Manslaughter

Unlawful and Dangerous - Stabbing

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
1.	**Taouk** NSWSC Abadee J 28.3.1991 NSWCCA 20.3.1992	Unlawful and dangerous - stabbing Stabbing – general	PG	MT 5y AT 2y	AA MT 3y AT 3y 8m	nil	Brawl in night club one week before – on night of killing victim approached offender in hotel and commenced to harass and assault him – stabbed using knife carried for general use, not armed with knife for purpose of violence
2.	**Woolsey** NSWSC Newman J 19.8.1993	Unlawful and dangerous – stabbing Stabbing – domestic	PG	4y GBB		nil	History of domestic violence when victim drunk – offender assaulted during argument with victim - picked up knife to scare victim off and stabbed him
3.	**Fletcher** NSWSC Newman J 20.8.1993	Unlawful and dangerous – stabbing Stabbing - general	VG	MT 4y AT 5y		serious record - offence committed on parole	During fight with stranger stabbed him twice in chest Much evidence of rehabilitation
4.	**Quinn** (37) NSWSC Abadee J 28.4.1995	Unlawful and dangerous - stabbing Stabbing - domestic	PG	MT 1y 1m 20d AT 2y 5m		Minor	Stabbed brother - using knife to prepare breakfast when argument developed - parried knife in response to punch from victim Both chronically and severely mentally ill - forensic patient at time of sentence - schizophrenic/bi-polar/ chronic schizo affective disorder
5.	**MacDonald** NSWCCA 12.12.1995	Unlawful and dangerous - stabbing Stabbing – general	PG	5y GBB [PSC 17m]	Crown AA MT 3y AT 2y	on probation for unlawful wounding	Stabbed school teacher with fishing knife after altercation with students - students had stolen property - offence spontaneous

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.	**Varagnolo** NSWSC McInerney J 21.3.1996	Unlawful and dangerous - stabbing Stabbing – domestic	PG	2y GBB		mal wound but not relevant	Long history of violent relationship with victim, including rape - night of killing violent argument, including assault on offender's young daughter - picked up knife with intention of frightening victim - stabbing occurred when victim moved towards offender Very deprived background – Aboriginal female - stolen generation
7.	**Edwards** NSWSC Simpson J 2.8.1996 (1996) 90 A Crim R 510	Unlawful and dangerous - stabbing Stabbing - domestic	PG	3y PD	Crown AA MT 18m AT 18m		Female stabbed male lover during argument Care for third party not exceptional circumstances
8.	**Appleby** NSWSC Ireland J 18.7.1997	Unlawful and dangerous- stabbing Stabbing - domestic	PG	MT 3y AT 3y		dishonesty and drugs	Stabbed brother in fight with kitchen knife - single stab wound - intent to frighten - just woken from deep sleep and responding to argument between brother and girlfriend
9.	**Lam** (40) NSWSC Hidden J 20.3.1998	Unlawful and dangerous - stabbing Stabbing - domestic	VG	MT 3 AT 2y		minor assaults	Shared house with victim - confrontation about victim's unwelcome advances to offender's girlfriend – victim became aggressive and tried to take up knife - offender grabbed knife first - multiple wounds as fight continued through house
10.	**Bollen** (1998) 99 A Crim R 510	Unlawful and dangerous - stabbing Stabbing - domestic	VG	MT 4y 3m AT 1y 3m	AA MT 3y 4m AT 1y 2m	minor	Lived in flat above garage next to victim's house - history of much antagonism - victim and brother verbally abusing offender - victim later approached offender who lunged and stabbed victim - deliberate but reactionary action
11.	**Pham** (22) NSWSC Hidden J 15.5.1998	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 5y AT 3y		minor - not significant	Robbed two pedestrians with co-accused - later attempted to rob victim who pulled a knife - struggle ensued and victim stabbed in chest - low range of culpability
12.	**Moore** NSWCCA 16.6.1998	Unlawful and dangerous - stabbing Stabbing – domestic	PG	MT 2y 11m 21d AT 3y	AD	minor	Stabbed de facto husband during violent argument - history of violence and alcohol abuse Aboriginal female - violent past, including domestic violence - pancreatitis, PTSD, borderline personality disorder - truly remorseful - commenced rehabilitation

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13.	**Kennedy** (70) NSWSC Greg James J 30.6.1998	Unlawful and dangerous - stabbing Stabbing – domestic	PG	3y GBB			Stabbed 78y husband once in stomach - died fourteen days later Culpability affected by mental conditions including dementia – intoxication – poor health – abused by husband
14.	**PN** (17) NSWSC Barr J 30.10.1998	Unlawful and dangerous - stabbing Stabbing – general Fight - stabbing Juvenile offender	PG	MT 8y AT 4y		assaults committed in gaol awaiting sentence; on bond at time of offence	Pacific Islander - brother involved in earlier fight with group - armed with knife went back with others to continue fight - stabbed one victim in back and fatally stabbed second victim under influence of alcohol and cannabis Tragic background – mother suicided when offender 2y, then watched sister suicide when 7y – low average intellectual disability
15.	**MHN (No.2)** (17 at offence – 20 at sentence) NSWSC Kirby J 20.11.1998	Unlawful and dangerous - stabbing Stabbing – general Juvenile offender	PG	FT 4y			Unarmed Vietnamese youth followed from skating rink and attacked by group wielding weapons – picked up knife dropped by assailants and fatally stabbed one male attacker and wounded second male – not aggressor – element of provocation and diminished responsibility Volunteered previously unknown guilt to police – unhappy childhood – suffering depression – sentenced at similar time for murder - *MHN* NSWSC 29.10.1998
16.	**Lewis** [1999] NSWSC 131 Sully J	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG	MT 6y AT 3y		mal wound with w/i GBH – breached bail and parole	Member of Rebel Motorcycle Club - helped bouncer remove victim who was being a nuisance at hotel - punched and kicked victim - left scene but other club members continued assault - victim stabbed to death Seriously assaulted in gaol because wife giving evidence - good prospects of rehabilitation
17.	**TM** (17) [1999] NSWSC 504 Hidden J	Unlawful and dangerous - stabbing Juvenile offender Stabbing - general	PG	MT 3y AT 2y JJ detention		not relevant	Chased victim with friends after confrontation in pub - friends kicked and punched victim to ground - offender stabbed victim in leg causing death Good prospects of rehabilitation, supportive family

