# Manslaughter

## Unlawful and Dangerous - Shooting

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

| | Case (age if known) | Type | Plea | Sentence | Appeal | Record | Facts |
|---|---|---|---|---|---|---|---|
| **1.** | **Manning**<br>NSWCCA<br>15.4.1988 | Unlawful and dangerous - shooting<br><br>Shooting - domestic | PG | 5y<br>NPP 2y | AD | nil | Shot husband - good relationship with history of violent arguments – on night of killing had argument over phone - went to friend's house and obtained rifle - shot at husband in dark intending to frighten him when he arrived home |
| **2.** | **Roberts**<br>NSWSC<br>Hunt J<br>31.8.1989 | Unlawful and dangerous - shooting<br><br>Shooting – domestic | PG | 2y GBB | | Nil | Aboriginal female shot husband - history of domestic violence - physical & psychological abuse - treated like a 'dog' - husband had ongoing affair - on day of offence violent argument - intended to shoot husband in leg but confrontation led to shooting in chest |
| **3.** | **Jennar**<br>NSWCCA<br>4.3.1991 | Unlawful and dangerous – shooting<br><br>Shooting - general | VG Manslaughter<br><br>Rob with wound | 20y<br>NPP 15y<br><br>(concurrent) | AA<br>MT 7y 7m<br>AT 2y 6m | | Killed victim with shotgun - believed he had been ripped off in drug deal<br>Affected by sleeping pills and need for drugs |
| **4.** | **Ryan**<br>(46)<br>NSWSC<br>Abadee J<br>25.7.1991 | Unlawful and dangerous - shooting<br><br>Shooting - domestic | PG | MT 3y 4m<br>AT 1y 1m<br>(PSC 1.5m) | | | Shot wife with shotgun - deliberately placed gun near victim, threatening her<br>Moderately affected by alcohol |
| **5.** | **McMillan**<br>NSWSC<br>Slattery AJ<br>17.12.1992 | Unlawful and dangerous - shooting<br><br>Shooting - domestic | VG | MT 5y<br>AT 3y | | PCA and unlicensed driver | Turbulent relationship with female victim - on day of shooting victim told him to leave - pointed rifle at victim and it discharged - affected by alcohol |

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

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|---|---|---|---|---|---|---|---|
| **6.** | **O'Brien**<br>(17)<br>NSWCCA<br>29.4.1993 | Unlawful and dangerous - shooting<br><br>Juvenile offender<br><br>Shooting – general | VG<br>Manslaughter<br><br>Shoot with intent | MT 7y<br>AT 6y | AD | nil | Intoxicated youth had confrontation with victim and others on street - obtained gun from home then used it to facilitate escape from second confrontation |
| **7.** | **Aslan**<br>(18)<br><br>**El Kerdi**<br>(17)<br><br>NSWSC<br>Ireland J<br>1.11.1994<br><br>Co-offender:<br>EL BADAR | Unlawful and dangerous – shooting (El-Kerdi)<br><br>Shooting – general<br><br>Juvenile offender<br><br>Accessory (Aslan)<br><br>Fight - shooting | PG<br><br>PG | MT 2y<br>AT 3y<br>(assistance)<br><br>MT 3y<br>AT 3y<br>(assistance) | | Record for violence – breached bail | Drive by shooting at dance party - three shots fired, killing one person and injuring another - retaliation for being forced to leave party after fight.<br>El-Kerdi – shooter - possibly under the influence of Rohypnol at the time - early plea. |
| **8.** | **Maguire**<br>NSWCCA<br>30.8.1995 | Unlawful and dangerous - shooting<br><br>Shooting – general | VG | MT 8y<br>AT 2y | AD | priors but not for violence | Altercation at club with victim - returned with gun and resumed fight - accidental discharge - intoxicated |
| **9.** | **Bessant**<br>(25 at offence)<br>NSWSC<br>Smart J<br>20.5.1998 | Unlawful and dangerous - shooting<br><br>Shooting - general | VG | MT 12y<br>AT 6y | | bad record - committed AR four days after shooting. | Re-determination under s.13A<br>(1987) contracted to drive past and fire at house to frighten occupants - 5y girl killed - dispute between neighbours<br>Substantial rehabilitation although minor drug matters in gaol - when eligible for release will have spent 15y 10m in gaol |
| **10.** | **Papandrea**<br>[1999] NSWSC 978<br>Studdert J<br><br>[2000] NSWCCA 499 | Unlawful and dangerous - shooting<br><br>Shooting - general | PG | MT 6y<br>AT 3y | AD | not relevant | Shot acquaintance at close range - circumstances of shooting not clear - both affected by drugs |

