Murder: 2005

Maximum Penalty: Life - s.19A (NSW) Crimes Act

Standard non-parole period

20 years: all offences committed on or after 1.2.2003

25 years: offences committed on or after 1.2.2003 where victim was a police officer, emergency services worker, correctional officer, judicial officer, health worker, teacher, community worker, or other public official, exercising public or community functions and the offence arose because of the victim's occupation

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	**COULTER** (41) [2005] NSWSC 101 G. James J	PG	Life		Nil	Suffocation intent to kill	**SNPP 20 years** Killed 11y daughter of cousin – planned to kill so would be forced to commit suicide – smothered victim in her home – took body to bushland and grossly mutilated body before genuine attempt at suicide – carefully planned Suffering severe depression, pervasive and intrusive violent thoughts and obsessive compulsive disorder – lifelong mental disorder
2.	**DEHAYBI** (20) [2005] NSWSC 128 Levine J (2006) 160 A Crim R 392 [2006] NSWCCA 31	VG Murder s.33 AR	24y NPP 18y 12y NPP 9y FT 6y Total: 26y NPP 20y	AD / Crown AD	Breached bond for dishonesty offences	Stabbing Intent GBH	**SNPP 20 years** With brother pre-planned armed robbery of family attempting to sell engagement ring – during struggle fatally stabbed adult son and stabbed father in chest

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3.	**EM** (19) [2005] NSWSC 212 James J [2006] NSWCCA 336	VG: Murder s 97(2) s 93G(1)(c) PG 5 x s 97(2)	25y NPP 16y FT 10y FT 2y FT 12y <u>Total</u>: 36y NPP 27y	AD	Driving offences	Shooting Constructive murder	Home invasion with co-offender – 5 occupants forced to lie on floor – victim shot and killed in struggle – victim's wife shot in thumb – 10 days later, similar offence with 2 co-offenders - robbery completed and 5 occupants left tied up in house Cambodian – poly substance abuse – mood disorder
4.	**VU** (35) [2005] NSWSC 271 Barr J	PG Sched: 2 x Breach DVO Assault	18y NPP 13y 6m		Breached DVO	Assault Intent GBH	**SNPP 20 years** Brutal assault on ex-de facto wife – history of assault and rape of victim
5.	**DERBAS** **RUSTOM** [2005] NSWSC 244 Dunford J [2007] NSWCCA 118	VG Murder Assault VG Murder Assault	24y NPP 17y FT 2y (concurrent) 24y NPP 17y FT 2y (concurrent)	Conviction AD	Criminal history – serving time for drug offences	Stabbing Intent to kill	Gaol execution - prisoner stabbed in assault by group of prisoners – cousin also assaulted but escaped to guards – deliberate and planned assault – motive unclear – possibly drug related Young men – evidence of rehabilitation
6.	**REID** (37) [2005] NSWSC 230 Hulme J	PG (10%)	22y 6m NPP 17y		Substantial record including assaults but no full time custody – breached bail	Stabbing Intent to kill	Premeditated attack on ex-de facto in home – hit with hammer and stabbed in neck – sustained attack – cleaned up and concealed body – motive unclear Evidence of tendency towards violence – no remorse

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7.	**QUILL (a pseudonym)** (36) [2005] NSWCCA 4	VG 2 x Murder 3 x Attempt murder	Life 18y	AD	Minor	Shooting / Stabbing / Strangulation Intent to kill	Entered home to collect debt – tied up adults – shot male (x4) – shot (x4), stabbed (x23) and strangled female – shot one child in head twice – both victims heavily affected by heroin - specific and deliberate attempts made to destroy bodies - set fire to house to kill three children to avoid detection
8.	**SATORRE** (38) [2005] NSWSC 367 Studdert J [2006] NSWCCA 298 Co-offenders: AB [2005] TAN [2007]	PG (Combined 50%)	16y NPP 12y	AD	Minor	Acid attack Intent GBH	Drove 2 co-offenders to scene of offence – acid poured over victim's face – aware acid to be used to disfigure Assistance – reasonable prospects of rehabilitation
9.	**PERRY** (48) NSWSC Newman AJ 28.4.2005 (2006) 166 A Crim R 383 [2006] NSWCCA 351	PG (25% on appeal) Murder 2 x Agg Indecent Ass	25y NPP 18y 9m 6y NPP 4y 3m Total: 25y NPP 20y 9m	AA 23y 8m NPP 18y 5m 4y 9m NPP 3y 7m Total 25y NPP 19y 9m	Lengthy and serious record – includes arson	Assault / Strangulation	**SNPP 20 years** Became angry with girlfriend and assaulted and strangled her – sexually assaulted corpse – defiled body with sexual toys and faeces – indecently assaulted victims 7y daughter – voluntary confession to police – impulsive offences
10.	**WILLARD** (48) [2005] NSWSC 402 Whealy J Co-offender: WILKINSON [2004] TJA [2004]	VG Murder Sched: Supply drug	36y NPP 26y		Minor dishonesty	Shooting Intent to kill	**SNPP 20 years** Arranged for friend's boyfriend to kill husband – victim shot while asleep on lounge – seeking insurance money – organiser and instigator