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18.	**Bryant** [1999] NSWCCA 181	Unlawful and dangerous - stabbing Stabbing - domestic	VG (at murder trial)	MT 6y 6m AT 3y 6m	AD	other offences not specified	During struggle in kitchen victim savagely and brutally stabbed in chest and head - other wounds to body History of heavy drinking - remorse
19.	**Horton** (53) [1999] NSWSC 983 Studdert J	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 5y AT 3y		minor	Female - stabbed friend in heart after heavy drinking Alcoholic with dependent personality disorder
20.	**Nikau** [1999] NSWCCA 322	Unlawful and dangerous - stabbing Fight - stabbing Stabbing - general	PG	MT 8y AT 4y	AD		Stabbed victim during street fight between two groups - affected by drugs and alcohol Youthful offender
21.	**SMP** (17) [1999] NSWCCA 318	Unlawful and dangerous - stabbing Juvenile offender Stabbing - general	PG	MT 4y AT 3y	AA MT 2y 9m AT 2y 9m Detention	nil	Stabbed victim after he attacked offender with knife by surprise – victim suffered mental problems and drug addiction - no suggestion offender carrying knife with intent to injure - no premeditation or ill will
22.	**Wright** (31) [1999] NSWSC 1087 Bell J	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 4y AT 3y			Stabbed victim four times in fight outside hotel – victim intoxicated and initiated fight - offender suffering exaggerated sense of danger and carrying knife following assault several weeks earlier - spontaneous offence Good prospects of rehabilitation
23.	**Chami** (20) [1999] NSWSC 1268 Studdert J	Unlawful and dangerous - stabbing Fight - stabbing Stabbing - general	PG	MT 5y 6m AT 3y		on bail for firearm offences	Stabbed stranger in brawl outside nightclub Contrition, drug user, prospects of rehabilitation
24.	**Naudin** (39) [2000] NSWSC 18 Dowd J	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 3y AT 3y		minor	Arguing with friend who threatened offender with knife - turned knife back on victim stabbing him in abdomen - immediate remorse - both intoxicated Suffering acute psychotic illness in gaol

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25.	**Esposito** (29) [2000] NSWSC 284 Dunford J	Unlawful and dangerous - stabbing Stabbing - general	PG	MT 8y AT 4y		drug related record - breached recog at time of offence	Female stabbed man she just met at bar - affected by drugs and possibly motivated by robbery Has had some employment – drug and alcohol treatment and counselling in custody
26.	**Sherry** (38) [2000] NSWCCA 35	Unlawful and dangerous – stabbing Stabbing – domestic	VG	MT 2y 6m AT 2y 6m	Crown AA MT 3y 6m AT 2y 6m	lengthy but minor alcohol related record	Stabbed de facto wife during violent altercation - stabbed wife below ear History of volatile and violent relationship - alcohol problems
27.	**Kennedy** [2000] NSWSC 109 Barr J	Unlawful and dangerous - stabbing Stabbing – domestic	PG	4y GBB			Stabbed de facto husband in chest once during confrontation - circumstances of offence unclear but history of extreme and cruel domestic violence - spontaneous offence Genuine remorse – suicidal - violent childhood beaten first by mother then victim
28.	**Kirkwood** (63) [2000] NSWSC 184 Bell J	Unlawful and dangerous - stabbing Stabbing – domestic	PG	MT 12m AT 18m		minor record	Aboriginal female had sexual relationship with victim for 4-5 years - violent argument where victim threw stool at offender and threatened her with knife - offender took knife and 'poked' victim in chest. Mildly intellectually handicapped – alcoholic - not prone to violence - health problems - carer for handicapped son.
29.	**Melrose** [2001] NSWSC 847 McClellan J	Unlawful and dangerous - stabbing Stabbing – domestic	PG	4y GBB			Aboriginal woman stabbed partner during violent argument – victim had assaulted offender earlier in evening – long term domestic violence - isolated by move to another town and became depressed Remorseful and severe psychiatric reaction to killing - significant suicide risk
30.	**Whiting** (35) [2002] NSWSC 827 Levine J	Unlawful and dangerous - stabbing Stabbing – domestic	PG (33%)	5y 4m NPP 3y		prior violence	Stabbed de facto wife during domestic dispute - both parties affected by alcohol - victim initiated attack with beer bottle and approached offender with knife - during struggle offender took knife and victim stabbed once Relationship characterised by violence of part of both victim and offender - suffering alcohol dependence and personality disorder - genuine remorse - strict protection

