray offences – prison record for violence	Joint criminal enterprise to assault victim – became aware of knife en route – victim fatally stabbed during altercation in home of victim – offenders set fire to unit before leaving – aggravating factors: home of victim, in company, breach of conditional liberty, degree of planning – burning of body also relevant – burning of unit intentional to cover offence – endangered neighbouring units – significant financial damage Aboriginal male – *Bugmy* matters taken into account – mental health issues – special circumstances from need for extended supervision and onerous custodial experience. CCA: error objective seriousness.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
126.	**Price** (33) **Rahim** (34) [2024] NSWSC 1419 McNaughton J	Stabbing – general Unlawful and dangerous Accessorial	VG Manslaughter s.97(1) s.113(2) s.112(2) VG (25% offer) Manslaughter s.97(1) s.113(2) s.112(2)	<u>Indicative</u> 7y 4y 3y 4y NPP 2y 2m <u>Aggregate</u> 8y NPP 4y 6m <u>Indicative</u> 7y 4m 4y 3m 3y 2m 4y 6m NPP 2y 8m <u>Aggregate</u> 8y 6m NPP 5y		Nil Drugs, property, goods in custody, drive with illicit drugs, breach ADVO. On conditional liberty.	Male victim fatally stabbed during home invasion robbery committed by co-offenders T and N – P provided plan to N suggesting victim worthwhile target due to money and drugs - present when N recruited men by telephone - aware robbery to take place early morning - contemplated possibility of unlawful and dangerous act but did not intend or desire outcome – not present at time of offence – R recruited as lookout – aware N armed and T wore black face covering – limited planning - last minute venture P: female - substance abuse – difficult background: physical and sexual abuse, mental health and PTSD – limited weight remorse – good rehabilitation prospects - special circumstances. R: background of significant violence in Iraq – drug addiction – PTSD – family support – rehabilitation prospects moderately good - special circumstances. N and T convicted of murder.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
127.	**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	<u>Indicative</u> 6y 5y 3y <u>Aggregate:</u> 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.
128.	**Karise** (21 at offence; 25 at sentence) [2024] NSWSC 1650 Hamill J Co-offenders: AD 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	<u>Indicative</u> 4y 6m 8y NPP 6y 3y 9m NPP 2y 9m <u>Aggregate:</u> 10y NPP 7y 6m		Dishonesty	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 Suggested presence of acquired brain injury - substance use disorder- some prospects rehabilitation – family support – youth

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
129.	**Diallo** (20 at offence; 23 at sentence) [2024] NSWSC 1650 Hamill J Co-offenders: AD KARISE 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 3y 9m 6y NPP 3y 9m 3y NPP 2y Aggregate: 7y 6m NPP 5y		Affray, wield knife in public place, drug offence	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 Childhood marked by significant exposure to violence in war torn country – difficult schooling – drug abuse – childhood deprivation; Bugmy - reasonable prospects rehabilitation.
130.	**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
131.	**YA** (17 at offence; 20 at sentence) [2024] NSWSC 1650 Hamill J [2026] NSWCCA 38 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	AD	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.
132.	**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
133.	**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 n1y 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
134.	**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
135.	**Fisher** [2026] NSWCCA 27	Excessive self-defence Stabbing - general	PG (25%)	9y NPP 5y	AA 5y 3m NPP 3y	Resist arrest, stalk/intimidate, assault police, armed intent commit indictable off, poss proh weapon, pistol, knife and ammunition, reckless wound, drug possession, contravene AVO, common assault – breached parole.	Victim believed offender interfering in his relationship with partner S - victim intoxicated, aggressive - angry at not being allowed back into S' unit, where offender staying – victim instigated fight, assaulted offender outside while shouting abuse – attacked offender in unprovoked and somewhat crazed way - during struggle offender inflicted single stab wound to victim once in chest – unplanned - no intent to kill. Drug addiction from young age - remorse – special circumstances
136.	**Tammer-Spence** (33) [2026] NSWSC 1090 Cavanagh J	Stabbing – general Excessive self defence	PG (25%)	8y 3m NPP 5y 5m		Serious record for violence – 2011 sentenced for multiple robbery offences – 2016 sentenced for offences in custody: demand property with menaces, agg detain and cause GBH – current offence committed on parole	Verbal contact initiated by victim between offender and three male strangers on suburban street – victim referenced shooting up the road and made verbal threat to 'pop' offender – offender felt threatened and swung knife stabbing victim once in chest – believed conduct necessary but unreasonable response to significant extent – spontaneous offence – 30 seconds - aggravated by carrying and use of knife – serious example of manslaughter Difficult family background including family violence, educational problems, early drug use and sexual abuse – reduced moral culpability - PTSD provides some explanation for carrying of knife and extreme response – some remorse – risk of institutionalisation – special circumstances

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
137.	**Marshall** (40) [2026] NSWSC 1165 McGuire J	Stabbing - general Excessive self-defence	VG	6y NPP 3y 8m		Nil	Stabbed male victim with hunting knife to buttock, hip, shoulder – offender confronted by deceased over affair with deceased's partner – deceased initial aggressor, but unarmed – offender's anger escalated after being punched – no planning - ADHD, social anxiety, generalised anxiety and trauma-related disorders – conditions likely to have contributed to heightened state of anxiety, fear and impulsive aggression – reduced moral culpability. Good prospects rehabilitation – remorse.

Last Updated: Sept 2026