

Murder: 2006

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 offences where plea or conviction on or after 25.6.2006 and offence arose because of the victim's 'voluntary work'

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	AB (37) [2006] NSWSC 69 Grove J Co-Offenders: SATORRE [2005] TAN [2007]	PG (25% combined) Sched: Possess firearm	18y NPP 13y 6m		Supply drugs, ongoing supply drugs - on parole.	Acid attack Accessory before the fact Intent GBH	Contract killing - Tan asked offender to have victim attacked - dispute over money – offender refused request to splash acid on victim's face but found person who would carry out attack, located hardware store from which acid could be purchase and lent pistol to attacker – victim threatened with pistol and had acid poured into mouth - not motivated by payment but desire to ingratiate himself with Tan who supplied drugs to offender. Drug abuse.
2.	VERSLUYS (32) [2006] NSWSC 188 Newman AJ [2008] NSWCCA 76 [2014] NSWCCA 98	VG	26y 8m NPP 20y	AD AA 23y 6m NPP 17y 6m	Priors – no violence	Strangulation Intent GBH	SNPP 20 years Strangled girlfriend during argument – prior threats – not premeditated Difficult and abusive childhood

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3.	YUN (33) [2006] NSWSC 258 Newman AJ (2008) 185 A Crim R 58 [2008] NSWCCA 114 [2017] NSWCCA 317	VG	26y 8m NPP 20y	AA 24y NPP 18y AD	Nil	Stabbing Intent to kill	SNPP 20 years Korean male stabbed male flatmate during argument – intoxicated – self-defence rejected Remorse
4.	MATHESON (21) [2006] NSWSC 332 Mathews AJ [2015] NSWCCA 108	VG	27y NPP 18y	AA 25y NPP 18y	Nil	Strangulation Intent to kill	SNPP 20 years Strangled ex-girlfriend – hid body in cricket bag – premeditated – brutal and cruel killing Suffering mental disorder affecting imprisonment CCA appeal – <i>Muldrock</i> error
5.	PARKES [2006] NSWSC 331 James J	PG (20%)	18y NPP 13y		Armed robbery	Assault Intent to kill	SNPP 20 years Bashed 83y mother with water pipe – frustrated with caring for mother – premeditated Mental disorder affecting imprisonment
6.	CB (22) IM (23) [2006] NSWSC 261 Buddin J	PG Murder s.33 Sched: Larceny LMV Mal wound PG Murder s.33 Sched: Larceny LMV	18y NPP 13y FT 7y <u>Total</u> 20y NPP 15y 21y 6m NPP 15y 6m FT 8y <u>Total</u> 24y NPP 18y		Priors for violence Priors for violence – breached conditional liberty	Assault Intent GBH	SNPP 20 years Two offenders assaulted male acquaintance in own unit – planned attempt to rob – victim suffered brain damage – fatal assault on second male who arrived unexpectedly at unit CB – history of sexual assault resulting in drug addiction – suffering drug induced psychotic illness – assistance in relation to perpetrator of sexual assault IM – disturbed childhood – sexually assaulted resulting in drug addiction Discount for guilty plea at or slightly above mid-point of range – CB combined discount – not specified – at least 15% for future assistance

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7.	ANDERSON [2006] NSWCCA 156	VG	17y NPP 11y	AD		Strangulation Intent to kill	(1995) strangled husband with cord and buried him under house – premeditated offence Deteriorating health – advanced age – two trials
8.	WATERS (29) [2006] NSWSC 502 Hislop J	PG (20%)	20y NPP 15y		Criminal record – no violence	Assault Intent GBH	SNPP 20 years Struck defenceless male with metal water pipe – unprovoked attack – angry with victim over trivial matters Remorse – out of character
9.	JALATY (30-31) [2006] NSWSC 675 Grove J	VG Murder Mal Admin noxious thing	20y NPP 15y FT 5y (concurrent)		Not relevant	Ingestion of methadone Recklessness	SNPP 20 years Female dosed 3y daughter with methadone causing cardiac respiratory arrest – 3 months later dosed daughter again causing death – attempting to control behaviour and keep child asleep during liaison with male friend Difficult life with rape, forced marriages and serious back injuries from car accident – acute loneliness – drug addiction from back injuries – protective custody – chronic back pain
10.	IMNETU [2006] NSWCCA 203 [2014] NSWCCA 99	VG	26y 6m NPP 20y	AD AD (Muldrock)		Strangulation Joint criminal enterprise	SNPP 20 years Assisted primary offender in killing of male acquaintance – victim dosed with heroin, assaulted and strangled in own home – offender acted as lookout and helped dispose of body
11.	MENCARIOUS (37) [2006] NSWSC 719 Grove J (2008) 189 A Crim R 219 [2008] NSWCCA 237 [2014] NSWCCA 104	VG	26y 8m NPP 20y	AD AD	Nil	Asphyxiation Intent to kill	SNPP 20 years Attacked wife with bottle – history of violence – middle range offence
12.	HARRISON (31) [2006] NSWSC 740 Grove J	VG	20y NPP 15y		Priors	Stabbing Intent to kill	SNPP 20 years Upset over death of friend from fatal drug dose – blamed victim and friends – fatally stabbed victim some months later – intention to avenge friend's death. Deprived childhood as abandoned Aboriginal child – long term substance abuse – judgment clouded by abuse and low intelligence