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31.	**Waterman** (30) [2002] NSWSC 1236 Hidden J **Leyman** (30) [2002] NSWSC 1226 Hidden J	Unlawful and dangerous - stabbing Stabbing – general Accessory	VG (at murder trial – offered to plead) PG	6y NPP 3y 6m 5y 6m NPP 3y		lengthy record but mostly juvenile old and brief record	PW became involved in argument with homeless men outside house - returned to argument with co-offender and knife - victim stabbed when impaled self on knife - no intent to kill - history of tension between residents and homeless men PW - intoxicated - offence out of character - good prospects of rehabilitation although needing assistance with alcohol abuse - remorse L – accessory - accompanied co-offender knowing he was armed with knife contemplating it might be used to cause injury - alcohol abuse - good character evidence - remorse
32.	**Yeoman** (43) [2003] NSWSC 194 Buddin J	Unlawful and dangerous - stabbing Stabbing – domestic	PG	4y GBB		Nil	Stabbed de facto husband of 25 years once in heart - both heavily intoxicated – not fully aware of actions due to effect of intoxication - element of provocation and long history of domestic violence – stabbed victim on previous occasion Prior good character - isolation caused by recent move - grief over recent death of father - effect of imprisonment on 5y old son - genuine remorse - excellent prospects of rehabilitation
33.	**Laures** (66) [2003] NSWSC 785 Sully J	Unlawful and dangerous - stabbing Stabbing - domestic	PG	8y NPP 5y		Nil	Stabbed de facto wife once in chest during fight outside house when victim terminated relationship – called 000 then stabbed himself Diabetic – close relationship with own adult children – special circumstances
34.	**Yu** (33) [2003] NSWSC 1153 Wood CJ at CL	Unlawful and dangerous - stabbing Stabbing - domestic	PG	5y NPP 2y 6m		Nil	Illegal immigrant from Korea – became involved in physical fight with acquaintance at offender's home – double stab wounds to abdomen – no intent to stab – also struck victim to head five times with golf clubs – intoxication aggravated by extreme sleep deprivation - victim aggressive and threatening and refused to leave house Vulnerable – good character evidence – isolation in gaol – high prospects of rehabilitation

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35.	**Battur** (22) [2003] NSWSC 1164 Greg James J	Unlawful and dangerous - stabbing Stabbing – general	PG (25%)	6y 3m NPP 2y 9m (PSC 3m)		Nil	Mongolian offender and victim – argument over failure of offender to show proper respect – threats and physical assault by victim – armed self with knife for self-defence – met again later in evening and threats / assaults continued – stabbed victim in chest - element of provocation and self defence Co-operation and contrition – onerous custodial conditions – strong prospects of rehabilitation – facing reprisals in Mongolia
36.	**Vongsouvanh** (28) **Namalauulu** (24) [2003] NSWSC 1203 Whealy J [2004] NSWCCA 158 Co-offender: HAYES	Unlawful and dangerous – stabbing Stabbing – general Accessory	PG (15%)	6y 9m NPP 4y 6y 9m NPP 4y	Crown AD Crown AD	Drug related offences Lesser record	2 females became involved with third co-offender in struggle with fellow male drug user – not aware co-offender had knife prior to struggle – continued involvement after production of knife – victim stabbed 4 times in stomach – offenders prevented victim defending self or escaping then ran away and left him KV – born in Laos – mother of young child – some evidence of rehabilitation from drug addiction FN – born in Samoa – mother of young child – some evidence of rehabilitation from drug addiction
37.	**Mercy** [2004] NSWSC 472 Adams J	Unlawful and dangerous - stabbing Stabbing – domestic	PG (25%)	4y 1m NPP 2y 3m (3m PSC)		Nil	Female - stabbed de facto in back – intent to frighten – seeking to make stand in context of continuing physical and sexual abuse Aboriginal female - deprived, violent and sexually abusive childhood – serious drinking problem — diabetic – recent coronary by-pass surgery – 8 children, including one with victim – never been in paid employment

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38.	**Forbes** (29) [2004] NSWSC 421 Hulme J (2005) 160 A Crim R 1 [2005] NSWCCA 377	Manslaughter One Unlawful and dangerous - stabbing Fight - stabbing Stabbing – general Accessory Manslaughter Two Excessive self defence Shooting – general	PG (12%) Manslaughter VG Manslaughter (at murder trial - 12% for offer to plea)	12y NPP 9y 12y NPP 8y Total: 19y NPP 15y	AA 9y NPP 6y 9m 12y NPP 8y Total: 16y 9m NPP 12y 9m	Lengthy record – breached parole	Involved in fight outside hotel – male stabbed by friend of offender – aware friends intoxicated and had knife – aware risk knife would be used 3 months later took loaded gun to confront male acquaintance over disputed issues – aware victim violent – shot victim in caravan in subsequent struggle – second shot fired while victim on or near floor – intent to kill Low prospects of rehabilitation
39.	**V D N** (17) [2004] NSWSC 426 Whealy J	Unlawful and dangerous - stabbing Juvenile offender Stabbing – general Accessory	PG (15%) Manslaughter Att AR	6y 9m NPP 3y FT 15m (concurrent)		Drug offences	Involved in attempted robbery on Asian couple leaving store with daily takings – assaulted and detained female with knife – male assaulted by two co-offenders and fatally stabbed in chest – 2 shots fired into rear tyre by co-offender – aware knife would be presented during robbery Evidence of rehabilitation from drug abuse – genuine remorse
40.	**Price** (29) [2004] NSWSC 868 Barr J	Excessive self defence Unlawful and dangerous - stabbing Stabbing - general	PG	8y NPP 5y		Significant, incl 4 offences with a knife	Stabbed drug dealer – plea accepted but not wholly clear whether excessive self-defence or unlawful and dangerous act – habitually carried a knife Aboriginal male – previous alcohol problems – on methadone program but continues to use heroin from time to time – prospects of rehabilitation

