

Manslaughter

Unlawful and Dangerous - Assault

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	French (16) NSW SC Wood J 2.10.1990 JPL (16) NSWCCA 5.10.1994 J (16) NSW CCA 5.12.1992 Young NSW SC B-Parker J 15.4.1991	Unlawful and dangerous - assault Assault – general Juvenile offenders Accessory	PG PG PG VG (at murder trial)	MT 4y 6m AT 2y (assistance) MT 7y AT 2y MT 5y 6m AT 2y 6m (assistance) MT 5y AT 3y (juvenile detention until 21y)	AA MT 6y AT 3y	priors and tragic upbringing nil nil nil	8 young people involved in assault - phoned number from toilet wall to arrange meeting with homosexual victim, then bashed him to death F – involved in assault JPL – took part in assault but intended only to bash and rob J – involved in attack Y – did not physically participate in attack – intended less serious harm - completed HSC and some employment - emotionally immature – remorseful - low risk of reoffending. Three offenders convicted of murder - <i>Howard & Ors</i> (1992) 29 NSWLR 242
2.	Dodd (1991) 57 A Crim R 349 NSWCCA	Unlawful and dangerous - assault Assault – general	PG	3y PD	Crown AA FT 3y		Strangled victim after she refused sex - voluntary disclosure of guilt to otherwise unsolved crime after 10 years - had sex with woman's body - affected by drugs
3.	Harris NSWSC Abadee J 7.3.1991	Unlawful and dangerous – assault Assault - domestic	PG	MT 5y AT 1y 8m		no violence, drug related	Punched and kicked de facto in street because she kept falling over while intoxicated Alcohol problem for both offender and victim

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
4.	Bailey NSWSC Hunt J 18.9.1991	Unlawful and dangerous - assault Drowning Assault - domestic		MT 3y AT 1y (discount for assistance)		minor	Co offender Norton convicted of murder - assaulted flat mate on beach and dragged him to water - died from drowning Alcoholic - 33% discount for assistance to authorities
5.	McGrath (19) NSWSC McInerney J 14.5.1993	Unlawful and dangerous – assault Assault - general	PG	MT 3y AT 2y		long record – breached bail	Intoxicated male assaulted victim with female co offender - kicked victim while on the ground - believed victim had made sexual advances to female Alcohol problem and some degree of impairment – Aboriginal male – contrition
6.	Cooper NSWSC Studdert J 25.6.1993	Unlawful and dangerous – assault Assault - general	PG	MT 5y AT 4y		Priors – breached bond	Unprovoked attack on stranger who answered door - struck victim to the ground and stomped on head – intoxicated
7.	Brown NSWCCA 13.7.1993	Unlawful and dangerous – assault Assault - general	PG	MT 6y AT 3y	AD	nil	With co offender bashed victim who was walking home from party with wife - brutal and senseless killing Samoan – intoxicated
8.	Chapple NSWCCA 14.9.1993	Unlawful and dangerous – assault Assault - general	PG	MT 6y AT 3y	AD	bail	Assaulted victim with co offenders having been told victim slept with his wife - failed to obtain medical assistance
9.	Vangelder NSWCCA 28.2.1994	Unlawful & dangerous- assault Victim under 18y Assault - domestic	VG	MT 3y AT 2y	AD	nil	Female baby-sitter killed 4-month-old baby by shaking - mistreated baby previously for 'misbehaviour' Low intelligence
10.	Sempel NSWCCA 31.3.1994	Victim under 18y Assault – domestic Unlawful and dangerous - assault	PG	MT 5y 3m AT 1y 9m	AD	recog for neglect of older child	Female killed 1-month old daughter - child previously suffering multiple injuries

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
11.	Cutmore NSWSC Hunt CJ at CL 27.7.1994	Victim under 18y Assault – domestic Unlawful and dangerous - assault	PG	MT 15m AT 21m		no violence	Male killed de facto's 11-month-old nephew - child whingeing after falling out of cot - smacked child across head once.
12.	Dixon (under 17) Dunn (under 17) NSWSC Loveday J 18.11.1994	Unlawful and dangerous - assault Assault – general Juvenile offender	PG Mansl Robbery Assault	MT 5y AT 4y 6m MT 6y AT 4y 6m		no priors serious record	Intoxicated Aboriginal youths fatally assaulted 69y during robbery - assaulted second victim with broken bottle and stake Both offenders had alcohol addiction
13.	ALH NSWSC Dunford J 26.5.1995	Unlawful and dangerous - assault Assault – general Juvenile offender	PG	MT 3y 6m AT 4y Detention		juvenile convictions	Aboriginal youth bashed victim while in company, suspecting him of stealing - hard punch to head caused death Intellectually disabled - contrite
14.	Wilson (19) NSWSC B-Parker 19.12.1997	Assault – domestic Victim under 18y Unlawful and dangerous - assault	VG (at murder trial)	MT 3y AT 4y 6m		Minor	Angered at crying of 2m daughter – slapped her to face then shook vigorously causing almost immediate death Physically abused by mother and sexually abused by step-father – prospects of rehabilitation with aunt in Canada
15.	Williams NSWSC Adams J 30.11.1998 [2000] NSWCCA 136	Unlawful and dangerous - assault Assault - domestic	VG (at murder trial)	MT 6y AT 2y	AD	prior assault on mother	Struck frail and elderly mother about face and head at home while intoxicated No significant remorse or contrition

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
16.	Murdoch NSWCCA 10.12.1998	Victim under 18y Assault – domestic Unlawful and dangerous - assault	PG	MT 10y AT 5y	AD		Male angered when de facto's 3y son dirtied clothes - blow to abdomen and forced child to have cold shower - few factual details
17.	Grenenger (22) [1999] NSWSC 380 Sully J	Unlawful and dangerous - assault Fight - assault Assault - general	VG	MT 18m AT 18m		nil	Struck victim with bar stool during pub fight Good character and remorse
18.	Nguyen [1999] NSWSC 592 McInerney J [2000] NSWCCA 45	Unlawful and dangerous - assault Fight - assault Assault – general Accessory	PG	MT 3y AT 1y (PSC 2y)	AD	nil	Group attack on victim at dance hall following dispute - hit victim with baseball bat - unprovoked assault - part of common enterprise to assault and attack victim Good character and family support
19.	Robson [1999] NSWSC 855 Barr J	Unlawful and dangerous - assault Assault - domestic	PG	MT 3y AT 2y		assault, minor drugs	Assaulted victim in company to “teach him a lesson” for taking wife's car and damaging it - victim had lived with offender and his wife for a time – intoxicated Good prospects of rehabilitation - married with large and supportive family – drug problems
20.	Khouzame (19) [1999] NSWSC 979 Grove J [2000] NSWCCA 505	Unlawful and dangerous - assault Fight - assault Assault - general	VG Mansl AOABH	MT 3y AT 2y FT 3m (concurrent)	AD	nil	Struck another teenager in street with block of wood - part of fight between Lebanese and Turkish groups Good character - close and supportive family - good prospects 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
21.	Nguyen (mid 40s) [1999] NSWCCA 333	Unlawful and dangerous - assault Assault – domestic	PG Mansl Kidnapping 2 x Mal discharge rifle Sched: 6 x discharge firearm	MT 6y AT 4y FT 4y FT 4y (all concurrent)	AD	nil	Went to ex-girlfriend's house armed with rifle to confront her about money owing - tied up sister and mother - siege developed when police arrived, and gunfire exchanged - mother died from asphyxiation caused by being gagged and rib broken
22.	Nardoni (26) [1999] NSWSC 1097 Grove J	Unlawful and dangerous - assault Assault - domestic	PG	MT 2y AT 3y (PSC 1y)		assault, mal injury, nuisance offences	Assaulted de facto wife - died of head injuries next morning Violent relationship - alcohol and drugs
23.	TJP (16) [1999] NSWCCA 408	Unlawful and dangerous - assault Assault – general Juvenile offender	PG	MT 2y 11m AT 3y (PSC 1m)	AD	assault, robbery - on recog	Aboriginal female bashed and robbed 67y male with two co offenders Alcohol and cannabis user since 11y
24.	Wilson (40) [1999] NSWSC 1235 Newman J	Unlawful and dangerous - assault Drowning Assault - domestic	PG	3y GBB		Nil	Assaulted father on boat then threw body overboard wrongly believing him to be dead - father drowned - assault in response to threats made by father against offender's girlfriend - father violent record, on bail for conspiracy to murder Good character - service in Naval Reserve - early acknowledgment of guilt - genuine remorse - suffering abnormality of mind at time of offence
25.	Risteski (22) [1999] NSWSC 1248 Dunford J	Unlawful and dangerous - assault Fight - assault Assault – general	PG	MT 3y 6m AT 2y		minor record reflecting alcohol problem	Killed English tourist with one punch to back of head during brawl between friends and English tourists after watching soccer match on TV - attempted to punch and kick deceased while on ground - intoxicated Good character - supportive friends and family - excellent prospects 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
26.	Wang [2000] NSWSC 447 Adams J	Unlawful and dangerous – assault Assault – domestic Substantial impairment Poison / drug Victim under 18y	PG Mansl husband Mansl daughter	6y NPP 4y 2y (concurrent)		nil	Female strangled husband and poisoned 1y daughter - attempting to kill self when found by police - accidentally killed husband trying to keep him from preventing her killing herself and daughter Severe depressive illness - daughter suffering from cerebral palsy and worried no one would look after her
27.	Hyatt (22) [2000] NSWSC 774 Barr J	Unlawful and dangerous - assault Assault - general	VG	5y NPP 2y		nil	After minor confrontations with supervisor at work became concerned about security of employment - approached supervisor and on spur of moment struck him on head with wood - no intent to do really serious harm Completely out of character - lost temper as result of intense anxiety - remorse
28.	Howard (26) [2000] NSWSC 876 Studdert J [2001] NSWCCA 309	Unlawful and dangerous - assault Victim under 18y Assault - domestic	PG (10%)	7y 6m NPP 5y 6m	AA Length of sentence confirmed but backdated to take into account PSC	previous convictions including assault on 7-week-old daughter	Severe shaking of 8-month-old son of de facto - no pre-meditation but lost temper at time of offence - previous shaking of daughter should have heightened awareness of consequences of shaking Strict protection
29.	Sandness (32) [2000] NSWSC 821 Dunford J (Sandnes) [2001] NSWCCA 385	Unlawful and dangerous - assault Assault - general	PG	11y NPP 8y 6m	AD	Minor - BES and assault	Went with girlfriend to home of her 80y frail grandfather to steal money for heroin for both of them - assaulted victim with brick and punched him in face Some attempts made at 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
30.	Sutcliffe (25) S McGoldrick (21) L McGoldrick (17) [2000] NSWSC 825 Adams J	Unlawful and dangerous - assault Juvenile offender Assault - general	PG	5y 3m NPP 3y 4y 5m NPP 2y 3m 2y 6m PD			Four offenders involved in pushing large rocks off motorway overpass attempting to strike truck trailers - one rock smashed through windscreen of victim's truck causing death - went to assistance of driver but attempted to conceal involvement in offence S: most culpable - limited intelligence - immature - psychological handicaps - genuine remorse - strict protection - good prospects of rehabilitation S.McG: less than average intelligence - immature - remorse - onerous conditions of bail L.McG: least culpable - immature - remorse
31.	Graham (20) [2000] NSWSC 1033 Whealy J	Unlawful and dangerous - assault Assault - general	VG (at murder trial)	5y NPP 3y		nil	Became involved in homosexual encounter with stranger in park - pursued by victim when changed mind and attempted to disengage - strangled victim in headlock acting in unreasonable fear for safety Youth - good character - suffering depression - isolated incident
32.	Bilton (32) [2000] NSWSC 1113 Bell J	Unlawful and dangerous - assault Assault - domestic Victim under 18y	VG Mansl AOABH	7y NPP 4y 6m FT 6m (concurrent)		nil relevant	Punched 2y son of de facto in chest then severely shook child when child gasping for breath - angered by child's crying - threw tube of ointment at child Not living with child and mother - limited intellectual ability - remorse - threatened in custody
33.	Bellamy (30) [2000] NSWSC 1217 Wood CJ at CL	Unlawful and dangerous - assault Assault - general	PG Mansl AR Agg BES Sched: Four offences	5y 5y 4y Total: 10y NPP 7y 6m		very lengthy - offences committed while on parole	Bashed and kicked to death 57y male in victim's home after victim made homosexual advances - previously raped in gaol - assaulted and robbed victim's 88y mother before leaving house - broke into home of victim one week later and stole property - under influence of Normison Heroin addict - <i>Ellis</i> discount in relation to manslaughter - remorse