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| **11.** | **Oinonen**<br>(62)<br>[1999] NSWCCA 310 | Unlawful and dangerous - shooting<br><br>Shooting - general | VG<br>(at murder trial – offer to plead) | MT 8y<br>AT 3y | AA<br>MT 6y<br>AT 3y | not stated | Intoxicated male confronted victim about stolen opals - fired at victim as he ran away |
| **12.** | **Tran**<br>(39)<br>[1999] NSWCCA 443 | Unlawful and dangerous - shooting<br><br>Shooting – domestic | PG | MT 4y 6m<br>AT 1y 5m | AD | driving offences | Suspected teenage brother stealing from mother - accidentally shot victim in head with licensed pistol trying to scare him<br>Married with 5 children |
| **13.** | **Luong**<br>(17)<br>[2000] NSWSC 505<br>Sully J | Unlawful & dangerous - shooting<br><br>Criminal negligence<br><br>Juvenile offender<br><br>Victim under 18y<br><br>Shooting - domestic | VG | 4y<br>NPP 2y | | nil | Hosted party for school friends at family home - while displaying gun deliberately fired at 16y female friend mistakenly believing no live ammunition in gun<br>Excellent subjective features |
| **14.** | **Stelfox**<br>(21)<br>[2001] NSWSC 630<br>Howie J<br><br>(2002) 133 A Crim R 288<br>[2002] NSWCCA 331<br><br>Co-Offenders:<br>SINGLETON<br>DENTON | Accessory<br><br>Shooting – general<br><br>Unlawful and dangerous - shooting | PG<br>(45% plea and assist) | 5y<br>NPP 2y 6m | AD | nil relevant | Male shot dead during attack by three men, including offender - pay back for insulting behaviour of victim towards mother of one offender - volunteered to join enterprise - aware of presence of shotgun - joint criminal enterprise to carry out unlawful and dangerous acts - intended to inflict harm with weapons capable of inflicting serious injury<br>Offence out of character - mildly affected by drugs - depressed as result of offence - remorse |

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| **15.** | **Pennisi**<br>(28)<br>[2001] NSWSC 461<br>Bell J<br><br>[2001] NSWCCA 326 | Unlawful and dangerous - shooting<br><br>Shooting - general | VG<br>(at murder trial - 25% offer to plea and assist) | 9y<br>NPP 6y | AD | nil | Confronted manager of shopping centre with loaded .22 calibre Ruger semi-automatic rifle hoping to force him to drop civil suit - during struggle victim shot in stomach - panicked and fired ten shots at point blank range<br>Voluntarily surrendered to police - depressed at time of offence because of failing business failing – truly remorseful |
| **16.** | **Diab**<br>(19)<br>[2003] NSWSC 978<br>Shaw J<br><br>[2005] NSWCCA 64 | Unlawful and dangerous - shooting<br><br>Shooting – general<br><br>Accessory | PG<br>(25%)<br><br>Sched:<br>Affray<br>2 x Firearms offences | 9y<br>NPP 6y | AD | Nil | With juvenile co-offender became involved in altercation with 18y male on street - co-offender shot victim at close range in chest – unpremeditated - aware of presence of loaded gun but not aware co-offender would shoot<br>2 days before threatened male at service station with loaded pistol - prior good character and strong prospects of rehabilitation<br>Co-offender MA sentenced for murder |
| **17.** | **Van Oosterum**<br>(50)<br>[2004] NSWSC 532<br>Greg James J | Unlawful and dangerous - shooting<br><br>Shooting - general | PG<br>(25%) | 7y<br>NPP 4y | | Nil | Offender's gun discharged during struggle with victim on street – offender confronted victim over alleged relationship with offender's wife – no intent – in possession of gun to ensure victim listened<br>Suffering depression and disordered thinking – emotionally distraught – grave loss of judgment - contrition – co-operation – prior good character – excellent prospects of rehabilitation |
| **18.** | **M.Taufahema**<br>(25)<br>[2007] NSWSC 959<br>Grove J<br><br><br>Co-offender:<br>J.TAUFAHEMA | Unlawful and dangerous shooting<br><br>Shooting – general<br><br>Accessory | PG<br>(18.5%) | 11y<br>NPP 7y | | Priors including violence – breached parole | Driver of car with four occupants and unlicenced firearms – car stopped by highway patrol police officer – officer shot dead by co-offender – contemplated possibility that someone would discharge firearm without intent to kill or cause GBH<br>Father to young daughter – prospects of rehabilitation – onerous conditions of custody for some period of incarceration – genuine remorse – history of trial and appeals raising element of double jeopardy |