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41.	**Hayes** (26) [2004] NSWSC 1195 Campbell AJ Co-Accused: VONGSOUVANH NAMALAUULU	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG	6y 9m NPP 4y		Minor record – similar to Namalauulu	Female – involved with two other females in struggle with fellow male drug user – victim stabbed 4 times in stomach - unable to establish who did stabbing Difficulty as Aboriginal child adopted by non-Aboriginal family – drug addiction – protective custody – good prospects of rehabilitation
42.	**JD** [2005] NSWSC 128 Levine J (2006) 160 A Crim R 392 [2006] NSWCCA 31	Unlawful and dangerous - stabbing Juvenile offender Stabbing - general	VG (at murder trial – 25% for offer) Manslaughter AR	5y 3m NPP 3y 4y 1m NPP 3y (concurrent)	Crown AD	Nil	With brother planned armed robbery of family attempting to sell diamond engagement ring – during struggle son fatally stabbed and father stabbed in chest by co-offender Excellent prospects of rehabilitation – low intelligence – poor health
43.	**Hamshere** [2005] NSWSC 1319 Hall J	Unlawful and dangerous - stabbing Stabbing - general	PG (25%)	5y NPP 3y		Minor assault	Friendly wrestle between male friends became more heated – offender picked up knife from kitchen and stabbed victim in neck – intoxicated Great remorse
44.	**Jukes** (20) [2006] NSWSC 1065 Hoeben J [2008] NSWSC 126 Hoeben J	Unlawful and dangerous - stabbing Stabbing - domestic	PG	2y NPP 12m suspended On breach of suspended sentence 2y NPP 12m		Nil	Female – stabbed mother's boyfriend during confrontation in kitchen – instinctive act – single stab wound – low range culpability Unfortunate background – mother to 5 children – youngest child disabled – immediate remorse – 90d PSC – 2y 6m rigorous reporting Sentence subsequently breached after commission of further offence of BES, failure to comply with reporting and counselling conditions and continued amphetamine addiction – pregnant at time of re-sentence

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45.	**Cavanough** (22) [2007] NSWSC 561 Whealy J	Unlawful and dangerous - stabbing Stabbing - domestic	VG (at murder trial – 10% for offer)	8y 2m NPP 5y			Female stabbed male de facto during domestic argument – spontaneous act – element of provocation – history of disputes – suffering depression and anxiety Aboriginal female - deprived and violent childhood – sexual abuse – drug and alcohol addiction – functioning at borderline level – mother to 2y child – remorse – prospects of rehabilitation
46.	**Lu** (32) [2007] NSWSC 1259 Price J (2008) 190 A Crim R 109 [2008] NSWCCA 261	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG (15%)	9y 4m NPP 6y 2m	AD	Lengthy – breached bond	One month before offence had violent confrontation with victim - on day of offence saw victim walking down street - collected co-offender and chased victim with iron bar – struck victim's mother then punched victim in face – co-offender fatally stabbed victim – unaware co-offender armed with knife - intended only to assault – co-offender acquitted at murder trial Vietnamese with traumatic background
47.	**Harris** (53) [2007] NSWSC 1417 Bell J	Unlawful and dangerous - stabbing Stabbing - general	PG (12%)	7y NPP 4y		Minor – drink driving offences	Stabbed female friend during argument – lashed out with knife striking victim in chest – both intoxicated History of alcohol abuse – remorse – good prospects of rehabilitation
48.	**York** (31) [2007] NSWSC 1470 Adams J	Unlawful and dangerous - stabbing Stabbing - domestic	PG (20%)	5y NPP 3y			Stabbed male during argument with neighbours in caravan park – element of self-defence – impulsive offence – holding knife in hand because using it as eating utensil – low culpability Good character – prospects of rehabilitation – citizen of UK
49.	**Ibrahim** (27) [2008] NSWSC 268 Price J [2009] NSWCCA 15 Co-offenders: KR PR	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG (15%)	9y 4m NPP 6y 6m	AD	Priors – breached bail	Victim and brother lured to car park to discuss dispute – four men assaulted victim – victim stabbed in leg by co-offender causing death – aware of presence of knife – agreement to assault causing less than GBH – premeditated offence – joint criminal enterprise Difficult childhood

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50.	**Sin** (20) [2008] NSWSC 621 McClellan CJ at CL	Unlawful and dangerous - stabbing Fight - stabbing Stabbing - general	PG (12.5%)	10y 6m NPP 7y		Driving offences and involvement in brawl	Fight outside shopping centre between Lebanese and Asian groups – offender stabbed male in side with cheese knife – no intent to inflict deep wounds Genuine remorse – Cambodian – prospects of rehabilitation
51.	**Kennedy** (40) [2008] NSWSC 703 Fullerton J	Unlawful and dangerous - stabbing Stabbing - domestic	VG (at murder trial – offered to plead)	6y NPP 4y		Minor	Trivial argument with flatmate – struck back of head with heavy implement and stabbed once to back – no provocation – several acts of violence – no intent as result of intoxication (alcohol, drugs and pre-existing brain damage) – body found in unit after 27 days Long term user of illegal drugs – genuine remorse – good prospects of rehabilitation
52.	**KR** (25) **PR** (21) [2008] NSWSC 970 Price J Co-offender IBRAHIM	Unlawful and dangerous - stabbing Stabbing – general Accessory	PG (50% plea and assist) PG (50% plea and assist) Sched: Assault	5y 2m NPP 3y 7m 5y 2m NPP 3y 7m		AOABH and intimidate police – not agg factor Intimidate police – not significant	Victim and brother lured to car park to discuss dispute – four men assaulted victim – victim stabbed in leg by co-offender causing death – aware of presence of knife – agreement to assault causing less than GBH – pre-planned offence – PK punched victim's brother Difficult childhood – remorse – good prospects of rehabilitation – unlikely to reoffend – valuable assistance in unrelated matter – protective custody and witness protection
53.	**Stewart** (30) [2008] NSWSC 1359 Mathews AJ	Unlawful and dangerous - stabbing Stabbing - domestic	VG (at murder trial – 15%)	6y 4m NPP 4y		Nil	Stabbed husband during argument at home – spontaneous offence – combination of personality disorder and intoxication meant no required intent – victim stabbed outside 16y son's bedroom - volatile relationship Difficult and abusive childhood resulting in personality disorder and substance abuse – attempted suicide many times