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
34.	Munro (20) [2000] NSWSC 1225 B-Parker AJ [2001] NSWCCA 187	Unlawful & dangerous - assault Assault – domestic	VG (at murder trial)	3y NPP 11m 28d	Conviction AD	Minor	Bashed male neighbour to death with cricket bat - victim and brother approached offender's house in early hours of morning and attempted to assault offender with cricket bat - offender obtained bat in struggle and hit victim several times on verandah and on ground - no longer acting in self-defence when fatal blows inflicted Suffering severe epilepsy
35.	Catalano (18) [2000] NSWSC 1248 James J	Assault – general Unlawful and dangerous - assault	PG	7y 6m NPP 4y 6m		Minor	Bashed homeless and frail 52y male with wooden slat from nearby park bench - unpremeditated and impulsive act Judgement impaired by alcohol and cannabis - violent nature of offence out of character – contrite - good prospects of rehabilitation.
36.	Recalde (23) [2000] NSWSC 1247 James J	Victim under 18y Assault – domestic Unlawful and dangerous - assault	PG	9y NPP 6y		prior convictions including assault on 13y child	Killed 6-month-old son of de facto - threw baby onto kitchen bench after scalding self with boiling water - water being boiled in preparation for shot of heroin - earlier in evening baby burnt on forehead when offender accidentally knocked over lamp while under influence of heroin - failed to obtain medical assistance Three months PSC - strict protection – remorse – youth - some prospects of rehabilitation
37.	Greenhalgh [2001] NSWSC 272 Adams J [2001] NSWCCA 437	Assault – general Unlawful and dangerous - assault	PG (25%)	8y NPP 4y 6m	AA 6y 9m NPP 4y 6m	criminal record including rob and assault	Punched intoxicated victim during prolonged drinking session – offender was aggressor - victim died from subdural haemorrhage 6 hours later – offender did not realise he had inflicted lethal blow Alcoholic - no premeditation.
38.	Woodland (20) [2001] NSWSC 416 Wood CJ at CL	Unlawful and dangerous - assault Victim under 18y Assault - domestic	PG (20%)	8y NPP 5y		nil	Killed 2y son by forcefully ramming head into refrigerator - very young and immature parents living in stressful circumstances with mother's parents Evidence of prior good character - past problems with anger and aggression

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
39.	Adamson (19) [2001] NSWSC 499 Howie J (2002) 132 A Crim R 511 [2002] NSWCCA 349	Unlawful and dangerous - assault Assault – general	PG (10%) Mansl 2 x s.61J	11y NPP 7y 6m 8y Total: 14y NPP 10y 6m	AD	malicious wounding	During party had vaginal and anal intercourse with victim knowing she was not consenting - deliberately placed hand over victim's mouth and nose to prevent her calling out, causing asphyxiation Raised alarm and attempted to resuscitate victim
40.	Sotheren (27) [2001] NSWSC 214 Dowd J [2001] NSWCCA 425	Unlawful and dangerous - assault Assault - general	PG Mansl 5 x Agg Rob (substantial discount)	5y NPP 2y 6m 2y 6m Total: 7y NPP 4y 6m	Crown AA 10y NPP 6y 3y - 4y Total: 12y NPP 8y	lengthy record including violence - on parole	Multiple robberies - each victim severely beaten, one dying three days later - all robberies committed over one night Heavy user of amphetamines - seriously deprived and abusive childhood - ward of state - psychiatric and behavioural problems - stabbed twice while in custody - suffers claustrophobia - remorse - Aboriginal male - support of family
41.	Fox (33) [2001] NSWSC 573 Grove J	Unlawful and dangerous - assault Assault - domestic	PG	5y NPP 2y		no prior convictions	Female - attempted to wake up de facto by kicking him in head - intoxicated at time - shoeless – no recollection of events Aboriginal or Pacific Islander female - life of considerable tragedy - lifetime addiction to alcohol - truly remorseful - needs further assistance before release
42.	Clarke [2001] NSWSC 703 McClellan J Marsh [2001] NSWSC 1109 McClellan J [2002] NSWCCA 151	Unlawful and dangerous - assault Assault – general Motor vehicle	PG (25%) Mansl Carried in conveyance PG (20%) Mansl Rob in Co Take & drive	5y NPP 3y 6m FT 6m (concurrent) 10y 4m NPP 7y 9m FT 6y FT 14m (all concurrent)	Crown AD AD	Lengthy Lengthy	Offenders stole car, grabbed victim's handbag and drove off - victim tried to get handbag back grabbing onto offender - M punched victim who fell and hit head on rear tyre - died of head injuries. C - surrendered to police - considerable remorse - high level of assistance to police - protective custody M - denied involvement - plea out of acknowledgment of evidence of co-offender - higher culpability than co-offender

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
43.	Young (18) [2001] NSWSC 942 Taylor AJ (2002) 136 A Crim R 437 [2002] NSWCCA 322	Unlawful and dangerous - assault Assault - general	PG (35% combined discount on appeal)	6y NPP 4y	Crown AD AA 5y 3m NPP 3y 3m	criminal history - no significant violence	Kicked and punched male victim in attempt to rob on public street late at night - attack did not cause serious injury but victim suffered from bad heart and high blood pressure. Alcoholic - assistance – protection - partial failure of undertaking to give evidence but sentence excessive
44.	Masson (23) [2001] NSWSC 1037 Howie J	Unlawful and dangerous - assault Assault – general Accessory	VG (at murder trial) Rob with wounding Larceny	7y 6m NPP 4y 6m FT 3y 6m FT 18m (all concurrent)		nil	Went with co-offender to house of 75y female acquaintance to borrow money – co-offender unexpectedly suffocated – continued involvement in robbery out of fear - contemplated unlawful and dangerous act by co-offender during robbery - aware that co-offender had knife Supportive family Offender dealt with for murder
45.	Willoughby (26) [2001] NSWSC 1015 Greg James J	Unlawful and dangerous - assault Assault - general	PG (15%)	6y 9m NPP 3y 9m		nil	Genuine, although unreasonable belief that male outside offender's flat had stolen from him - chased him outside flats and administered severe beating - included stomping on victim - did not believe he had seriously injured victim Suffering complex and difficult psychological problems in relation to family, de facto and daughter - effects of severe emotional stress at time of offence resulted in him taking marijuana and LSD - in need of extensive counselling and assistance - degree of contrition - serious back condition - 1y 11m in conditional custody and 11m PSC
46.	Byrne (33) [2001] NSWSC 1164 Dunford J	Unlawful & dangerous - assault Victim under 18y Assault - domestic	PG (15%)	8y 6m NPP 6y			Mother killed 5y son under stress of being parent - multiple injuries – burning and bruising – left child uncovered in cold bathroom in middle of winter - no medical treatment until too late

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
47.	Clissold [2002] NSWSC 429 Greg James J [2002] NSWCCA 356	Accessory Assault – general Unlawful and dangerous - assault	PG (20%) Mansl AOABH	14y NPP 8y FT 4y Total: 16y NPP 10y	Crown AD	record includes assaults	Sergeant of arms of Bikie gang involved in assault on male inflicting club discipline - victim taken and savagely beaten to death - offender not present at time of fatal assault – accessory before the fact - assaulted and threatened home owner with knife in order to abduct victim - culpability high Good character evidence - low intelligence
48.	Webb [2002] NSWSC 618 Hulme J	Unlawful and dangerous - assault Victim under 18y Assault - domestic	PG (10%)	7y 6m NPP 4y 6m		AR, driving	Struck 8 month old baby daughter - at home alone with 5 children under 6y while wife shopping. Unsettled upbringing - Aboriginal male.
49.	Marrah (36) [2002] NSWSC 862 Levine J	Unlawful and dangerous - assault Assault - general	PG (20%)	6y 5m NPP 4y 9m		assaults	Shearer killed work associate - assaulted victim during argument about money - element of pre-meditation - smaller victim - left victim on side of street unaware of fatality of assault - middle to upper range for assault of this type Good prospects of rehabilitation
50.	CK (16) [2002] NSWSC 942 Studdert J [2004] NSWCCA 116	Unlawful and dangerous - assault Juvenile offender Assault – general Fight - assault	PG (25%)	7y 6m NPP 4y	AD	nil	Present during series of confrontations between Asian and Australian youths throughout evening of killing - threw solid metal bar at car being driven by 17y male - bar penetrated skull of victim Born to Korean parents - contrition - uncharacteristic behaviour - hardship to family
51.	Styman (24) [2003] NSWSC 93 Barr J Co-offenders: STYMAN TABER	Unlawful and dangerous - assault Criminal negligence Assault - general	VG (at murder trial) PG Agg BE and rob	14y NPP 9y 8y Total: 15y NPP 10y		BES offences	With 2 co-offenders broke into house of elderly female living alone - victim tied and gagged and left in house - stole cash and property – made unsuccessful 000 call - victim died 10-12 days later - lesser participant - not aware victim not rescued Cruel and violent childhood - genuine remorse - assistance to police - truthful at trial - evidence of rehabilitation - protective custody

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
52.	Tran (25) [2003] NSWSC 373 Greg James J	Unlawful and dangerous – assault Assault – domestic	PG	5y NPP 2y 3m		Nil	Went to bed with partner – both intoxicated – killed partner during night possibly by suffocation – verging on automatism due to intoxication and sleep disorder – vague as to details – disposed of body – lower end of culpability Prior good character – good prospects of rehabilitation – Vietnamese
53.	Marshall (22) [2003] NSWSC 448 Adams J	Unlawful and dangerous - assault Victim under 18y Assault - domestic	VG (at murder trial - 20% for offer)	6y NPP 3y 6m			Shook 9m son of girlfriend – minding child while mother at work – unthinking, momentary anger – no history of abuse Low intelligence – history of behavioural problems - protective custody - remorse and contrition
54.	McNamara [2003] NSWSC 429 Hidden J [2004] NSWCCA 42	Unlawful and dangerous - assault Assault – domestic	VG (at murder trial)	9y NPP 6y 6m	Crown AD	AOABH and mal inflict GBH (de facto) – on bail	Killed mother by brutal assault – history of arguments over estranged de facto and access to children Risk of re-offending
55.	O'Hare (23) [2003] NSWSC 652 Whealy J	Unlawful and dangerous - assault Assault – general	PG (20%) Sched: Mal damage	6y NPP 3y 6m		Minor	Offender intoxicated and angry when encountered male stranger on street – words exchanged but no provocation – victim hit once to side of face and fell on pavement Verbal and physical abuse from step father – long history of alcohol addiction – good character – reasonable prospects of rehabilitation - remorse
56.	Monroe (30) (2003) 149 A Crim R 478 [2003] NSWSC 1271 O'Keefe J	Unlawful and dangerous - assault Assault – domestic Victim under 18y	VG	7y 6m NPP 4y		Priors including assault	Shook 3m baby boy, threw him on lounge and punched in abdominal area – angry and intoxicated Depression and heart condition – protective custody
57.	Maclurcan (48) [2003] NSWSC 799 Buddin J	Unlawful and dangerous - assault Assault – general	PG	3y NPP 17m		Minor	Struck male acquaintance once to head with fist during argument – victim's head struck concrete – offender in manic phase of bipolar disorder Excellent character evidence – good prospects 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
58.	Avakian (21) [2003] NSWSC 1042 Whealy J Co-Accused: O'CONNOR	Unlawful and dangerous – assault Assault – general Accessory	PG (15%)	5y 6m NPP 3y 6m		Breached GBB and PD	Part of group of males who approached another group in street late at night – threatened victim and pretended mobile phone was gun – victim assaulted by all members of group – died from stab wound but unclear who stabbed victim so not taken into account – instigator of incident Difficult childhood - early drug addiction – reasonable prospects of rehabilitation
59.	O'Connor (25) [2003] NSWSC 1041 Whealy J Co-Accused: AVAKIAN	Unlawful and dangerous – assault Assault – general Accessory	PG (15%)	5y 2m NPP 3y 2m		Record	Part of group of males who approached another group in street late at night – threatened victim and pretended mobile phone was gun – victim assaulted by all members of group – died from stab wound but unclear who stabbed victim so not taken into account Difficult childhood – remorse – reasonable prospects of rehabilitation
60.	Hoerler (20) [2003] NSWSC 1187 Miles AJ (2004) 147 A Crim R 520 [2004] NSWCCA 184	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (10%) Sched: 5 unrelated offences	11y NPP 8y 3m	Crown AA 14y 4m NPP 10y 9m	Mal damage, burglary, assaults	Multiple injuries to 7m son of de facto – punch forced lower teeth into roof of mouth – punch to abdomen – clamp to toes causing breaks – died by asphyxiation or vomit inhalation Protective custody
61.	Wilson (30) [2003] NSWSC 1257 Miles AJ (2005) 62 NSWLR 346 [2005] NSWCCA 20	Unlawful and dangerous - assault Assault – domestic Victim under 18y	VG (at murder trial)	9y NPP 6y 11m	AA 6y NPP 4y 6m	Nil	Female - fatal shaking to 2y foster son – impact injuries to child inflicted earlier by husband – shook child in frustration Prior good character but troubled background – deteriorating psychiatric condition – protective custody
62.	Kerr (17) [2004] NSWSC 75 Kirby J RIK [2004] NSWCCA 282	Unlawful and dangerous - assault Assault – general Juvenile offender	VG	3y NPP 12m	Conviction AD	Nil	Alighted from train and approached male sitting alone on platform in aggressive manner and swearing – victim jumped onto tracks and struck by train Prior good character – intoxicated – family support – excellent prospects of rehabilitation