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| 19. | **Kaiser**<br>(34)<br><br>**Hunt**<br>(19)<br><br>[2007] NSWSC 1362<br>Barr J<br><br>(Kasier)<br>[2009] NSWCCA 130 | Unlawful and dangerous - shooting<br><br>Shooting – domestic<br><br>Accessory | PG<br><br>Sched: Supply amphet<br><br>PG | 10y 11m<br>NPP 8y 2m<br><br>9y<br>NPP 6y 9m | AD | Breached conditional liberty – record for ADVO offences<br><br>Priors – breached conditional liberty | K angry with former lover over ending of relationship and drug debt – arranged for H to 'deal with' her – H fired three shots at house killing victim – carefully planned offence – K accessory in sense of not being shooter<br>K – instigator and planner – drug addictions – bipolar disorder in remission<br>H – chose to use gun |
| 20. | **Frazer**<br>(52)<br><br>**Spencer**<br>(37)<br><br>[2007] NSWSC 1449<br>Howie J | Accessory<br><br>Shooting – general<br><br>Unlawful and dangerous - shooting | VG<br><br>VG | 11y<br>NPP 7y 6m<br><br>13y<br>NPP 9y 6m | | Old record<br><br>Extensive record | S organised armed robbery of male flatmate in early hours of morning – F and co-offender participated in robbery - during robbery co-offender shot victim in head – both aware co-offender armed with loaded firearm but did not foresee would be used with required intent<br>Co-offender Wilson sentenced for murder: [2008] NSWSC 238 |
| 21. | **Kari**<br>(19)<br><br>**H**<br>(16)<br><br>[2008] NSWSC 993<br>Hidden J | Unlawful and dangerous - shooting<br><br>Juvenile offender<br><br>Shooting – general<br><br>Accessory | PG<br>(15%)<br><br>Sched: Home invasion<br><br>PG<br>(15%)<br><br>Sched: Rob in co | 7y<br>NPP 4y 6m<br><br>6y<br>NPP 3y 6m | | Dishonesty and drug offences – breached bail and bond<br><br>Alarming record for violence – breached probation | Part of group of men attending victim's house intending to shut down drug operation – K handed gun by H at last minute – during subsequent struggle K fired shot voluntarily but without intent hitting victim fatally in chest – reluctant participants<br>K – remorse – family support – good prospects of rehabilitation<br>H – prospects of rehabilitation |