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54.	**Hatch** [2008] NSWSC 1411 Adams J	Unlawful and dangerous - stabbing Stabbing - general	VG (at murder trial)	5y 6m NPP 2y 6m		Priors – breached bond	Stabbed male acquaintance during struggle – during earlier fight victim punched and kicked offender to unconsciousness – several hours later victim entered house containing offender and two friends armed with knife and iron pipe – co-offender stabbed and seriously wounded by victim – during subsequent struggle offender used knife to fatally stab victim - elements provocation and aggression – all parties intoxicated – co-offenders sentenced for AOABH in company – lower end of seriousness Difficult childhood – drug and alcohol abuse – remorse – prospects of rehabilitation
55.	**Jackson** [2009] NSWSC 168 Howie J	Unlawful and dangerous- stabbing Stabbing – general Accessory	PG (15%)	8y NPP 5y 6m		Lengthy record – breached parole	Involved in armed robbery of restaurant with co-offender – co-offender entered restaurant armed with club lock from stolen car and stabbed employee during struggle – offender waited outside in car then entered to take cash register – foresaw use of weapon to inflict injury only Aboriginal male - deprived upbringing – drug addiction – protection – genuine remorse Co offender sentenced for murder – *Webb* [2008] NSWSC 1351
56.	**Mills** (40) [2009] NSWSC 521 Howie J	Unlawful and dangerous - stabbing Stabbing - general	PG	7y 3m NPP 4y 6m		Old assault offences – more recent minor offences	Stabbed 44y male acquaintance during argument in kitchen of mutual friend – one stab to chest – intoxicated and under influence of drugs Genuine remorse
57.	**Doolan** (43) [2010] NSWSC 615 Grove J	Unlawful and dangerous – stabbing Stabbing - domestic	PG (20%)	6y NPP 3y 9m		Minor record – alcohol related	Aboriginal female stabbed partner – volatile relationship characterised by alcoholism and violence – both intoxicated – chased victim with knife who responded in joking manner – stabbed once in chest – failed to appreciate dangerous nature of knife – lower end of scale of seriousness Distress and remorse – reasonably good prospects of rehabilitation

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58.	**Horton** (27) [2010] NSWSC 1007 Davies J	Excessive self defence Unlawful and dangerous – stabbing Stabbing - general	PG (15%)	4y 3m NPP 2y		Record including violence – breached bond for assault offence	Stabbed victim with victim's knife during drug deal – victim first stabbed offender three times leaving knife in shoulder – stabbed once only - element of provocation – unlawful and dangerous act – bottom of range – disposed of victim's car keys Drug and alcohol addiction – depression – genuine remorse
59.	**Duncan** (44) [2010] NSWSC 1241 Hidden J	Unlawful and dangerous – stabbing Stabbing - domestic	PG (15%)	3y NPP 1y 4m		Minor – PCA offences	Female stabbed partner once in abdomen – victim came home from party, pushed offender out of bed and started argument over text message – offender grabbed knife in fear victim would continue assault – impulsive response in heat of argument - history of physical and verbal abuse – immediate remorse Excellent work record in welfare area – excellent prospects of rehabilitation
60.	**West** (18) [2011] NSWCCA 91	Unlawful and dangerous - stabbing Stabbing – domestic	PG (25%)	6y NPP 2y	Crown AA 6y NPP 3y	Children's Court – dishonesty, AOABH, driving	Stabbed girlfriend's brother during drunken argument at family gathering – single blow with scissors in heat of moment – not particularly forceful blow Intellectual disability – alcohol and cannabis abuse – just turned 18y
61.	**Quealey** (29) [2011] NSWSC 42 Hall J	Unlawful and dangerous - stabbing Stabbing - domestic	VG (at murder trial)	6y NPP 3y 6m		Record - breached bond	Stabbed de facto husband in thigh during argument – single stab - victim behaved in aggressive manner – unplanned offence Both had chronic substance abuse problems – difficult and abusive childhood
62.	**Pirini** (21) [2011] NSWSC 1395 RA Hulme J Co-offenders: LA ROSA AOULI COSTA MENZIES HAWI	Accessory Stabbing – general Assault – general Fight – assault / stabbing Unlawful and dangerous – assault / stabbing	PG (20%) Manslaughter Affray	6y NPP 3y FT 2y 2m <u>Total</u>: 6y 6m NPP 3y 6m		Driving offences	Member of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell's Angels club killed – member of rival club pursued and assaulted inside security gate by Comancheros including offender – involved in scuffle but did not punch or kick – during affray outside security area involved in fight with single member of rival club but did not use weapon and did not assault manslaughter victim – during common purpose to intimidate contemplated possibility that unlawful and dangerous act would be committed with appreciable risk of serious injury Left Club - good prospects of rehabilitation – remorse

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63.	**Bugmy** (27) [2011] NSWSC 357 McCallum J	Unlawful and dangerous - stabbing Stabbing - domestic	PG (25%)	8y 3m NPP 5y 6m		Breached parole for mal wounding of different de facto partner – appalling record of violence against de facto partners	Stabbed de facto partner in back – heavily intoxicated – use of weapon Drinking problem – breached condition of parole not to drink – breached apprehended violence order - psychosocial deprivation - alcohol and cannabis dependence including four-year history of petrol sniffing - very low intelligence
64.	**Winefield** (45) [2011] NSWSC 337 Fullerton J	Unlawful and dangerous – stabbing Stabbing - general	VG (at murder trial)	10y NPP 7y 6m		Prior record for violence	Stabbed 18y male stranger in chest during fight on street – both intoxicated – offender was aggressor at all times and wielded knife – victim killed in presence of friends aged below 18y – use of knife an aggravating factor
65.	**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