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
63.	Kwon [2004] NSWSC 146 Dowd J [2004] NSWCCA 456	Unlawful and dangerous – assault Assault - general	PG (33% total discount)	2y 8m NPP 1y 8m	Crown AD	Nil	Sustained assault on male employee during night out – intoxicated Korean - prior good character – lost business – family to return to Korea
64.	Dalton (18) [2004] NSWSC 446 Adams J [2005] NSWCCA 156	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (10%)	7y NPP 3y 3m	Crown AA 9y NPP 4y 6m	Not stated	Forced head of 23m child of de facto against window – threw child on mattress – severe head injury – continuous abuse over long period Aboriginal male - childhood history of physical and emotional abuse – borderline personality disorder
65.	Rugari (18) [2004] NSWSC 1126 Barr J	Unlawful and dangerous - assault Assault - general	PG Agg rob <u>Sched</u> Possess drugs	7y NPP 4y FT 4y <u>Total:</u> 8y NPP 5y		Record for violence	Severe and unprovoked assault on male acquaintance – concerned about sexual intentions of victim towards 12y female – refused to return car keys until phone and gold chain handed over – victim subsequently died from head injuries when he returned home– no intent to cause GBH Difficult and violent childhood – slim prospects of rehabilitation – personality disorders – ADHD – partially deaf – no remorse
66.	Daniels (38) [2004] NSWSC 1201 Hidden J	Unlawful and dangerous - assault Assault - domestic	VG (at murder trial)	8y NPP 5y		Minor offences – breached bond	Sustained assault on partner in home – forced head into wall causing brain injury Mental health problems in custody
67.	Bugmy (20) NMB (15) [2005] NSWSC 561 Grove J	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (25%) PG (25%) Sched Larceny	7y 6m NPP 5y 6y NPP 4y		Minimal; breach of GBB Some; breach of conditional liberty	After many hours of drinking, offenders kicked victim to death – possible response to victim swearing at offender’s aunt B – Aboriginal male – stable relationship with young child – alcoholic and domestic violence background – recent death of father – helped care for handicapped sister – average intelligence – good prospects for rehabilitation NMB – Aboriginal youth – some rehabilitation and remorse – drug/alcohol bender in days before offence – petrol sniffing leading to daily alcohol/marijuana use – dysfunctional alcohol and domestic violence background – only learned to read in custody

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
68.	Percy (36) [2005] NSWSC 1244 Latham J	Unlawful and dangerous - assault Assault – domestic	PG (15%)	9y NPP 5y		Property and motor vehicle offences	Victim lured to home of acquaintance – repeatedly struck by offender causing death – legs and arms bound and body dumped in truck rest stop – assault in retaliation for belief that victim had raped offender's partner's daughter and stolen property Difficult childhood - drug and alcohol user – genuine contrition
69.	MD (17) NA BM (16) JT (17) [2005] NSWSC 344 G James J (2005) 156 A Crim R 372 [2005] NSWCCA 342	Unlawful and dangerous - assault	PG (10%) Mansl	5y 6m 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 All showed contrition and evidence of rehabilitation
		Assault – general	Steal from person	FT 6m			
		Juvenile offender		<u>Total:</u> 5y 9m NPP 3y 9m			
			PG (15%)	4y 6m NPP 2y	Crown AD		
	PG (10%) Mansl	4y NPP 2y	Crown AD				
	Assault	FT 6m					
	<u>Total:</u> 4y 1m NPP 2y						
	PG (5%) Mansl	4y NPP 2y 6m	Crown AD				
	Assault	6m					
	<u>Total:</u> 4y 3m NPP 2y 9m						

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
70.	<p>Taber (27)</p> <p>Styman (37)</p> <p>[2005] NSWSC 1292 Studdert J</p> <p>(2007) 170 A Crim R 427 [2007] NSWCCA 116</p> <p>Co-offender: STYMAN</p>	<p>Unlawful and dangerous - assault</p> <p>Criminal negligence</p> <p>Assault - general</p>	<p>VG Mansl</p> <p>Agg rob</p> <p>VG Mansl</p> <p>Agg rob</p>	<p>18y NPP 13y 6m</p> <p>10y</p> <p><u>Total</u> 19y NPP 14y 6m</p> <p>18y NPP 13y 6m</p> <p>10y</p> <p><u>Total</u> 19y NPP 14y 6m</p>	AD	<p>Nil relevant</p> <p>Of little significance</p>	<p>Three offenders broke into home of 70y female – victim tied up, gagged and left with pillowcase over head – stole \$23,300 - 000 call not acted upon – victim died after 9 days – carefully planned offence – “most grave crime of manslaughter”</p> <p>Protective custody – no remorse – low prospects of rehabilitation</p>
71.	<p>Clare (35)</p> <p>[2006] NSWSC 812 Grove J</p> <p>(2008) 181 A Crim R 450 [2008] NSWCCA 30</p>	<p>Unlawful and dangerous - assault</p> <p>Victim under 18y</p> <p>Assault - domestic</p>	<p>VG Mansl</p> <p>PG s.66A</p>	<p>25y NPP 18y 9m</p> <p>FT 14y (concurrent)</p>	<p>AA 25y NPP 15y 9m</p> <p>FT 14y (concurrent)</p>	<p>Record for sexual offences against children</p>	<p>Babysitting 3y boy – sexually penetrated victim - victim vomited and choked – applied electrical wires in attempt to revive already deceased victim – death caused by unlawful and dangerous act of anal intercourse - worst case category</p> <p>Self-confessed paedophile - serving sentence for sexual assault of victim’s 6y sister</p>
72.	<p>Clay (19)</p> <p>Lonsdale (24)</p> <p>[2006] NSWSC 1220 Buddin J</p>	<p>Unlawful and dangerous - assault</p> <p>Assault – general</p> <p>Accessory</p>	<p>PG</p> <p>PG</p>	<p>5y NPP 3y</p> <p>6y 8m NPP 4y</p>		<p>Minor traffic</p> <p>Minor drug</p>	<p>Male assaulted on front lawn of house by group of intoxicated males – C punched victim to head at commencement of attack then subsequently watched assault – L assaulted victim with mattock handle and kicked and punched victim - victim refused medical attention and later died of ruptured spleen caused by assault with mattock handle</p> <p>C – lesser offender – out of character – remorse</p> <p>L – psychotic illness</p>

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
73.	Esposito (33) [2006] NSWSC 1454 Latham J	Assault – general Accessory Unlawful and dangerous - assault	VG (at murder trial - 15% for offer)	6y 10m NPP 4y		Predominantly property offences	Present when co-offender fatally assaulted male victim – assault in retaliation for threats made by victim to offender’s de facto wife and children – assisted in dumping body – party to agreement to assault victim aware co-offender’s qualified in martial arts Tragic childhood – heroin abuse – positive de facto relationship
74.	KT (16) [2007] NSWSC 83 Johnson J (2008) 182 A Crim R 571 [2008] NSWCCA 51	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (25%)	6y NPP 4y	AD	Nil	Driving with friend throwing eggs at strangers on street – victim became agitated at conduct and threw can at car – confrontation resulted in single fatal punch to head – victim small Sudanese man with limited English Borderline intellectual ability – remorse
75.	Tekley Nagle [2007] NSWCCA 75	Unlawful and dangerous - assault Assault – domestic Accessory (Nagle)	VG Mans Unlawful imprisonment VG Mans Unlawful imprisonment	6y NPP 3y 9m FT 6m (concurrent) 5y NPP 2y 9m FT 6m (concurrent)	Conviction AD Sentence AD Conviction AD		Flatmate became increasingly violent and threatening – handcuffed to chair – fatally assaulted by T Delay
76.	Mundene (19) [2007] NSWSC 355 Howie J	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (20%)	6y 9m NPP 3y 9m (cumulative to revoked parole)		Dishonesty – breached parole	Killed de facto’s 7m son by shaking – isolated anger against crying child – warned he could injure child – breach of trust Aboriginal male - disrupted background – drug abuse – immaturity - remorse

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
77.	Leach (23) [2007] NSWSC 429 Hulme J (2008) 183 A Crim R 1 [2008] NSWCCA 73	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (10%) Sched: 2 x AOABH	7y 6m NPP 4y 6m	AA 6y NPP 3y 6m	Nil	Father killed 7w daughter by asphyxiation – sat on unsettled daughter to stop her crying – assault offences constituted by hitting victim on head with hand Intellectually disabled – depressive disorder – frustrated at inability to settle child – good character – remorse – excellent prospects of rehabilitation
78.	LAL (14) PN (14) [2007] NSWSC 445 McClellan CJ at CL	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (15%) Sched: LMV Steal mobile phone	6y NPP 3y 6m 6y NPP 3y 6m		Nil Nil	Assaulted taxi driver using moderate force – victim suffering heart disease and died from heart attack – opportunistic offence – under influence of alcohol and marijuana Female offenders - genuine remorse – Islander parentage – violent households – need for continued supervision – evidence of progress in rehabilitation – immature and intellectual deficits – early exposure to alcohol abuse - PN suffering psychiatric problems
79.	Stephenson (43) [2007] NSWSC 672 Hidden J [2008] NSWCCA 266	Unlawful and dangerous - assault Assault - domestic	PG	6y NPP 3y 6m	AD	Minor	During verbal argument punched female partner to head with closed fist several times – spontaneous offences – both victim and offender consumed drugs and alcohol during evening Volatile and obsessive relationship – drug and alcohol abuse – offence out of character – prospects of rehabilitation - remorse
80.	Ferguson (45) [2007] NSWSC 949 Grove J	Unlawful and dangerous - assault Assault - domestic	PG (25%)	5y 3m NPP 4y		Nil relevant	Fatal assault on de facto wife during physical argument – arguing for several days over victim's abuse of prescription drugs – drug abuse made victim more vulnerable to physical assault Good character – very good prospects of rehabilitation – genuine remorse
81.	Charman (20) [2007] NSWSC 1177 Hulme J Co-offenders: HORAN BOXX	Unlawful and dangerous - assault Assault – general Accessory	PG (40% plea and assist)	6y NPP 4y		Minor – breached bond	Willingly participated in break and enter – driver of car waiting outside house – intellectually disabled occupant fatally assaulted by co-offenders using torch Voluntarily surrendered to police – assistance – good work record – remorse Error by sentencing judge as to starting date meant offender gained benefit of three months on bail – sentencing judge declined to correct error