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| **22.** | **J.Taufahema**<br>[2007] NSWSC 1460<br>Grove J<br><br>Co-offender:<br>M.TAUFAHEMA | Accessory<br><br>Shooting – general<br><br>Unlawful and dangerous - shooting | PG | 11y<br>NPP 7y<br><br>Total:<br>(see facts)<br>14y<br>NPP 10y | | | One of four occupants in stolen car – co-offender shot police officer – participated in offence of unauthorised possession of firearms contemplating possible discharge of firearm without required intent<br>Sentenced after earlier trial for related offences of unauthorised use of weapon to prevent lawful apprehension, attempted carjacking and use firearm without authority |
| **23.** | **Seelin**<br>(37)<br>[2009] NSWSC 286<br>Fullerton J | Unlawful and dangerous - shooting<br><br>Shooting - domestic | PG<br>(10%)<br>Manslaughter<br><br>Poss unauth firearm | 7y 2m<br>NPP 5y 4m<br><br>FT 2y 6m<br>(concurrent) | | Nil | Friendly relationship with male neighbour soured – victim assaulted offender and made threats against family – offender kept loaded revolver in house with young children for some time before shooting – legitimate fear – on day of shooting spoke to victim over fence with loaded firearm concealed – victim later approached offender outside house and repeated threats – pursued offender into offender's house and damaged screen door – offender fired one shot through screen door – element of self defence and defence of young children in house<br>Prior good character – offence out of character – sound prospects of rehabilitation – mild chronic depressive illness |
| **24.** | **Scott**<br>(26 at offences – 37 at sentence)<br>[2010] NSWSC 1026<br>Hidden J | Accessory<br><br>Shooting – general<br><br>Unlawful and dangerous - shooting | PG<br>(15%)<br>Manslaughter<br><br>Armed Ass w/l rob | 11y<br>NPP 8y<br><br>FT 5y<br><br>Total:<br>12y<br>NPP 9y | | nil | Accessory before fact – arranged for co-offenders to cause ex-business partner physical harm and steal money – angered by soured business relationship – provided photo of victim and gun but no ammunition – victim shot dead in struggle – paid co-offender $50,000 after being threatened – reasonable person would have anticipated risk of serious injury – no intent to have victim shot<br>Co-offender Grupe [2007] NSWSC 1303 sentenced for murder |

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| 25. | **Forbes**<br>(20)<br>[2011] NSWSC 1547<br>Harrison J<br><br>Co-offender:<br>SHEDDEN | Accessory<br><br>Fight - shooting<br><br>Shooting – general<br><br>Unlawful and dangerous - shooting | PG<br>(50% plea and assist) | 3y<br>NPP 1y 6m | | nil | Continuation of earlier confrontation between two groups – offender one of group who gathered and planned assault – co-offender armed with gun – car driving victim and others stopped by group – victim emerged from car armed with weapon and shot by co-offender – offender was not armed but aware co-offenders were – shooting was not intended – no planning – contemplated unlawful and dangerous act was AOABH<br>Protective custody – special circumstances – assistance to authorities - prior good character.<br>Second co-offender sentenced for murder Shedden [2012] NSWSC 854 |
| 26. | **Aslett**<br>(22)<br>[2012] NSWSC 711<br>Harrison J<br><br>Co-offender:<br>WA<br>ASLETT | Accessory<br><br>Shooting – general<br><br>Unlawful and dangerous - shooting | VG<br>(at murder trial - 25% for offer) | 6y 3m<br>NPP 4y | | Assault | Argument with male victim over alleged burning of brother's car – with cousin and brother confronted victim at his home – offender and cousin armed with machete and baseball bat – brother armed with handgun – victim offered unarmed fistfight – brother shot victim in back – all offenders fled scene – joint criminal enterprise to threaten or use unlawful violence - while armed just below mid-range<br>Difficult childhood – temper problem – partner with young child |
| 27. | **Shedden**<br>(31)<br>[2012] NSWSC 759<br>Fullerton J<br><br>[2013] NSWCCA 225<br><br>Co-offender:<br>FORBES | Unlawful and dangerous - shooting<br><br>Shooting – general<br><br>Fight - shooting<br><br>Accessory | PG<br>(25% plea and assist) | 9y<br>NPP 6y 9m | AD | violence | Male shot dead emerging from car that had been lured into suburban street – attack retaliation for earlier assault by victim on several members of group – offender allowed house to be used for planning of assault on victim and was present during attack - aware someone in group had gun – played principal role – high degree of criminality<br>Protective custody - lost all contact with family, wife and children<br>Brother sentenced for murder Shedden [2012] NSWSC 854 |