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
68.	**Barghachoun** (21) [2011] NSWSC 1534 Johnson J Co-offender: AH SMITH	Accessory Fight - stabbing Stabbing – general Unlawful and dangerous - stabbing	PG (20%)	4y NPP 2y 3m		Short record	Involved in fight between two groups of youths and men at night – responded to call for assistance and attended scene armed with metal pole and expecting fight - male from second group stabbed in chest – offender not aware of knife nor of stabbing until group left scene – unlawful and dangerous act was affray Good prospects of rehabilitation - remorse
69.	**AH** (16) [2011] NSWSC 1535 Johnson J [2013] NSWCCA 32 Co-offender: BARGHACHOUN SMITH	Accessory Fight - stabbing Stabbing – general Juvenile offender Unlawful and dangerous - stabbing	PG (20%)	4y NPP 2y	AD	Record – breached bond	An instigator of fight between two groups of youths and men at night – agreed to several confrontations – continuing argument with male from second group – called for assistance and attended scene armed with metal pole and expecting fight - male from second group stabbed in chest – offender not aware of knife nor of stabbing until group left scene – unlawful and dangerous act was affray Immaturity
70.	**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%) Manslaughter VG Affray	7y 2m NPP 3y 8m 3y Total: 7y 8m NPP 4y 2m		Two incidents of violence in public place	Member of Comanchero motor cycle club – involved in affray at airport terminal where member of rival Hell's Angels club killed – flew in from Melbourne with other members of club – involved in affray where member of rival club pursued and assaulted inside security gate by Comancheros – present during affray outside security area where manslaughter victim fatally assaulted and stabbed - sentenced for participation in joint criminal enterprise to commit unlawful and dangerous act in circumstances which objectively carried appreciable risk of serious injury being caused Aboriginal male - left Club - good prospects of rehabilitation – genuine remorse

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
71.	**JC** (17) [2012] NSWSC 1393 Barr AJ	Unlawful and dangerous - stabbing Juvenile offender Stabbing – domestic Victim under 18y	PG (modest)	5y 6m NPP 3y		nil	Female – stabbed 16y brother of de facto at offender's flat – reason for killing unclear – spontaneous offence Troubled background – drug and mental health problems – probably in dissociative state at time of killing – remorse – chronic physical illness
72.	**Brown** (20) [2013] NSWSC 715 Grove AJ	Unlawful and dangerous - stabbing Stabbing general Accessory	VG (murder trial)	5y NPP 3y		Reckless GBH	With three co-offenders confronted victim over belief offender had damaged prized motor vehicles – victim arrived armed with gun and discharged shots – all offenders chased and assaulted victim – co-offender inflicted stab wound – element of provocation – offender acted with no intent to cause GBH Aboriginal male – deprived upbringing – mild intellectual disability Co-offenders sentenced for murder
73.	**Phanekham No.3** (36) [2014] NSWSC 508 Beech-Jones J [2015] NSWCCA 295	Unlawful and dangerous - stabbing Stabbing - general	VG (murder trial - 10% for offer)	8y NPP 6y	AD	assault, possess drugs	Stabbed victim in abdomen following confrontation – victim intoxicated and argumentative
74.	**Robertson** (44) [2014] NSWSC 1401 Harrison J [2015] NSWCCA 251	Unlawful and dangerous - stabbing Accessory Stabbing – general Victim under 18y	PG (15%)	10y 8m NPP 8y	AD		Part of a joint criminal enterprise involving unlawful and dangerous act – agreement to "rough up" or assault male target in return for drugs – offender drove co-offender to place where target worked – stayed in car – co-offender mistakenly and fatally stabbed 15y son of target in chest - no knowledge co-offender armed with knife/weapon or would kill or inflict GBH Rehabilitation prospects – good family support – no previous violence Co-offender sentenced for murder: McArthur [2014] NSWSC 1401

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
75.	**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
76.	**Wang** (23) [2016] NSWSC 222 RS Hulme AJ	Unlawful and dangerous - stabbing Stabbing – domestic	VG (murder trial – 17.5% for offer)	6y 6m NPP 4y 6m		Nil relevant	Good friend of victim and shared unit – after night of drinking in unit with friends argued with victim – retrieved knife from room and fatally stabbed victim in leg – cause of argument unclear Genuine remorse
77.	**Chapman** (20) [2018] NSWSC 1741 Harrison J	Unlawful and dangerous - stabbing Stabbing - domestic	PG (25%)	6y NPP 3y		nil	Father disconnected internet and attempted to remove cables from computer to stop son playing computer games and come to dinner – stabbed father once in shoulder –spontaneous offence – offender picked up knife from bench beside bed – low culpability due to autism spectrum disorder and depression – difficult relationship with father Immediate admission to offence – difficulty in prison – need for long parole period – support of mother
78.	**Rossi-Murray** (30) [2019] NSWSC 482 Rothman J	Stabbing – general Unlawful and dangerous - stabbing	VG (murder trial - 15% for offer to plead)	11y NPP 7y 4m		Significant - wound with intent GBH - agg BES – breached parole	During confrontation regarding money owed by victim to offender over drug transaction chased victim and stabbed in chest - above mid-range of seriousness, although not well in excess. Aboriginal male – institutionalised – early exposure to violence and drugs and social exclusion – strong subjective circumstances – strong chance of rehabilitation – special circumstances

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
79.	**LK** (38) [2019] NSWSC 605 Hamill J Co-offenders: FEROZ NGUYEN TRINH	Stabbing – general Unlawful and dangerous - stabbing Accessory	PG (50% combined)	5y NPP 2y 9m		Not significant	Drug deal gone wrong – joint criminal enterprise - organised and brutal attack – acted as driver to five co-accused - limited role in offence. Special circumstances – first time custody - extensive long-standing drug dependence – reasonably good character - no previous offences of violence – remorse – good prospects of rehabilitation Co-offenders HO and HOANG sentenced for murder (2020)
80.	**McDonald** (59) [2019] NSWSC 858 Harrison J	Unlawful and dangerous - stabbing Stabbing – domestic	VG (murder trial)	6y NPP 3y		Modest - no offence since 2004 – AOABH in 1991	Killed brother - single stab wound to chest during argument – intent to frighten - no intent to kill or cause serious injury - amount of force not significant – impulsive offence - consumption of alcohol - well towards bottom of range of objective seriousness. Aboriginal male - disadvantaged background – remorse - excellent prospects rehabilitation
81.	**Martinez** (21 at offence - 26 at sentence) **Tortell** (18 at offence - 24 at sentence) [2022] NSWSC 267 Johnson J (Martinez) [2022] NSWCCA 12	Stabbing – general Accessory Unlawful and dangerous - stabbing	VG (at murder trial – 10% for offer) VG (at murder trial - 5% for offer)	10y 6m NPP 7y 7m 8y 5m NPP 5y 6m	AA 9y 3m NPP 6y 11m	Intimidate police, AOABH Nil	Stabbing of victim - joint criminal enterprise to cause harm short of GBH - inability to find beyond reasonable doubt which offender killed victim – prior animosity between M and victim – M confronted victim, victim retreated and both offenders chased victim – T did not have motive but followed M M: higher objective gravity and moral culpability - reasonable prospects of rehabilitation – moderate risk reoffending T: good prospects of rehabilitation - low risk of reoffending CCA Martinez: error as to guilty plea discount of 5% - correct discount 10% applied.