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
82.	Thurlow (20) [2007] NSWSC 1203 Mathews AJ	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (25%) Mans Att pervert course of justice Sched: Att pervert course of justice	6y 9m NPP 4y 3m 16m NPP 9m <u>Total:</u> 7y 6m NPP 5y		Record – mostly subsequent to offence	Female - pushed 16w daughter of de facto into futon bed – head hit wooden armrest – frustrated at crying – asked cell mate to confess to killing over 2 months – attempted to have de facto lie about offence Traumatic childhood resulting in early drug addiction - remorse
83.	Wheatley (45) [2007] NSWSC 1182 Bell J	Unlawful and dangerous - assault Assault - general	PG (25%)	3y 9m NPP 2y		Minor	Pushed 83y male stranger onto street – hit by oncoming traffic – no intent to hurt or push into traffic – loutish behaviour – ‘spontaneous outburst of low-level violence which had catastrophic consequences’ – intoxicated – angered by earlier unrelated confrontation with male Suffering chronic schizophrenic illness
84.	Bashford (24) [2007] NSWSC 1380 Rothman J	Unlawful and dangerous - assault Assault - general	PG (25%)	5y 3m NPP 3y 6m		Breached conditional liberty for non-violent offences – priors for violence	Intoxicated male making out of character and offensive comments outside hotel – single punch to head causing death – response to offensive comment – spontaneous act Voluntarily attended police station – subject to significant personal stress at time of offence – depression – good character – traumatic childhood – evidence of rehabilitation
85.	CK (15) TS (15) [2007] NSWSC 1424 Latham J	Unlawful and dangerous - assault Assault – general Juvenile offender Victim under 18y	PG (25%) PG (25%)	6y NPP 4y 6y NPP 3y 6m		Priors – breached bond nil	17y walking down main street of town late at night – headbutted by CK – punched to head by TS – unprovoked attack – died of subarachnoid haemorrhage Drug and alcohol abuse – difficult childhoods

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
86.	Taiseni (30)	Unlawful and dangerous - assault	PG (20%) Manslaughter	4y NPP 2y		Summary - assaults and weapon offences	L involved in argument over use of pool table with male victim – ejected from hotel – returned with co-offenders and attacked victim – M swung bar stool at victim and fatally struck hotel employee in head – first victim also kicked in head L – principal role – Tongan – married- - genuine remorse – moderate prospects of rehabilitation M – equal culpability to L – Tongan – married with 2 children – genuine remorse – some prospects of rehabilitation Taiseni - lesser culpability – presence only – Tongan – married with two children – genuine remorse – good prospects of rehabilitation Tuifua – lesser culpability – presence only – Tongan – married with four children – genuine remorse – excellent prospects of rehabilitation
		Assault – general	Maliciously inflict GBH	FT 2y 5m			
		Accessory	Sched: Supply heroin	<u>Total:</u> 5y NPP 3y			
	Motuapuaka (26)		PG (20%) Manslaughter	5y 7m NPP 3y		Minor	
			Maliciously inflict GBH	FT 4y			
			<u>Total:</u> 7y 7m NPP 5y				
	Leota (29)		PG (10%) Manslaughter	6y 4m NPP 3y 6m		Minor	
			Maliciously inflict GBH	FT 4y			
			Sched: Supply heroin	<u>Total:</u> 8y 4m NPP 5y 6m			
	Tuifua (33)		PG (10%) Manslaughter	3y 7m NPP 2y 2m		Nil	
	[2007] NSWSC 1090 Latham J		Maliciously inflict GBH	FT 2y 8m			
			<u>Total:</u> 4y 7m NPP 2y 2m				

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
87.	Compton (30) [2008] NSWSC 204 Studdert AJ	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (10%)	9y NPP 6y 9m		Lengthy – assaults on de facto partners	Assaulted 17m daughter of de facto – punched victim in stomach and to head – failed to tell mother or obtain medical care – child died next morning – coming down from amphetamines – angry at inability to obtain more drugs – lied to police Intellectual disability
88.	Smith (22) [2008] NSWSC 201 Hulme J	Unlawful and dangerous – assault Assault - general	PG (25%)	3y 9m NPP 2y 6m		Minor	Waiting at taxi stand after Christmas function – punched passing stranger once – victim struck head on concrete – no provocation – intoxicated Evidence of excellent rehabilitation – good prospects - remorse
89.	APT (17) [2008] NSWSC 302 Studdert AJ [2009] NSWCCA 230	Unlawful and dangerous - assault Assault – general Juvenile offender	VG (at murder trial)	8y NPP 5y 6m	AD	Nil	Involved in brutal assault on young male outside service station in early hours of morning – lesser offender – kicked victim on ground Remorse – good prospects of rehabilitation
90.	Zammit (55) [2008] NSWSC 317 Howie J	Unlawful and dangerous – assault Assault - domestic	PG (20%)	6y 3m NPP 4y		Priors including violence	After night of drinking became angry with de facto and pushed her against refrigerator – victim appeared injured but declined assistance – argument continued next morning and victim thrown against cupboard – assistance again declined – died several hours later – fractured ribs and neck bone – victim and offender both intoxicated Alcohol abuse – childhood abuse- serious health issues
91.	Hopley (35) [2008] NSWCCA 105	Unlawful and dangerous - assault Fight – assault Assault - general	VG	5y NPP 3y	AD	Priors – less serious	Punched male stranger twice in altercation outside nightclub – altercation between two groups began inside nightclub – spontaneous response to violence initiated by third person – acted in anger not self defence Sole parent to 13y son - remorse

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
92.	Horan (20) [2008] NSWSC 990 Studdert AJ Co-offenders: BOXX CHARMAN	Unlawful and dangerous - assault Assault – general Accessory	VG (at murder trial – 40% offer to plead and assist) Sched: 3 x firearms	6y NPP 4y		Nil	Party to agreement to rob victim at home to obtain money and documents – visited residence earlier posing as security guard – accompanied co-offender to house at night and stood watch – victim fatally assaulted by co-offender with torch – motivated by financial gain Remorse – favourable prospects of rehabilitation – evidence against co-offender – onerous custodial condition
93.	Carroll (20) (2008) 188 A Crim R 253 [2008] NSWCCA 218 [2009] HCA 13 (2010) 200 A Crim R 284 [2010] NSWCCA 55	Unlawful and dangerous - assault Assault - general	PG	3y NPP 18m PD	Crown AA 3y NPP 18m AA Matter remitted to CCA Crown AA 18m suspended sentence + PSC 5m PD / 7m full time	Nil	Altercation outside hotel between victim and offender's group of friends – victim made idle threat to kill – offender head butted victim who fell back onto road – died ten days later – victim heavily intoxicated Excellent prior character – depression resulting from offence – genuine understanding of consequences of act – excellent prospects of rehabilitation On appeal: full-time imprisonment required but in light of pre-sentence custody and exceptional circumstances imprisonment suspended
94.	Irvine (20) [2008] NSWCCA 273	Unlawful and dangerous - assault Excessive self defence Assault - general	PG (25%)	3y NPP 2y PD	Crown AD	Nil	Number of young people taking part in burnouts on street – victim crashed vehicle and left scene – offender and friend went after victim to tell him to return to scene and await police – victim intoxicated and abusive – offender punched victim in self-defence causing haemorrhage - victim had congenital abnormality causing weakness Strong subjective case – youth – rehabilitation
95.	Munter (36) [2009] NSWSC 158 Howie J	Unlawful and dangerous - assault Assault - general	PG	3y 3m NPP 18m		Minor driving offence	Abused 66y male stranger watering lawn – believed breaching water restrictions – heated exchange – punched victim to head, pushed victim over and kicked in mid-section – minor assault – victim died of cardiac arrest – diseased heart exacerbated by assault True remorse – suffering chronic permanent back pain at time of offence – pain to affect custodial conditions

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
96.	Jeffrey (40s) Mealey (34) [2009] NSWSC 202 Fullerton J	Unlawful and dangerous - assault Assault – general Accessory (Mealey)	PG (25%) Manslaughter Rob in Co PG (25%) Manslaughter Rob in Co	6y NPP 3y 6m 2y 6m (concurrent) 4y NPP 2y 2m FT 18m (concurrent)		Record including assault in similar circum – breached bond Dishonesty	M knocked on door of unit of neighbour to J – J forced open door knocking 87y male occupant to ground – victim robbed of money and left injured in unit behind locked door – no attempt to obtain assistance - hospitalised for fractured hip and died of complications ten days later – J dominant offender – intent to rob for money to buy drugs – M sentenced as aider and abettor and failure to provide assistance – victim vulnerable and deliberately chosen by J J – female - difficult marriage resulting in drug addiction – some prospects of rehabilitation in view of family support M – Aboriginal female - difficult childhood including sexual abuse – abusive relationship with boyfriend – drug addiction – low intelligence – homeless – influenced by co-offender – recent attempt at rehabilitation makes positive prospects of rehabilitation - remorse
97.	Boxx (19) [2009] NSWSC 298 Studdert AJ Co-offenders: HORAN CHARMAN	Unlawful and dangerous - assault Assault – general Accessory	VG (at murder trial)	10y NPP 7y 6m		Nil priors – subsequent drug offence	Party to agreement to rob victim at home to obtain money and documents –accompanied Horan into house armed with torch – victim fatally assaulted with torch – unclear who inflicted blows – joined plan late – victim had mild degree of mental handicap Fair prospects of rehabilitation
98.	GJL (36) [2009] NSWDC 167 Knox SC DCJ	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (20%)	6y NPP 4y		nil	Mother of 9w baby violently shook baby – using drugs – one off incident Suffering long term psychiatric problems as a result of sexual assault and drug use

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
99.	DGP (16) PB (16) [2009] NSWSC 1154 Hall J [2010] NSWSC 1408 Hall J Co-offender: CW	Unlawful and dangerous - assault Assault – general Juvenile offender Accessory	PG (20%) PG (20%)	8y NPP 5y 7y 11m 20d NPP 4y 11m 20d (sentence adjusted) 5y NPP 3y		Nil Limited history	Joint criminal enterprise – three young males kicked and assaulted intoxicated male walking across oval – mistakenly believed victim had called out abuse – spontaneous attack with no pre-planning – kicked to head by co-offender – PB initiated verbal attack but no actual physical attack and therefore lesser culpability – seriousness of offence towards high end of range DGP – prior good character – intoxicated – low intelligence – remorse – good prospects of rehabilitation – Aboriginal youth – sentence adjusted to allow total time in detention centre PB – remorse – rehabilitation – good prospects of rehabilitation
100.	CW (16) [2009] NSWSC 1155 Hall J [2011] NSWCCA 45 Co-Offenders: DGP PB	Unlawful and dangerous - assault Assault – general Juvenile offender Accessory	VG (at murder trial)	9y NPP 6y	AD	Nil	Joint criminal enterprise – group of three young males kicked and assaulted male on oval – offender kicked victim on ground – spontaneous attack with no pre-planning – unprovoked attack Prior good character
101.	Benbow (29) [2009] NSWSC 1472 RA Hulme J	Unlawful and dangerous - assault Assault - general	PG (17%) Manslaughter AOABH	7y 6m NPP 4y 6m FT 3m (concurrent)		Prior convictions including violence – breached bail	After drinking with two friends fell asleep on bed – when prodded awake with cricket bat grabbed bat and assaulted one male with bat in sustained attack – struck second male with bat – claimed no memory due to drinking and serapax – spontaneous, unreasonable and irrational response Longstanding substance abuse