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| 28. | **Mariam**<br>(24)<br>[2012] NSWSC 1023<br>Latham J<br><br>[2013] NSWCCA 338 | Unlawful and dangerous - shooting<br><br>Fight - shooting<br><br>Shooting - general | VG<br>(at murder trial – 15% for offer)<br>Manslaughter<br><br>Affray | 7y 9m<br>NPP 5y 9m<br><br><br><br>FT 3y<br><br><u>Total</u>:<br>8y<br>NPP 6y | Crown AA<br>12y<br>NPP 8y 9m<br><br><br><br>FT 4y<br><br><u>Total</u>:<br>13y<br>NPP 9y 9m | Old robbery offences | Involved in arranged confrontation between two groups of male youths – fired up to ten cartridges from Ruger pistol at opposing group in car park – bullet struck truck driver across road killing him instantly – first to discharge firearm<br>Married with two children – moderate prospects of rehabilitation |
| 29. | **O'Brien**<br>(19)<br><br><br><br><br>**McManus**<br>(19)<br><br><br><br><br>**Williams**<br>(23)<br><br><br>[2012] NSWSC 1503<br>Price J | Unlawful and dangerous - shooting<br><br>Shooting - general<br><br>Accessory | PG<br>(15%)<br>Manslaughter<br><br>s97(1) att rob in company<br><br>PG<br>(15%)<br>Manslaughter<br><br>s97(1) att rob in company<br><br>PG<br>(15%)<br>Manslaughter<br><br>s97(1) att rob in company | 7y 10m<br>NPP 5y 6m<br><br><br>FT 4y 3m<br>(concurrent)<br><br>7y 8m<br>NPP 5y 4m<br><br><br>FT 4y 1m<br>(concurrent)<br><br>8y 1m<br>NPP 5y 9m<br><br><br>FT 4y 6m<br>(concurrent) | | Malicious wound, rob in co<br><br><br><br><br>Rob in co, Driving with drugs<br><br><br><br><br>Assaults, AOABH, on bond | Victim was part of group who had arranged to supply ecstasy to offenders – offenders planned to rob suppliers and on-sell drugs for significant financial gain - victim died from gunshot wound to head during robbery attempt – gun fired from vehicle driven by offenders - each offender sentenced on basis he did not fire gun and did not know of weapon<br>O'Brien – substance abuse – schizophrenia<br>McManus – substance abuse – good rehabilitation prospects<br>Williams – tragic early life following death of mother – early use of drugs and alcohol – prospects of employment – family support - special circumstances |