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
83.	**Azzi (No 1)** (43) [2020] NSWSC 988 Walton J	Unlawful and dangerous - stabbing Stabbing - general	VG (at murder trial) Manslaughter s.33B(1)(a) Sched: 3 offences	8y NPP 7y 3m 4y NPP 3y 9m Total: 11y NPP 8y 3m		lengthy – possess firearms, dishonesty, resist/ assault police, threaten witnesses, pervert course of justice, numerous violence, affray (prison riot), infliction GBH, AOABH	Stabbed male victim in chest/heart – victim and companion attended offender's home regarding money owed by friend – left premises when offender emerged with knife – companion armed himself with timber pieces to defend himself – offender lunged at companion - stabbed victim who was running to assist - not merely acting spontaneously or impulsively but with deliberate and aggressive act. Using methylamphetamine or other drug at or about time of offences
84.	**Tailford (No. 2)** [2021] NSWSC 695 Rothman J	Stabbing – general Unlawful and dangerous - stabbing	Verdict not guilty of murder PG Manslaughter (25%)	7y 6m NPP 4y 3m		Larceny - destruction property, contravention AVO – drive disq – give false name – drive recklessly – assault – breached ICO	Offender extremely intoxicated – victim tried to prevent offender from driving vehicle, punched offender – offender obtained carving fork, inflicted wound nicking aorta causing heart to stop - purpose for which offender obtained carving fork was not to injure victim but to "scare off" anyone seeking to stop offender from leaving in car – not planned or organised - handed himself into police and accepted responsibility. Aboriginal male – remorse – substance use – mental condition ADHD – Foetal Alcohol Spectrum Disorder – Bugmy considerations, childhood deprivation
85.	**Nancarrow** [2022] NSWSC 455 Hamill J	Unlawful and dangerous – stabbing Stabbing - domestic Excessive self defence	VG (at murder trial – 25% for offer)	7y 6m NPP 4y		Record for dishonesty, drug and driving offences - breached conditional release order	Stabbed victim twice during confrontation on stairs leading up to living area occupied by offender – victim lived in caravan on property – offender deliberately armed self with knife although no intent to kill or inflict GBH – victim aggressor and angry offender would not purchase drugs for him – offender believed conduct necessary for defence – towards lower end of range Remorse – good prospects of rehabilitation – anxiety disorder – delay due to Covid