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
102.	Gloginya (41) [2009] NSWSC 1435 McCallum J	Unlawful and dangerous - assault Assault – domestic	PG (10%)	7y 8m NPP 4y 9m		Record for lesser offences of violence – no offences since 1998	Shared residence as carer for 56y male victim – difficult relationship and offender had taken recent steps to end responsibilities – spontaneous offence – Strangled victim although circumstances of killing unclear Suffering brain injury
103.	Shepherd (31) [2010] NSWSC 154 RA Hulme J	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (12.5%)	7y NPP 4y 6m		Record including assaults	Killed 4m son – had sole care of child after mother died – death caused by blunt force injury to head – accepted handling of child too rough on more than one occasion – threw child onto bed in frustration - no experience in caring for children and inadequate knowledge – caused fractured ribs on different occasion – offence in lower range Difficult and traumatic childhood – suffering depression - strong remorse – good prospects of rehabilitation
104.	Hutchinson (33) [2010] NSWCCA 122	Unlawful and dangerous – assault Assault – general	PG	7y 6m NPP 5y 6m	AD	Assault offences	Punched male victim twice to head in hotel – first punch in self-defence – both intoxicated – aggressive behaviour all night – history of aggression when intoxicated
105.	NLH (18) [2010] NSWSC 662 RA Hulme J Co-offender: PFC	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (30% plea and assist)	4y 2m NPP 2y 6m		Nil	Female killed 7 week old baby – blunt force injury to head - young mother of victim and toddler – post natal depression – violence of partner towards victim in past Remorse – good rehabilitation prospects.
106.	Donaczy (28) [2010] NSWCCA 143	Unlawful and dangerous - assault Assault - general	PG (20%)	6y NPP 3y 6m	AD	Prior record – not serious	Punched male acquaintance once to head outside hotel – evidence suggests tension between offender and victim throughout the night Difficult and abusive childhood – early drug abuse – Aboriginal male – good prospects 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
107.	LC (32) [2010] NSWSC 815 Hidden J	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (10%)	14y 6m NPP 10y 6m		Manslaughter (diminished responsibility)– killed stranger at brothel – breached parole	Killed 13m stepson – held baby around the neck while shaking and choking him violently – threatened mother with knife when she attempted to intervene – threw child on mattress and stomped on chest - prior assaults over previous five months – slapped, shook, choked and punched baby on four prior occasions – impulsive offence Aboriginal male - difficult childhood – drug and alcohol abuse
108.	AJC (17) (2010) 207 A Crim R 307 [2010] NSWCCA 168	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (40% for plea and assist on appeal)	2y 6m NPP 18m PD	Crown AA 3y NPP 1y 9m PD	nil	Single punch to 20y male at show – been advised by co-accused that victim had tried earlier to fight physically vulnerable youth – followed victim and delivered unexpected punch to head – no provocation or opportunity for self-defence – innocent victim – impulsive attack of immature youth - committed in presence of child under 18y – below mid-range Genuine and deep remorse – voluntarily surrendered to police – assistance in relation to co-accused – publicly named by newspaper On appeal - discount for assistance excessive
109.	Sutton (19) [2010] NSWSC 1273 Adams J	Unlawful and dangerous - assault Assault – domestic Victim under 18y	PG (25%)	4y NPP 2y		minor	Caused death of 6m daughter through improper handling that reasonable person would have known carried appreciable risk of harm – nature of assault unclear – probably shaking - no prior violence – isolated aberration inconsistent with offender's character – probably single unpremeditated act of momentary frustration and lack of control in ignorance of potential for significant injury Remorse – very good prospects of rehabilitation – strict protection
110.	Colley (No.4) (18) [2010] NSWSC 1475 Rothman J	Accessory Unlawful and dangerous act - assault Assault - general	VG	4y 6m NPP 16m		nil	Assisted brother in assault on male victim – told victim had assaulted sister – also suggestion sister had been raped – directed brother to victim's home and waited outside during assault – entered house and pulled brother off attack – both left house without realising assault had killed victim Remorse and attempted suicide – suffering depression - prior good character – restrictive bail conditions

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
111.	<p>Sparks (26 at offence – 49 at sentence)</p> <p>Stracey (26 at offence – 49 at sentence)</p> <p>[2010] NSWSC 1512 Adams J</p>	<p>Unlawful and dangerous – assault</p> <p>Assault – general</p> <p>Motor vehicle</p>	<p>PG (25%) Mansl</p> <p>Rob in Co</p> <p>AR</p> <p>Sched: 3 offences</p> <p>PG (25%) Mansl</p> <p>Rob in Co</p> <p>Sched: 2 offences</p>	<p>6y 9m NPP 3y 6m</p> <p>3y 9m NPP 2y</p> <p>4y 10m NPP 2y 6m</p> <p><u>Total:</u> 7y 10m NPP 4y 6m</p> <p>5y 3m NPP 2y</p> <p>3y NPP 1y 6m (concurrent)</p>		<p>Lengthy record including recent charges</p> <p>Numerous offences until 1993</p>	<p>Manslaughter: 1987 – Stracey drove van past female pedestrians while Sparks attempted to grab bags – third victim struck head on kerb in attempt to resist robbery – abandoned van and stole car – took extensive steps to cover up involvement – offence opportunistic but part of pre-mediated pattern of criminal behaviour</p> <p>Sparks: robbed real estate with blood filled syringe and knife in 1997 - disturbed childhood – poly drug abuse – drug affected at time of offence – genuine remorse</p> <p>Stracey: rehabilitation from drug abuse in early 1990s – supportive family</p>
112.	<p>Pirini (21)</p> <p>[2011] NSWSC 1395 RA Hulme J</p> <p>Co-offenders: LA ROSA AOULI COSTA MENZIES HAWI</p>	<p>Accessory</p> <p>Stabbing – general</p> <p>Assault – general</p> <p>Fight – assault / stabbing</p> <p>Unlawful and dangerous – assault / stabbing</p>	<p>PG (20%) Manslaughter</p> <p>Affray</p>	<p>6y NPP 3y</p> <p>FT 2y 2m</p> <p><u>Total:</u> 6y 6m NPP 3y 6m</p>		<p>Driving offences</p>	<p>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</p> <p>Left Club - good prospects of rehabilitation – remorse</p>

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
113.	NR (16) [2011] NSWSC 280 Garling J	Unlawful and dangerous - assault Assault – domestic Juvenile offender	VG (at murder trial – 25% for offer)	7y 6m NPP 4y 6m		nil	Struck 19y male sitting on chair in abandoned house from behind with piece of wood to head – angered at relationship between victim and offender’s ex-girlfriend – intended to have fist fight – picked up piece of timber close to entering house and while in distressed state of mind – became distressed prior to offence when realised close friend had died traumatically in area - unusual strength and hardness of wood not known to offender – intended to provoke fight not cause serious injury - panicked and refused to allow ambulance to be called for 30mins – offence involved a weapon and was committed in presence of others aged under 18y Remorse – very good prospects of rehabilitation
114.	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 <u>Total:</u> 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

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
115.	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 <u>Total:</u> 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
116.	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 <u>Total:</u> 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
117.	Dean-Willcocks (23) [2012] NSWSC 107 Garling J	Unlawful and dangerous - assault Assault - general	VG (at murder trial - 25% for offer to plead)	7y 6m NPP 4y			Sustained chase and assault of male stranger in late 60s on street in early hours of morning – tackled him to concrete path and body slammed prone victim twice – caused multiple injuries to skull, brain, neck and ribs – offender returning from city very intoxicated – motivated by racial prejudice against Asians – vulnerable victim – spontaneous offence Good character – good prospects 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
118.	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 <u>Total:</u> 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
119.	Humphries (25) [2012] NSWSC 419 RA Hulme J	Unlawful and dangerous - assault Assault – general Accessory	PG (15%)	6y NPP 3y 9m		Nil	With W and others, assaulted victim during planned “drug deal rip-off” – not principal offender but armed with bat and assisted in assault and bringing victim to ground – assisted with disposal of body – role of “back-up” - blindly followed W’s lead who was manipulative – at time of assault, offenders did not know that they had killed victim Prior good character – employed – suffered injuries through employment – support of family, friends – remorse – rehabilitation prospects - special circumstances – first period of imprisonment Co-offender White sentenced for murder [2012] NSWSC 1573
120.	Li (22) [2012] NSWSC 477 Adamson J	Unlawful and dangerous – assault Assault – domestic	PG (25%) Mansl Agg Rob 8 x Obtain money by deception	10y 6m NPP 7y FT 6y FT 1y <u>Total</u> 12y NPP 8y 6m		Nil	63y male met with offender for sexual encounters on various occasions – male found at home bound and gagged - died by asphyxiation – offender had beaten and bound victim and left him abandoned – taken ATM cards and made number of withdrawals totalling \$7k – did not check to see whether victim was alright Student from China - support from family.

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
121.	Williams (26) [2012] NSWSC 520 Hidden J	Unlawful and dangerous - assault Assault - general	PG (15%)	6y NPP 3y 9m		Agg driving cause death; high-range PCA	Angry with third person over phone call to police about behaviour of offender's father – armed with baseball bat to confront third person - struck victim to side of head with baseball bat causing severe brain injury – no ill-will towards victim who was there with other to assist third person – impulsively struck victim as he was approaching - went to work following day – initially denied matter to police Dysfunctional childhood – supportive grandparents and sister – rehabilitation prospects – remorse
122.	Braddon (36) [2012] NSWSC 662 Hidden J	Unlawful and dangerous - assault Assault - domestic	PG (20%)	5y 6m NPP 3y		Not relevant	Assaulted neighbour with piece of wood. Mental illness - bipolar disorder – reasonable rehabilitation prospects - remorse
123.	Castle (54) [2012] NSWSC 1603 RA Hulme JA	Unlawful and dangerous - assault Assault - general	PG (25%)	7y 6m NPP 5y 8m		Armed rob, demand money, drugs, assault.	(1998) - single punch - robbery of female at ATM - during struggle offender punched victim causing her to fall – offender's image caught on CCTV at ATM but denied involvement – DNA match Drug abuse – depression - lack of empathy towards victim
124.	Forrest (22) [2013] NSWSC 377 Fullerton J	Unlawful and dangerous - assault Victim under 18y Assault - domestic	PG (10%)	8y NPP 6y		Drugs, assault	In relationship with 4y victim's mother – gave victim a bath and repeatedly struck him to head, face and nose and abdomen – position of care and trust – considerable assault but not sustained or premeditated – affected by drugs Amphetamine use – dysfunctional upbringing – poorly educated – prone to violent outbursts
125.	Kain [2013] NSWSC 638 Adams J	Unlawful and dangerous - assault Assault - domestic	PG (25%)	6y 9m NPP 4y		Nil	Strangled mother following argument – had lived together – immediately called sister and confessed Offence out of character - offender suffered dementia - state of mind likely to have prevented him truly appreciating likely outcome of his actions - cognitive impairment caused by brain damage caused delay in processing information – dementia caused loss of control in extent of violence inflicted

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
126.	McCulloch (23) B.Biffin A.Biffin (31) [2013] NSWSC 894 Rothman J	Unlawful and dangerous - assault Accessory Assault - general	PG 1/6th	6y 8m NPP 3y 4m 7y 1m NPP 3y 7m 5y 10m NPP 2y 11m		Violence – dishonesty – BES - driving Stealing - illegal use MV - BES; mal damage – drugs - driving. Drug offences	Four co-offenders planned to rob drug dealer – victim assaulted at premises and died – all party to assault although definite cause of death undetermined McCulloch - difficult upbringing – drug and alcohol abuse from young age – little formal schooling - rehabilitation – remorse – special circumstances B.Biffin - difficult upbringing – drug and alcohol abuse from young age – children - rehabilitation – special circumstances A.Biffin – difficult upbringing – drug and alcohol abuse – children – little formal schooling – employed from time to time – rehabilitation – remorse – family support – special circumstances Co-offender <u>Smith</u> sentenced for murder: [2012] NSWSC 1565
127.	Barnes (30) [2013] NSWSC 1627 Price J [2014] NSWCCA 224 Co-offender TUIVAGA	Assault - general Unlawful and dangerous - assault Accessory	PG (12.5%)	7y NPP 5y	AD	Agg BES – AR – breached parole	Drove 4 co-offenders to house of victim for confrontation and waited in car – during confrontation victim struck on head with gun which discharged causing death – offender aware gun had been brought - party to joint criminal enterprise to assault victim although did not foresee either death / GBH or it being achieved by use of a weapon Remorse Two other co-offenders charged with murder <u>Lockett</u> : [2013] NSWSC 1555 <u>Brown</u> [2013] NSWSC 1557 / [2015] NSWCCA 11