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11.	**DOLAN** (39) [2005] NSWSC 380 Kirby J	PG (15%) Murder	15y 4m NPP 10y 3m		Minor	Assault	Bludgeoned sleeping stepmother with axe – no history of dispute – little explanation for offence - overreaction to complainant's comments – spontaneous Deeply affected by father's recent death – contrition – suffering serious medical conditions – protective custody – limited life expectancy
12.	**AB** (17) [2005] NSWSC 521 Adams J (2005) 156 A Crim R 577 [2005] NSWCCA 360	PG (15%) Murder Mal inflict GBH	14y NPP 9y 6m 5y 6m NPP 2y 10m (concurrent)	Crown AA 14y NPP 9y 6m 5y 6m NPP 2y 10m Total: 15y NPP 10y	Not stated	Shot Intent to kill	**SNPP 20 years** Argument initiated by co-offender with group of men on street - AB came to assistance, shooting two of them - one killed – one permanently injured – intoxicated – impulsive act Aboriginal youth - heavy drug and alcohol use from early age, encouraged and facilitated by father – remorse – good prospects for rehabilitation – 20 month old daughter
13.	**ADANGUIDI** [2005] NSWSC 519 Barr J (2006) 167 A Crim R 295 [2006] NSWCCA 404 [2024] NSWCCA 82	VG 3 x Murder	Life	AD AD	Dishonesty offence	Shooting / Assault Intent to kill	**SNPP 20 years** Threatened and detained male friend in offender's unit over several hours with intent to rob – travelled to victim's home and shot dead his son and daughter - tortured and bashed to death friend's wife - careful planning Some degree of mental illness although not mitigating criminality
14.	**TROCIO** (29) [2005] NSWSC 563 James J	PG (15-20% + small discount assistance)	12y NPP 8y		Nil	Throat cut with machete Accessory	Stood guard while friend attacked male acquaintance with machete – assisted in dismembering and concealing body – unplanned and unpremeditated – realised co-offender acting with intent to kill Married with young child

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15.	**HILLSLEY** (53) [2005] NSWSC 652 Hidden J (2006) 164 A Crim R 252 [2006] NSWCCA 312	PG (25%) Murder 4 x Agg sexual ass Kidnapping	16y NPP 12y Total: 30y NPP 25y	Crown AA Life	Paedophile offences	Hammer Intent to inflict GBH	**SNPP 20 years** Broke into house of male acquaintance and killed sleeping victim – earlier argument over money - sexually abused victim's 10y step-daughter and abducted her 'as payback' – sexually abused her a few days earlier – offences part of single act of terrible vengeance Unfortunate upbringing – irresistible impulses for young girls – risk to community –gambling problem – escaped from custody though at large for only one day On appeal: error in assessment of culpability for murder - extremely dangerous
16.	**WHITE** (34) [2005] NSWSC 667 Studdert J	PG (10%) Murder Sched: 5 Break and enter offences	24y NPP 18y		Dishonesty and violence – breached bail	Assault / asphyxiation Reckless indifference	**SNPP 20 years** Broke into home of 82y widow – victim assaulted, bound and gagged – believed victim would die if not found Aboriginal male - disrupted childhood and drug addiction
17.	**HEFFERNAN** (39) [2005] NSWSC 739 Hoeben J [2006] NSWCCA 293	VG	14y NPP 10y	Conviction AD	wounding and minor traffic and drug offences	Assault Intent GBH	Argument with victim over sexual advance made to offender's girlfriend – bashed victim on head with saucepan and piece of wood – self-defence, provocation and intoxication rejected by jury Possible schizophrenia induced by amphetamine use – alcohol problems – remorse
18.	**COOPER** (40) [2005] NSWSC 791 Buddin J [2011] NSWCCA 258	VG Murder PG (25%) Pervert course justice	22y NPP 16y 6m FT 18m Total: 22y 6m NPP 17y	Conviction AD	lengthy – including violence – breached parole	Assault Intent GBH	Assaulted male acquaintance in home of offender and partner in response to comments made by victim – assault with baseball bat and tomahawk – spontaneous response to provocation – below mid-range - disposed of body in nearby forest with assistance of friend