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| 30. | **WA**<br>(20 - 16 at time of offence)<br>[2012] NSWSC 1317<br>Button J<br><br>[2014] NSWCCA 92<br><br>Co-offender<br>ASLETT<br>ASLETT | Unlawful and dangerous - shooting<br><br>Juvenile offender<br><br>Shooting – general | PG<br>(25%) | 8y<br>NPP 6y | AD | Agg BES – BES - resist police – stalking - intimidation | Offender's car allegedly set alight by neighbour – offender went with brother and cousin to confront victim – brother and cousin armed with baseball bat and machete – offender armed with loaded rifle – shot number of bullets parallel to ground – one bullet hit victim in back and penetrated heart – gross spontaneous overreaction<br>Dysfunctional upbringing – remorse – rehabilitation prospects. |
| 31. | **Abbas**<br>(18)<br>[2013] NSWSC 1379<br>Beech-Jones J<br><br>[2014] NSWCCA 188 | Unlawful and dangerous - shooting<br><br>Shooting - general | PG<br>(25%)<br>Manslaughter<br><br>AOABH in Company<br><br>Poss proh pistol<br><br>Sched:<br>Poss ammo | 11y<br>NPP 7y<br><br>FT 2y<br><br>FT 3m<br><br>Total:<br>11y<br>NPP 8y | AD | minor | Attended home of friend carrying prohibited pistol to confront male acquaintance over drug debt – assaulted male to head – pistol discharged killing friend of offender |
| 32. | **Elsamad**<br>(19 at offence – 22 at sentence)<br>[2020] NSWSC 1372<br>Hidden AJ | Unlawful and dangerous – shooting<br><br>Shooting - general | VG<br>(at murder trial - 15% for offer to plead) | 10y<br>NPP 7y | | Robbery in company, dishonesty, possess drugs. | Shot victim – animosity between offender and victim – earlier episode of aggression by victim – offender deliberately obtained shotgun from apartment and confronted victim although acting impulsively<br>Troubled background - limited intelligence - history of depression |
| 33. | **Zarshoy**<br>(28)<br>[2023] NSWSC 1177<br>Davies J | Unlawful and dangerous<br><br>Shooting - general | VG<br>(at murder trial) | 12y<br>NPP 8y | | Lengthy including serious violence – beached conditional release order for suspended driving | Attended home of victim to purchase illegal military type gun – shot victim once in leg severing artery – no argument or struggle – motive unclear – above mid-range<br>Impoverished refugee family from Afghanistan – mental health issues resulting from long history of drug abuse – special circumstances – personal deterrence – prospects of rehabilitation guarded – risk of institutionalisation – some concurrence to existing sentence |

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| 34. | **Garland**<br>(63)<br>[2024] NSWSC 80<br>Hamill J | Shooting – general<br><br>Accessory<br><br>Unlawful and dangerous - shooting | VG<br>(murder trial) | 7y<br>NPP 3y | | Nil violence – recent drug supply offences – breached parole | Drove male acquaintance to residential area at night – became party to agreement to commit unlawful and dangerous act of violence although unaware of gun or identity of victim – waited in car – co-offender shot dead grandmother in her home – significant disconnect between joint criminal enterprise offender a party to and magnitude of crime committed – knew little of plan and involved for very short time<br>Difficult life developing PTSD after near fatal poisoning – depressive disorder and physical health issues resulting in substance abuse – difficult custodial conditions – remorse – good prospects of rehabilitation – unlikely to re-offend – sentence reduced from 10y for unstated reasons – special circumstances based on partial accumulation to existing sentence<br>Co-offender sentenced for murder |
| 35. | **Rae (No.2)**<br>(35)<br>[2024] NSWSC 713<br>N.Adams J | Shooting - general<br><br>Unlawful and dangerous - shooting | PG<br>(10%) | 9y<br>NPP 5y 9m | | Lengthy record including firearms offences | Shot male acquaintance during physical struggle in unit of friend – argument commenced over drug money owed – offender armed with loaded pistol although shooting not intentional<br>Difficult childhood – both parents suffered mental health issues and committed suicide – violence – reduction in moral culpability - offender diagnosed with serious mental health issues – risk of institutionalisation – remorse – some prospects of rehabilitation – special circumstances |

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| 36. | **Faaoloii** (23) [2026] NSWCCA 51 | Shooting – general<br><br>Fight - shooting<br><br>Unlawful and dangerous act - shooting | PG (25%) | 12y NPP 9y | AD | Multiple armed robbery, wound with intent cause GBH. On parole. | (2020) Confrontation with rival group – offender only became involved in confrontation shortly before – unplanned, spontaneous - drove younger co-offenders to confrontation - armed with shotgun, approached vehicle of victim – pointed gun at head of 15y passenger - walked to victim's side of car and manually actioned firearm a second time - did not know victim - accidentally discharged shotgun striking victim at close range to centre of chest - no intent kill or GBH - deliberately pointed firearm at victim at close range, knowing it was loaded.<br>No remorse - medium risk reoffending.<br>CCA: Error in assessment of moral culpability by having regard to post-offence conduct that victim failed for two years to acknowledge responsibility for offending – no lesser sentence warranted |

**Last Updated: April 2026**