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
128.	Loveridge (19) [2013] NSWSC 1638 Campbell J [2014] NSWCCA 120	Unlawful and dangerous - assault Assault - general	PG (25%) Mansl Assault Assault Assault AOABH	6y NPP 4y FT 4m FT 4m FT 4m FT 6m <u>Total:</u> 7y 2m 5y 2m	Crown AA 10y 6m NPP 7y FT 9m FT 11m FT 13m 22m NPP 16m <u>Total:</u> 13y 8m NPP 10y 2m	AOABH – breached conditional liberty	Punched male stranger in face (king-hit) in Kings Cross - victim fell suffering massive skull fracture and brain injury – assaulted other victims prior to and following this attack – had been out drinking with friends. Youth – remorse – rehabilitation - difficult upbringing
129.	JP (15) [2014] NSWSC 698 Hall J Co-offenders: AN JH	Unlawful and Dangerous - assault Assault - general Juvenile offender Victim under 18y	VG (murder trial)	10y NPP 7y		Nil	Attended party uninvited - part of deliberate and unprovoked attack by six members of group on male guest – during sustained assault struck victim over head with bottle causing death Suffering intellectual disability
130.	Salcedo (24) [2014] NSWSC 1099 Adams J	Unlawful and dangerous - assault Assault – domestic	VG (murder trial - 15% for offer)	4y NPP 2y		Record including low level violence – breached suspended sentence and bail	Pulled and twisted scarf on girlfriend as she tried to stop him leaving unit – caused compression of blood vessel but no other injury – moderate force only - very unexpected death – did not intend harm – no argument – victim amphetamines intoxication significantly contributed to death - well within lowest range History of psychotic symptoms and schizophrenia – drug use - reduced moral culpability and general deterrence but increased focus on personal deterrence

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
131.	Bryce (41) [2014] NSWSC 1184 Beech-Jones J	Unlawful and dangerous – assault Assault - domestic	VG (at murder trial)	8y NPP 6y		Lengthy record including conviction for assault on former partner – breached bond	Assaulted female partner in their unit - subdural haematoma – no evidence as to how injury caused – offender did not realise assault dangerous – failure to obtain medical assistance aggravating factor although not aware injuries life threatening Dysfunctional people in dysfunctional relationship – history of violence by both parties
132.	Wood (30) [2014] NSWCCA 184	Unlawful and dangerous – assault Assault - general	PG (5%)	6y 8m NPP 5y	Crown AA 11y 4m NPP 8y	AOABH, assault, obstruct officer, assault officer	Rode past 71y female on foot path – stopped riding and returned on foot to push victim – victim fell to ground hitting head and died – unprovoked, aggressive offence Aboriginal male – previous assault committed in similar circumstances
133.	D'Ambrosio (50) [2014] NSWSC 1685 Adamson J	Unlawful and dangerous - assault Accessory Assault - general	PG (10%)	9y 10m NPP 7y 5m		Drug offences - on parole	Threatened with violence by victim over non-payment of drug debt so arranged for group of men to come to home at time appointed for repayment for protection - victim struck by mallet and baseball bat - offender orchestrated conflict that led to victim's death – planning and deliberation - limited remorse. Criminal history began late in life and resulted from drug addiction
134.	Field (39) [2014] NSWSC 1797 Fullerton J [2015] NSWCCA 332	Assault – general Unlawful and dangerous - assault Fight - assault	VG (at murder trial)	10y NPP 7y 6m	AD	nil	Punched male victim once to jaw in hotel car park during fight – unprovoked attack – escalating tensions between two groups in hotel during evening – fatal punch caused neck to rotate releasing arterial blood into cranial cavity Offence out of character – retired rugby league player – community involvement
135.	AN (15) [2014] NSWSC 1879 Hall J [2015] NSWSC 308 Hall J Co-offenders: JP JH	Accessory Juvenile offender Unlawful and dangerous - assault Assault – general Victim under 18y	PG (15%)	5y 11m NPP 3y (Order made to remain in juvenile detention until 21 years)		Nil prior – subsequent break and enter offences	Present in group of 6 during attack on 17y victim outside a party – victim struck to head with wine bottle and died of head injuries – intentional and unprovoked attack – attack was retaliation for victim speaking to police after being robbed months earlier – did not strike victim and not initiator of attack – bottom of hierarchy of co-offenders Good prospects of rehabilitation

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
136.	JH (15) [2014] NSWSC 1878 Hall J [2017] NSWCCA 22 Co-offenders: JP AN	Accessory Juvenile offender Unlawful and dangerous - assault Assault – general Victim under 18y	VG (at murder trial)	10y NPP 7y	AD	nil	Present in group of 6 during attack on 17y victim outside a party – victim struck to head with wine bottle and died of head injuries – intentional and unprovoked attack – attack was retaliation for victim speaking to police after being robbed months earlier – part of group decision to attack victim
137.	Matthews (40) [2015] NSWSC 49 Davies J	Unlawful and dangerous - assault Assault - general	PG	7y 6m NPP 5y		Assault – AOABH - breach AVOs – property - minor drug offences – breached conditional liberty	Male victim killed in fight – offender and victim known to one another – violence involving alcohol – victim with undiagnosed aneurysm – aneurysm burst during fight. Very disadvantaged upbringing – alcohol and drug abuse from young age – alcohol abuse - prospects of rehabilitation – special circumstances – alcohol and psychiatric management
138.	Lane (52) [2015] NSWSC 118 Campbell J [2017] NSWCCA 46 [2018] HCA 28 [2018] NSWSC 1898 RA Hulme J	Unlawful and dangerous - assault Assault - general	VG (murder trial – 15% for offer) PG (6%) Sched: 2 x AOABH	8y 6m NPP 6y 4m	Conviction AD Conviction AA 8y NPP 6y	Dishonesty, drugs – breached conditional liberty	(2012) Fight with male victim – both intoxicated – exchange of words - initial willingness by victim to engage in altercation with offender – offender escalated aggression after victim sought to disengage – threw 2-3 punches - second punch delivered with intent to inflict some appreciable harm but not really serious injury - force sufficient to knock victim off his feet and hit head on ground causing suffered brain injury. Previously good character – offence out of character - suffering PTSD due to accident - led to drug and alcohol abuse – remorse After successful conviction appeal pleaded guilty - on second sentence – deterioration of mental health and difficult custodial conditions – third time returned to custody – carer for elderly mother – prospects 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
139.	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
140.	Matia (34) [2015] NSWCCA 79	Assault – general Unlawful and dangerous - assault Fight - assault Excessive self defence	VG	3y NPP 18m	Crown AD	Nil	Security guard - part of group that pursued group including victim away from hotel – victim armed himself with paint scraper – single punch to head of victim - acted in defence of another Good character – offence out of character – security licence revoked – carer for mother – father to young child – genuine remorse
141.	Lambaditis (33) [2015] NSWSC 746 Hall J [2016] NSWCCA 117	Unlawful and dangerous - assault Assault – general	PG (25%) Sched: AOABH	9y NPP 6y 9m	AD	Mid-range PCA	Intoxicated male walking street late at night – punched male stranger in response to perceived negative comment – first victim’s friend punched offender to head – offender retaliated by punching second male to head causing death – cowardly and unprovoked response – offender wholly responsible Remorse – reasonable prospects of rehabilitation
142.	Bouggas (32) [2015] NSWSC 914 McCallum J	Unlawful and dangerous - assault Assault - general	PG (20%)	8y NPP 5y		Minor drug and assault matters – breached parole	Argued with male acquaintance over stolen tablets – lifted and pushed victim against ledge of balcony six stories high – victim fell over balcony – did not foresee or intend fall Long history of drug and alcohol abuse – deep remorse – good prospects 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
143.	Telemete (30) [2015] NSWSC 909 Adams J	Unlawful and dangerous - assault Assault – general Fight - assault Accessory	VG (murder trial – 25% for offer)	7y 6m NPP 4y 6m		Trivial offence	Fight between group of Samoan born men and victim and friends after midnight on street – all intoxicated – victim assaulted and kicked by co-offender – offender inflicted some injuries – victim died from positional asphyxiation – offender left scene unaware of seriousness of injuries Genuine remorse – out of character – good prospects of rehabilitation
144.	McNeil (25) [2015] NSWSC 1198 Johnson J	Unlawful and dangerous - assault Assault - general	VG (murder trial – 25% for offer) AOABH Assault	<u>Indicative</u> 9y 1y 6m 6m <u>Aggregate:</u> 10y NPP 7y 6m		Record including violence	Intoxicated in Kings Cross New Year's Eve – after run in with three youths selling drugs hit and kicked one youth – mistakenly believed male stranger part of group and punched him once to head causing death – punched victim's brother Genuine remorse – drug and alcohol history – some evidence of rehabilitation
145.	Duffy (No.7) (34) [2015] NSWSC 1321 Davies J [2017] NSWCCA 77	Unlawful and dangerous - assault Assault - General Accessory	VG (murder trial) Mansl PG (25%) Steal from dwelling house	12y NPP 8y FT 2y <u>Total:</u> 12y 8m NPP 8y 8m	AD	Contravening domestic violence restrictions, break and enter, behave offensive manner.	Co-offender strangled female victim with belt around her neck while offender held victim down - victim met co-offender at hotel and invited offender, co-offender and others to parents' place – all parties affected by drug and alcohol – victim killed after sexual involvement with offender – buried in shallow grave at property – guns and other property stolen from property after killing - spontaneous killing - above mid-range of objective seriousness No psychiatric or psychological issues - drug and alcohol abuse – lack of remorse – poor prospects of rehabilitation – continued illicit drug use in custody - supportive family. Co-offender sentenced for murder: <u>Evans</u> [2015] NSWSC 254