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19.	**MAH** (17y 10m - 22 at sentence) [2005] NSWSC 871 Hislop J [2006] NSWCCA 226 Co-offender: JSK [2004]	VG	22y NPP 16y 6m	Crown AD / AD	neg driving	Assault Intent to kill	Fatal assault on 17y friend - principal - friend taken to remote area and body buried – pre-meditation Good employment history – supportive family – denies all involvement
20.	**THAMMAVONGSA** (21) [2005] NSWSC 915 Kirby J [2015] NSWCCA 107	VG	21y NPP 16y	AD	Custodial sentences	Shooting No intent to kill	**SNPP 20 years** Two groups of uninvited guests arrived at party - offender sought out one group and fired single bullet at victim's head with pen gun then kicked him in head – jury rejected self-defence – mid-range Laotian – former heroin user – illiterate but employed – family support – reasonable rehabilitation prospects – protective custody
21.	**SMALE** (47) [2005] NSWSC 903 Patten AJ [2005] NSWSC 923 Patten AJ [2007] NSWCCA 328 Co-offender: WIGNEY [2004]	VG Murder PG s.97(2)	18y NPP 13y 6m 13y NPP 9y 9m (concurrent)	AD	Extensive record – breached suspended sentence	Shooting Felony murder	Male shot by co-offender during armed robbery of tavern – not involved in shooting Remorse – drug addiction
22.	**KRAMER** (43) [2005] NSWSC 910 Buddin J	PG (20%) 2 x Murder	17y NPP 11y Total: 21y 6m NPP 15y 6m		Nil	Stabbing	Female - killed elderly parents during argument – hid bodies under house – spontaneous offence Schizophrenia and alcoholism – remorse
23.	**KHALOUF** [2005] NSWCCA 395	VG	20y NPP 13y 6m	Conviction AD		Stabbing	Stabbed lover in hotel room – conviction appeal only

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24.	**SMIT** (31) **SMIT** (31) **TARRANT** (29) [2005] NSWSC 1277 Latham J (Tarrant) [2007] NSWCCA 124	VG VG VG	16y NPP 12y 16y NPP 12y 16y NPP 12y	AD	Each offender had criminal record connected to drug abuse	Assault Party to criminal enterprise to inflict GBH	Body of male victim found dead in residence – assaulted with cricket bat and multiple stab wounds – substantial degree of violence – sudden, unpremeditated and unplanned attack – motive unclear – not clear who inflicted fatal assault – retrial – equal culpability S(1) – Male – intoxicated – believed victim acting inappropriately to co-offender – remorse – prospects of rehabilitation S(2) – Female –wife of S(1) – history of drug abuse – children – prospects of rehabilitation T – Female – violent childhood – drug abuse – prospects of rehabilitation
25.	**LAURIE** (41) [2005] NSWSC 1361 Mathews J [2015] NSWCCA 77	VG	24y NPP 15y	AA 20y NPP 14y	Nil significant	Assault	**SNPP 20 years** Resident of hostel for people with intellectually handicapped persons bashed another resident – enraged by seemingly innocuous remark – kicked, punched and stomped on victim over sustained period Moderately / mild mentally retarded – psychotic illness
26.	**WEIGHTMAN** (20) [2005] NSWSC 1354 Hidden J Co-offender: DONAI [2012]	PG (combined 30%) 2 x Murder	25y NPP 19y Total: 28y NPP 22y		Minor	Asphyxiation Intent to kill	Killed adoptive parents for financial reasons – planned killing with co-offender – victims sedated in own home and smothered – bodies placed in car crash scene – co-offender killed mother – assisted in killing of father Early stages of mental illness at time of offences – influenced by drugs and co-offender – favourable prospects of rehabilitation