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

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
87.	**Oliver** (21) [2024] NSWSC 1571 Ierace J [2025] NSWCCA 227	Stabbing - general Accessorial Unlawful and dangerous act - stabbing	PG (10%) Manslaughter s.195(1A)(b): damage property by fire in company *[11y]*	Indicative: 9y 5y 4m Aggregate: 11y NPP 7y	AA Indicative: 8y 4m 5y 4m Aggregate: 10y 6m NPP 6y 6m	On CCO at time for offence for knife and stalking offences – breached bail for intimidation and threat to stab sister – subsequent knife and affray offences – prison record for violence	Joint criminal enterprise to assault victim – became aware of knife en route – victim fatally stabbed during altercation in home of victim – offenders set fire to unit before leaving – aggravating factors: home of victim, in company, breach of conditional liberty, degree of planning – burning of body also relevant – burning of unit intentional to cover offence – endangered neighbouring units – significant financial damage Aboriginal male – *Bugmy* matters taken into account – mental health issues – special circumstances from need for extended supervision and onerous custodial experience CCA: error objective seriousness.
88.	**AD** (17 at offence; 20 at sentence) [2024] NSWSC 1650 Hamill J Co-offenders: KARISE DIALLO AG YA	Stabbing – fight/brawl Stabbing general Accessorial Unlawful and dangerous act – stabbing	VG Manslaughter (at murder trial - 25% early offer) s.27 Attempt Murder s.33(1)(b) Cause GBH with intent to cause GBH	Indicative 6y 5y 3y Aggregate: 8y NPP 5y		On conditional liberty	Joint criminal enterprise / extended JCE – fight between two groups - five co-offenders armed with knives attended home of rival group – offenders initial aggressors, goaded victims to come outside to fight – victims armed with zombie knife, machete, golf clubs – element of self-defence when victim's group responded with extreme aggression and gained upper hand in conflict - AD inflicted single stab wound to chest of male deceased – Karise stabbed victim EO (s.27 attempt murder) – victim EC stabbed but identity of perpetrator unknown (s.33(1)(b)) - some planning Dysfunctional upbringing - war-torn country background – mental health - "moderate risk" re-offending - some prospects of reform.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
89.	**Karise** (21 at offence; 25 at sentence) [2024] NSWSC 1650 Hamill J Co-offenders: AD DIALLO AG YA	Stabbing – fight/brawl Stabbing general Accessorial Unlawful and dangerous act – stabbing	VG Manslaughter (at murder trial - 25% early offer) s.27 Attempt Murder s.33(1)(b) Cause GBH with intent to cause GBH	Indicative 4y 6m 8y NPP 6y 3y 9m NPP 2y 9m Aggregate: 10y NPP 7y 6m		Dishonesty	Joint criminal enterprise / extended JCE – fight between two groups - five co-offenders armed with knives attended home of rival group – offenders initial aggressors, goaded victims to come outside to fight – victims armed with zombie knife, machete, golf clubs – element of self-defence when victim's group responded with extreme aggression and gained upper hand in conflict - AD inflicted single stab wound to chest of male deceased – Karise stabbed victim EO (s.27 attempt murder) – victim EC stabbed but identity of perpetrator unknown (s.33(1)(b)) - some planning Suggested presence of acquired brain injury - substance use disorder- some prospects rehabilitation – family support – youth
90.	**Diallo** (20 at offence; 23 at sentence) [2024] NSWSC 1650 Hamill J Co-offenders: AD KARISE AG YA	Stabbing – fight/brawl Stabbing general Accessorial Unlawful and dangerous act – stabbing	VG Manslaughter (at murder trial - 25% early offer) s.27 Attempt Murder s.33(1)(b) Cause GBH with intent to cause GBH	Indicative 3y 9m 6y NPP 3y 9m 3y NPP 2y Aggregate: 7y 6m NPP 5y		Affray, wield knife in public place, drug offence	Joint criminal enterprise / extended JCE – fight between two groups - five co-offenders armed with knives attended home of rival group – offenders initial aggressors, goaded victims to come outside to fight – victims armed with zombie knife, machete, golf clubs – element of self-defence when victim's group responded with extreme aggression and gained upper hand in conflict - AD inflicted single stab wound to chest of male deceased – Karise stabbed victim EO (s.27 attempt murder) – victim EC stabbed but identity of perpetrator unknown (s.33(1)(b)) - some planning Childhood marked by significant exposure to violence in war torn country – difficult schooling – drug abuse – childhood deprivation; Bugmy - reasonable prospects rehabilitation.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
91.	**AG** (17 at offence; 21 at sentence) [2024] NSWSC 1650 Hamill J Co-offenders: AD KARISE DIALLO YA	Stabbing – fight/brawl Stabbing general Accessorial Unlawful and dangerous act – stabbing	VG Manslaughter (at murder trial - 25% early offer) s.27 Attempt Murder s.33(1)(b) Cause GBH with intent to cause GBH	Indicative 3y 4y 6m 2y Aggregate: 6y 6m NPP 4y			Joint criminal enterprise / extended JCE – fight between two groups - five co-offenders armed with knives attended home of rival group – offenders initial aggressors, goaded victims to come outside to fight – victims armed with zombie knife, machete, golf clubs – element of self-defence when victim's group responded with extreme aggression and gained upper hand in conflict - AD inflicted single stab wound to chest of male deceased – Karise stabbed victim EO (s.27 attempt murder) – victim EC stabbed but identity of perpetrator unknown (s.33(1)(b)) - some planning Previously elite athlete – untreated mental health - excellent prospects rehabilitation - unlikely to reoffend – remorse.
92.	**YA** (17 at offence; 20 at sentence) [2024] NSWSC 1650 Hamill J [2026] NSWCCA 38 Co-offenders: AD KARISE DIALLO AG	Stabbing – fight/brawl Accessorial Unlawful and dangerous act - stabbing	PG (25%) Manslaughter PG (5%) s.33(1)(b) Cause GBH with intent to cause GBH s.33(1)(b) Cause GBH with intent to cause GBH	Indicative 3y 9m 4y 9m 2y 4m Aggregate: 6y 9m NPP 4y 3m	AD	Nil	Joint criminal enterprise / extended JCE – fight between two groups - five co-offenders armed with knives attended home of rival group – offenders initial aggressors, goaded victims to come outside to fight – victims armed with zombie knife, machete, golf clubs – element of self-defence when victim's group responded with extreme aggression and gained upper hand in conflict - AD inflicted single stab wound to chest of male deceased – Karise stabbed victim EO (s.27 attempt murder) – victim EC stabbed but identity of perpetrator unknown (s.33(1)(b)) - some planning Very good prospects rehabilitation - unlikely to reoffend – remorse - supportive family.

	Case (age if known)	Type	Plea	Sentence	Appeal	Record	Facts
93.	**Saliba** (20) [2025] NSWSC 659 Yehia J	Unlawful and dangerous – stabbing Stabbing - domestic	VG (at murder trial – 25% for offer) Manslaughter PG (25%) Possess unauthorised firearm	Indicative: 7y 6m 7m Aggregate: 7y 9m NPP 4y 3m		AR - breached ICO	Play fighting with 18y cousin at home of offender – picked up knife – became angry when perceived victim shaping up and stabbed him once in chest – victim unarmed and provided no threat – escalated over short time and unplanned – actual use of weapon – in home of offender – domestic violence offence – just below mid-range - .303 rifle found in roof cavity of home – well below mid-range PTSD resulting from sexual abuse in Year 9 and Hodgins lymphoma when 19 years – moral culpability reduced by youth and mental health – little evidence of remorse – prospects of rehabilitation and risk of re-offending guarded – special circumstances
94.	**LK** (17) [2025] NSWCCA 143	Stabbing Unlawful and dangerous act - stabbing	PG (25%)	6y 4m 15d NPP 3y 10m 16d	AD	Nil	16y male victim commenced relationship with offender's ex-girlfriend - approached victim and his group of friends - fight ensued – victim held offender in headlock - unable to escape, offender grabbed knife from pocket and stabbed victim in leg three times, ultimately leading to death - acting in self-defence albeit with excessive force – brought a knife to fight Mental health, cannabis use disorder, ADHD - PTSD and schizophrenia onset two months after offence - strong subjective case - good prospects rehabilitation – remorse – good character – special circumstances. CCA: Sentence not manifestly excessive.

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

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