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
146.	RC (46) [2016] NSWSC 98 RA Hulme J	Unlawful and dangerous - assault Assault - general Accessory	PG (40% - plea and assist) Mansl Rob in Company	5y NPP 3y 7m FT 3y (concurrent)		Extensive record although minor violence – breached parole	Joint plan between four offenders - victim lured by co-offender to park for robbery - beaten to death by co-offender D – well acquaintance with D’s propensity to violence – lesser role than co-offenders – element of duress (fear of D) – assaulted in prison and in dock by D Itinerant and anti-social lifestyle – drug use – limited cognitive resources reducing moral culpability and deterrence – remorse One co-offender sentenced for rob in company - D sentenced for murder: [2016] NSWSC 444
147.	Tanks (44) [2016] NSWCCA 519 Mathews AJ	Unlawful and dangerous - assault Assault - general	VG (murder trial - 20-25% for offer to plead) PG AOABH	7y NPP 4y FT 6m <u>Total:</u> 7y 3m NPP 4y 3m		Extensive - drug offences.	Unprovoked assault upon victim – had been drinking together in group – victim died of irreversible brain damage 10 days after assault. Drug abuse
148.	Merrick (No 5) (32) [2016] NSWSC 661 Wilson J [2017] NSWCCA 264	Unlawful and dangerous - assault Assault - domestic	VG (murder trial)	11y NPP 8y 3m	AD		Struck girlfriend with blow to the head - led to victim’s death two weeks later – violent relationship Family support - hard-working background – prior good character
149.	BH (17) [2016] NSWCCA 290	Unlawful and dangerous - assault Assault – general Juvenile offender	PG (25%)	5y 3m NPP 3y 11m	AD	Assault with intent to rob, rob in company, acts of threatened / actual violence - on probation.	Single punch – killed 60y male during altercation at shopping mall – responding in anger to racial slur or out of fear Difficult upbringing - borderline intellectual disability – ADHD
150.	Jones (22) [2017] NSWSC 19 Harrison J	Unlawful and dangerous - assault Assault - general	PG (15%)	10y NPP 6y		Not significant – no violence – breached conditional	Single punch to head of male stranger – victim remonstrating over offender’s driving – unprovoked – spontaneous and completely unreasonable response – drove off and sought to disguise car – below mid-range Genuine remorse – good prospects 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
151.	Grogan (41) [2017] NSWSC 378 Hidden AJ	Unlawful and dangerous - assault Assault – general	PG (20%)	9y 6m NPP 6y 6m		Violence (old) – robbery	Single punch to head of 71y male acquaintance – animosity but unclear what led to incident. Drug addiction – supportive family – rehabilitation prospects
152.	Johnson (No.5) (37) [2017] NSWSC 1169 Button J	Unlawful and dangerous - assault Assault – general	VG (murder trial – 20% for offer and assistance)	6y NPP 4y		Long record for violence resulting from alcohol and stupidity	Argument developed during social drinking evening with sister, and two acquaintances – offender became annoyed and left sister’s unit – in response to taunt by one acquaintance returned to median strip outside unit and delivered beating – punched and kicked victim on ground –victim refused to go to hospital in ambulance but continued drinking and socialising with other friends – died next morning from ruptured spleen – at time of death victim suffering unknown poor health and life expectancy measured by months as result of alcohol abuse – this and refusal to attend hospital substantial contributors to death – spontaneous loss of temper with no intent to do more than actual bodily harm Aboriginal male - difficult background – father with mental illness resulting in suicide, sexual abuse as a child, poor education and racial abuse resulted in drug abuse and violent response – discount given for evidence against perpetrator of sexual abuse - remorse
153.	Toohey (No 2) (38) [2017] NSWSC 1217 Fagan J	Unlawful and dangerous act - assault Victim under 18y Assault - domestic	VG (murder trial)	7y 6m NPP 4y 6m		Not relevant	Killed 11m daughter of partner - isolated and tragic incident - lost control on one occasion and inflicted several head injuries - under pressure of sole parenting - inflicted blows in frustration – did not intend harm but reasonable person would have realised likely to cause serious harm - considerable distress - violence not prolonged - no gratuitous or deliberate cruelty. Lack of express remorse – low likelihood of reoffending.

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
154.	BT (25) [2017] NSWSC 1600 Hidden AJ	Unlawful and dangerous - assault Victim under 18y Assault – domestic	PG (20%)	8y NPP 5y		Lengthy but much insignificant – some common assault – assault on mother of victim after death of child	Killed 8w daughter by blow to back of head – circumstances of killing unknown – serious breach of trust – spontaneous offence Difficult and violent childhood – remorse – some prospects of rehabilitation – protection in custody
155.	Attwater (36) [2017] NSWSC 1710 Fullerton J [2021] NSWCCA 17	Unlawful and dangerous - assault Assault - General	VG (at murder trial) Mansl s.61J(1)	<u>Indicative</u> 18y 12y NPP 9y <u>Aggregate:</u> 19y NPP 14y 3m	AD	Minor offences	Engaged in sexual activity with male co-offender and female victim after heavy drinking – victim unconscious due to intoxication – inserted hand and fist into vagina forcefully, vigorously and repeatedly – ignored what would have been obvious bleeding – victim died from blood loss caused by two major tears to vaginal area – high level of culpability Delay and protective custody – co-offender convicted of hindering investigation and s.61J
156.	Errington (29) [2018] NSWSC 79 Adamson J	Unlawful and dangerous - assault Assault – domestic	VG (at murder trial – 35% for offer to plead and assistance)	8y 5m NPP 6y 4m		AR - robbery - firearm offences	Offender and girlfriend came to live with half-brother – offender’s ice addiction caused serious tension with victim – following argument offender punched and assaulted victim with cooking pot causing loss of consciousness - hog-tied and gagged victim and left him in unit – returned two hours later to discover victim had died as a result of cardiac arrest or asphyxiation - did not contact police but made arrangements for escape - above mid-range but not in most serious category. Assistance – remorse – drug addiction Note: co-offender acquitted on appeal: [2019] NSWCCA 260

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
157.	ES (No.2) (33) [2018] NSWSC 1708 McCallum J [2019] NSWCCA 262	Unlawful and dangerous - assault Young child Assault - domestic	PG (12%) Sched: AOABH on same victim	8y NPP 5y	AD	Nil	Shaken baby killing – shook 3-month-old daughter when trying to settle her - sudden loss of self-control in challenging circumstances – impact of offender’s PTSD on capacity to manage stresses of early parenting taken into account reducing moral culpability - offence also involved some force Difficult background – refugee from Iran – good character – well regarded – mental health issues - reasonable prospects of rehabilitation
158.	Jenkin (No 19) (43) [2019] NSWSC 609 Hamill J	Unlawful and dangerous - assault Assault - general	VG (murder trial) Mansl Conspiracy to murder	12y NPP 9y 13y NPP 8y <u>Total:</u> 19y NPP 14y		Detain for advantage and robbery, firearms, assault – breached parole	Manslaughter: victim homeless alcoholic – recent history of violence and intimidation to obtain access to victim’s bank accounts – detention of victim for several days – series of assaults during detention – assaults caused by frustration and temper – after death put body into surfboard bag and stowed in shared laundry - very serious instance of manslaughter due to financial motivation, period of detention, brutality and failure to obtain medical treatment Conspiracy to murder: instructed stepbrother to murder witness in homicide investigation – amateurish plan to give witness “hot shot” (overdose of heroin) - serious example of offence due to motivation to interfere with witness Institutionalised after limited non-prison time over 26y - risk of future violent offending significant

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
159.	Bentley (29)	Unlawful and dangerous - assault	(Each) PG Mansl (10%)	(Each) 12y NPP 8y	(Each) AA 12y NPP 7y	nil	Offenders and victim fell out in relation to drug dealing – offenders formed agreement to assault victim – chased victim into shed at victim’s home – victim died from blood loss caused by assault – equal culpability – offenders disposed of body refusing to disclose location – body unlikely ever to be recovered – manslaughter offence above mid-range – disposal offence well above mid-range – drug dealing offence below mid-range - other offences taken into account Bentley – supplied 950g methamphetamine over 5 months – supply 20g cocaine and receiving stolen property taken into account – reasonable prospects of rehabilitation – unlikely to re-offend – remorse tempered by failure to disclose location of body Davies – supplied 505g methamphetamine over 5 months – aggravated break, enter and steal taken into account – difficult childhood - reasonable prospects of rehabilitation – unlikely to re-offend – remorse tempered by failure to disclose location of body Thomas – supplied 567g methamphetamine over 5 days – very disadvantaged childhood - reasonable prospects of rehabilitation – unlikely to re-offend – remorse tempered by failure to disclose location of body – young daughter Tilley – supplied 950g methamphetamine over 5 months – supply 20g cocaine and aggravated break, enter and steal taken into account – reasonable prospects of rehabilitation – unlikely to re-offend – remorse tempered by failure to disclose location of body CCA: Failure to consider cumulation of sentence as a special circumstance.
	Davies (29)	Assault general	Dispose body (25%)	FT 3y	FT 3y	nil	
	Thomas (29)	Accessory	Supply comm qty drugs (20%)	3y NPP 2y	3y NPP 2y	limited	
	Tilley (33)			<u>Total:</u> 15y NPP 11y	<u>Total:</u> 15y NPP 10y	limited	
	[2019] NSWSC 1649 Harrison J [2021] NSWCCA 18						

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
160.	Yardley (54) [2019] NSWCCA 291	Assault – domestic Unlawful and dangerous - assault	PG (10%)	3y 6m NPP 18m	Crown AA 6y 4m NPP 4y 9m	Limited – old drug offences, AOABH	Non biological brother of victim, both adopted by their parents – father died and left estate to victim – offender unhappy about handling of estate – went to victim’s room, woke him punched him to face several times - unprovoked attack on defenceless person – aware of victim’s medical conditions - victim suffered subdural haemorrhage CCA: error in assessment of objective seriousness - special circumstances not available
161.	Davidson (No.3) [2020] NSWSC 58 Davies J	Unlawful and dangerous - assault Assault – general	VG (at murder trial)	11y NPP 7y		serious violent offences	Unable to form intent for murder due to intoxication from drugs – walked into cell of another prisoner during day and closed door – choked victim and assaulted him fracturing several ribs – offender left cell and victim found by another prisoner – sustained assault – no history of animosity - mid range seriousness - offence committed while awaiting sentence for attempt to choke different cell mate - major factor in offending was drugs although underlying mental illness also taken into account – deterrence and community protection significant Commenced drug use as a child – very low intellectual capacity – onerous custodial conditions as a result of offences – institutionalised – special circumstances
162.	O’Brien (31) Paterson (38) [2020] NSWSC 221 Bellew J (Paterson) [2021] NSWCCA 273	Unlawful and dangerous - assault Assault – general Accessory (O’Brien)	PG (15%) Sched: Possess drug PG (25%) Sched: 4 x possess drug	8y NPP 5y 6m 16y 6m NPP 12y 5m	 AA 12y NPP 9y	record – no violence – breached bail record for violence – breached parole	Intoxicated victim forcibly removed from club – exchanged abusive words with group arriving at club including offenders – P attempted to punch victim – victim pursued by offenders 165 metres – O’B punched victim once causing fall – P kicked victim in head and stomped on head – victim lying prone on road and run over by car – liability based on joint criminal enterprise O’B – culpability below mid-range – genuine remorse P – long history of depression and troubled childhood – ADHD CCA: sentence manifestly excessive – error in assessing objective seriousness of applicant’s offence as being at highest end of range - conduct did not warrant characterisation as something close to or towards worst category of manslaughter.

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
163.	Holmes (No. 7) (43 at offence - 47 at sentence) [2021] NSWSC 570 Campbell J	Assault – general Unlawful and dangerous - assault	VG (murder trial - 25% for offer to plead)	5y 9m NPP 4y 3m		Possess firearms	Fight with male victim, an old friend, at hotel – both intoxicated - victim attacked offender first – both forced to leave hotel, upon meeting again later victim forced further confrontation, provocation by victim, accused punched victim and continued to punch, victim fell – offender left victim – no specific intent to kill - short of mid-range Responsible caring parent – not excessive drinker
164.	French (32 at offences; 41 at sentence) [2021] NSWSC 1531 Dhanji J	Unlawful and dangerous – assault Assault - domestic	PG (10%) Mansl Disposal corpse	9y NPP 6y 2y 8m NPP 2y <u>Total</u> 10y NPP 7y		Personal violence offences, AOABH, assault, destroy property by fire, aggravated sexual assault, detain with intent	Assaulted and killed female partner - concealed body - fatal assault culmination of assaults over a number of hours - where deceased's remains not found for five and a half years – deceased's disappearance subject of coronial inquest - history of domestic violence / personal violence offences against deceased. Background of deprivation - special circumstances.
165.	Quinlin (23) [2021] NSWCCA 284	Unlawful and dangerous – assault Assault - general	PG (25%)	3y NPP 12m	Crown AD	Minor.	Fight with male victim after argument – both had been drinking together with others – both threw punches - football-style tackle on downward sloping concrete path – deceased fell backwards hit head on concrete – applicant left – victim found next morning lying in same position deceased. Aboriginal male - schizophrenia – youth - social disadvantage - lacked skills to deal with “adult issues” - good prospects of rehabilitation – low risk reoffending - remorse.

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
166.	Egan (53) [2022] NSWSC 399 Button J	Unlawful and dangerous - assault	VG (murder trial) PG prior to committal (25%)	7y 6m NPP 5y		Lengthy. Reckless wound, armed with intent, damage property, intimidate police officer. On conditional liberty.	Unprovoked drunken jostling between deceased and offender known to each other – offender purposely broke bottle, resulting in being left with sharp broken neck of bottle in his hand - struggle then developed with deceased – deceased fatally wounded to throat. Mature Aboriginal male – homeless – childhood marred by violence, alcohol – substance abuse – physical and mental health - repeated imprisonment for actual or threatened violence. Remorse - very guarded optimism about future – special circumstances.
167.	Delaney (50) [2022] NSWSC 492 Fagan J [2023] NSWCCA 181	Unlawful and dangerous – assault Assault - general	VG (at murder trial)	16y NPP 12y	Conviction AD	Frequent violent offending	Assaulted male deceased known to offender – blamed deceased for break-up with partner and believed deceased had stolen money - blows with fists to head and series of knee-blows a significant cause of spleen rupture, leading to internal bleeding and heart failure – messages to deceased showed intent to cause GBH and highly emotional state. Remorse - mental disorders - major depressive disorder; substance abuse disorder - emotional volatility - very disadvantageous upbringing
168.	DF (25; 29 at sentence) [2022] NSWSC 762 Garling J	Victim under 18y Assault – Domestic Unlawful and dangerous - assault	PG (5%)	14y 3m NPP 10y 8m		Minor fraud. Not significant.	Female – mother killed own son / child aged 2 years 5 months – death caused by assault – blunt force injuries / trauma using hands or fists to victim's head, abdomen, chest – multiple internal injuries and bruising – failed to call ambulance or take to hospital when victim appeared unwell. Unable to make any finding as to rehabilitation.
169.	McDonough (24 at offence, 30 at sentence) [2022] NSWSC 1545 Fagan J Co-offenders: ROBERTSON SYMONS McDONALD	Unlawful and dangerous – assault Assault – General Accessorial	VG (25% early offer PG to mansl)	7y 6m NPP 5y		AOABH, assault police, assault by negligent driving	2017 – Four males participated in severe, targeted bashing of male – assault took place at request of CC who had animosity with deceased – concerted kicking and stomping attack - all members of Rebels outlaw motorcycle gang - joint criminal enterprise. Disadvantaged childhood involving poverty, violence – special circumstances – remorse.

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
170.	ST (17) [2022] NSWSC 1696 Davies J	Unlawful and dangerous - assault Assault – general Fight - assault Accessory	PG (25%)	6y 9m NPP 4y 1m		AOABH – offences while in custody including affray	Group of youths assaulted 18y male victim outside party – victim kicked, punched and stomped to head and face for several minutes while defenceless on ground – assault fatal – offender joined brother in assault – kicked, punched and stomped on victim but did not cause death – contemplated grievous bodily harm – sentenced separately for unrelated assault committed at party earlier in night Low intellectual functioning – substance abuse since early teens – remorse – some evidence of rehabilitation progress – prospects of rehabilitation good and risk of re-offending low – special circumstances Co-offenders sentenced for murder and affray
171.	Rudolph (24) [2023] NSWSC 181 RA Hulme J	Unlawful and dangerous - assault Victim under 18y	PG (10%)	8y NPP 6y		Possess drugs, damage property. On conditional liberty.	13-week-old baby / Victim under 18y – “vigorous” intentional shaking while head unsupported – in relationship with deceased’s aunt – incident occurred whilst caring for deceased – had been awake all night having consumed drugs earlier. Drug abuse - deprived and dysfunctional childhood, neglect, physical and emotional abuse, exposure to violence, drugs – reduced moral culpability – no remorse – potential for rehabilitation.
172.	White (18; 52 at sentence) [2023] NSWSC 611 Beech Jones CJ at CL	Assault – general Unlawful and dangerous act	PG (10%)	9y NPP 6y		Assaults, stealing, malicious damage, offensive language.	(1988) - punch by offender caused victim to fall off nearby cliff - offender did not seek assistance or alert authorities after victim’s fall. Cognitive impairment did not affect objective seriousness of offending – youth - degree of cognitive impairment and violent, dysfunctional background contributed to offending and reduced moral culpability - remorse given little weight due to cognitive impairments.

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
173.	Valencia Valencia (No.3) (20) [2023] NSWSC 780 Yehia J	Assault – general Unlawful and dangerous act Asphyxiation	VG (murder trial – 25% for offer)	10y NPP 6y 9m		nil	Offender paid victim for sexual services in her home – became angry when realised victim transgender and started punching victim – during struggle asphyxiated victim with lamp chord across neck – sought to conceal presence and left unit then country without seeking assistance for victim – spontaneous offence – mid-range Colombian national – remorse - discount for facilitation of administration of justice – difficulties in custody – isolation – good prospects of rehabilitation – unlikely to re-offend
174.	TB (13y 3m) [2024] NSWSC 447 RA Hulme AJ	Assault – general Unlawful and dangerous – assault Accessorial	PG (25%)	7y 6m NPP 4y 6m		nil	One of group of people bashed 16y male victim over 33 minutes – victim suspected of stealing airpods so lured to home of owner – victim assaulted by adult male in bedroom while offender and others looked on – when adult male left offender and others continued assault – offender stomping on victim’s chest - sustained and extremely vicious assault involving kicking, punching and stomping – attack filmed Moral culpability reduced by youth and background of serious neglect, trauma, violence and transience – cultural disconnection – mental health issues – genuine remorse – good prospects of rehabilitation Co-offenders sentences for murder: BE [2023]; BL [2024]; AD [2024]; SIONE and DAWSON [2024]

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
175.	Davies (31) [2024] NSWSC 786 Walton J	Assault – Single blow Unlawful and dangerous - assault Assault – general	PG (25%) Manslaughter s.166 Certificate Intimidation Destroy property	<u>Indicative</u> 9y 6m 6m <u>Aggregate</u> 9y NPP 6y		Dishonesty, property damage, contravene AVO, stalk and intimidate, driving, affray.	Single punch to head of male deceased, aged 74y – belief that deceased was a paedophile – context of killing was argument between deceased and SM, a young person who left and offender being unable to find her - offender intoxicated - sentenced on basis of single punch, although other acts of violence at or about time of assault - deceased had significant vulnerability in chronic subdural haematoma likely to bleed at any time even from minor event ('eggshell skull' rule) - death caused by fresh subdural bleed which augmented recent pre-assault bleeding. Social deprivation – severe alcohol abuse disorder from 12-13y - significant mental health history - tendency to violence – absence of planning – vulnerability of deceased – hatred for prejudice against a group of people – guarded rehabilitation – remorse - special circumstances.
176.	Craig (25 at offence / 62 at sentence) [2024] NSWSC 1059 N.Adams J	Assault – domestic Unlawful and dangerous - assault	PG (25%)	9y NPP 6y		Nil prior – fraud offence in 2009	(1987) Mother hit 2y 5m daughter with irrigation pipe as discipline – member of cult strictly controlled by leader who required physical discipline of children - body of victim burned by leader, offender moved overseas and lied about whereabouts of daughter – prolonged assault – breach of trust – home of victim – not act of gratuitous cruelty – above mid-range s.21B not applicable – old sentencing patterns applied Subsequently struggled with substance abuse and gambling – mental and physical health issues – late and genuine remorse – reasonable prospects of rehabilitation – special circumstances to reflect historical patterns

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
177.	Staff (68) [2024] NSWSC 1471 Loneragan J	Unlawful and dangerous assault Assault - general	VG (25% for offer)	6y NPP 4y 3m		Limited	With two other men attended male victim's premises to assault victim – cannot conclude offender delivered any blows, or that he held victim to enable or to assist with assault – offender went there to identify victim's home to the two other men, one of whom he knew went to people's homes to "bash them for money" - left victim dying on floor - cause of death a combination of head injuries and neck compression – joint criminal enterprise – aggravating factors: home of victim and vulnerability of victim Unlikely to reoffend - medical and psychological issues – special circumstances – s.22A assistance at trial
178.	Rose (No.2) (50) [2025] NSWSC 88 Weinstein J	Unlawful and dangerous – assault Assault - general	PG (25%)	6y 4m NPP 3y 10m		Lengthy – primarily less serious property, drug and public order offences – some violence	Punched male acquaintance to head several times after becoming angry while sharing meal with victim and friend in victim's unit – no provocation – kicked victim once to head – ran fork down side of face causing abrasion – left when victim told them to leave – victim later found wandering streets bleeding profusely from back of head and chin – died next day – fatal injuries caused by falls after offender left – assault by offender caused victim to be unsteady on feet leading to falls – pre-existing physical health issues contributed to death Intoxication at time of offence relevant to subjective case – long term homelessness, itinerate lifestyle and substance abuse – deprived childhood justifying <i>Bugmy</i> principles – reduction in moral culpability – mental health issues – remorse – prospects of rehabilitation guarded – special circumstances

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
179.	<p>Symons (36 at offence, 44 at sentence)</p> <p>McDonald (24 at offence, 33 at sentence)</p> <p>Roberston (28 at offence – 37 at sentence)</p> <p>[2025] NSWSC 889 Hamill J</p> <p>Co-offenders: MCDONOUGH</p>	<p>Unlawful and dangerous – assault</p> <p>Assault – General</p> <p>Accessorial</p>	<p>PG (25%)</p> <p>PG (22-23%)</p> <p>PG (25%)</p>	<p>8y 3m NPP 5y 6m</p> <p>FT 6y 6m</p> <p>9y NPP 6y</p>		<p>Limited record – no personal violence</p> <p>Limited record</p> <p>Record including violence – prison infractions</p>	<p>2017 – Offenders participated in merciless, brutal and cowardly assault of male with one other co-offender – victim driven to service station, dragged from car and punched, kicked and stomped on over 30-40 seconds – all members of Rebels outlaw motorcycle gang - joint criminal enterprise to assault – unlawful and dangerous act – unsophisticated but planned and premeditated assault as part of ongoing dispute between victim and another person.</p> <p>Unusual case - lengthy delay – all three co-offenders successfully appealed against initial murder conviction – impact of Covid restrictions – each offered to plead to manslaughter prior to initial trial for murder – sentences backdated to take into account lengthy periods on remand in custody and stringent bail conditions – considered issue of return to custody where NPP and eligibility for parole would expire prior to date of imposition of sentence</p> <p>S – limited reduction to moral culpability due to dysfunctional childhood – remorse and quite good prospects of rehabilitation</p> <p>M – difficult childhood – genuine remorse and excellent prospects of rehabilitation – least involved in planning of offence</p> <p>R – limited reduction in moral culpability due to dysfunctional childhood – limited remorse and insight – prospects of rehabilitation guarded – engaged in most serious acts of violence in assault</p>

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
180.	Huber (69) [2025] NSWSC 1039 Rothman J	Assault – domestic Unlawful and dangerous act	VG Manslaughter (at murder trial) PG (5%) AOABH s.166 Certificate: Breach ADVO Trespass Assault	12y NPP 8y 9m FT 17m FT 12m Conviction only Conviction only <u>Total:</u> 12y 9m NPP 9y 6m		Lengthy and significant record	Fatal assault on female partner – no brain injuries – assault precipitated stress necessary to cause heart to stop – pre-existing coronary heart disease - methadone detected – no intent to cause GBH – volatile and often violent relationship – victim relied upon offender for some care after stroke – AOABH related to punching to face several days earlier Some evidence of childhood trauma – complex PTSD at time of offence – couple made homeless by floods – danger of institutionalisation – failure to take responsibility
181.	Fraser (22) [2025] NSWSC 1202 Chen J	Assault – general Unlawful and dangerous Accessorial	PG (25% - total combined discount unknown)	6y 6m NPP 4y 2m		Driving offence	Male friend attended unit residence of offender and co-offender to collect drugs – victim overpowered by co-offender and forced to ground – at request offender provided duct tape which was placed over victim's mouth – co-offender held victim in chokehold while offender sat on legs – victim vomited and suffocated – unsuccessful attempt made to resuscitate but no medical assistance called – body kept in unit for several days until arrangements made with third person to place body in cabinet and throw into river – joint criminal enterprise – co-offender primary offender – planned assault in attempt to recover drug debt – flown to Germany and not returned – moderately serious manslaughter Prior good character – genuine remorse – good prospects of rehabilitation – unlikely to re-offend – impact of mental health on custodial conditions – special circumstances

Last Updated: Oct 2025

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