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13.	BURRELL (44) [2006] NSWSC 581 Barr J [2007] NSWCCA 65 (2008) 238 CLR 218 [2008] HCA 34 (2009) 196 A Crim R 199 [2009] NSWCCA 163	VG Murder Detain for advantage	Life	AD HCA AA – matter remitted to CCA AD	Moderate record	Unknown	Kidnapping of female friend for ransom – body never recovered - detailed planning, persistence and precautions to avoid detection - cold desire to extort large sum of money - intent to kill formed prior to abduction
14.	COLB (29) [2006] NSWSC 811 Latham J	PG (25%)	18y NPP 14y		Lengthy record – breached conditional liberty	Stabbing Intent to kill	SNPP 20 years Stabbed 68y male acquaintance in sudden explosion of violence – close relationship over several years – exploited victim’s sexual interest for own purposes – trigger for stabbing unclear. Difficult and uncontrolled childhood – disturbed psychiatric state caused by history of violent sexual assaults
15.	D.NGUYEN (22) [2006] NSWSC 850 Hulme J (2007) 180 A Crim R 267 [2007] NSWCCA 363	VG Murder s.33	31y NPP 23y 9y 4m NPP 7y Total: 33y NPP 25y	AA 27y 4m NPP 20y 9y 4m NPP 7y Total: 29y 4m NPP 22y	drugs and driving offences	Shooting Intent to kill	SNPP 20 years Four offenders entered Billiards Hall armed with gun and samurai sword – walked up to group partying and shot dead female and injured male – wrong victim – motivation unclear – cold-blooded execution – brazens offence – substantially above mid-range offence – equal culpability Other offenders conviction quashed on appeal
16.	AOUN (25) [2006] NSWSC 800 Hulme J [2007] NSWCCA 292	VG	17y 3m NPP 13y	AD	Nil	Shooting Accessory before fact to murder	Victim shot dead in drive by shooting of house after ongoing dispute between shooter and victim’s son – offender knew shooter intended to kill or inflict GBH on son or family and killing within scope – helped prepare stolen car used in shooting – gave some advice – declined to accompany shooter – lesser role but still substantial assistance SNPP not applied because accessory before the fact

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17.	SHEPHERD (32) [2006] NSWSC 799 Hoeben J [2011] NSWCCA 245	VG	20y NPP 15y	Conviction AD	Minor	Assault Intent GBH	SNPP 20 years Assaulted wife with iron and hammer during argument – death caused by blood loss – intoxicated – unpremeditated – below mid-range Genuine remorse – good character – good prospects of rehabilitation
18.	SILVANO (26) [2006] NSWSC 832 Hulme J (2008) 184 A Crim R 593 [2008] NSWCCA 118	VG Murder s.97(2) s.33	21y 4m NPP 16y 9y 4m NPP 7y 5y 4m NPP 4y Total: 22y 4m NPP 17y	AD	Priors – no incarceration	Shooting Felony murder	SNPP 20 years With girlfriend attempted to rob male stranger at night with loaded shotgun – girlfriend accidentally shot – fired at male hitting him in shoulder – just below mid-range Raped and assaulted in custody – protective custody – remorse and grief – father of young child
19.	HOHAIA (18) ABDULKADER (21) [2006] NSWSC 866 Kirby J (Hohaia) [2015] NSWCCA 91	VG Murder Rob in Co AOABH VG Murder Rob in Co	24y NPP 18y FT 18m FT 9m (all concurrent) 21y NPP 15y 9m FT 18m (concurrent)	AA 24y NPP 18y FT 18m FT 9m (all concurrent)	Priors – no violence Significant record	Assault Intent GBH	SNPP 20 years Sustained assault on male acquaintance over several hours – victim assaulted by H in home of H’s mother – victim robbed of mobile phone and wallet, forced to reveal PIN and taken to ATM to obtain money – subjected to further assault by both offenders and left for dead – H principal offender – A lesser offender but involved in second, fatal assault on victim - no clear motive H - also sentenced for assault on male in company with friend three months earlier – sustained attack with no motive - disrupted childhood with early drug abuse A – early drug abuse

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20.	WALLACE (55) [2006] NSWSC 897 James J [2007] NSWCCA 63	VG	20y NPP 14y	Crown AD	Breached parole for drug offences	Shooting Intent to kill	SNPP 20 years Shot female lover in back of head - premeditated but motive unclear – concealed body in bush Former prison officer and police officer – brain damage resulting from assault in gaol.
21.	APPS [2006] NSWCCA 290	PG (25%) Sched: BE&S	27y NPP 20y 9m	AA 18y NPP 13y 6m	Dishonesty, possess knives, assault	Shooting Intent to kill	SNPP 20 years Acquainted with victim – broke into nearby farm stealing four guns – shot victim at victim’s home. Personality disorder
22.	A (16) [2006] NSWSC 1035 Buddin J Co-offender: HOURI [2007]	PG	12y 8m NPP 9y 6m		Priors	Stabbing Felony murder	SNPP 20 years Involved in armed robbery of service station – after robbery co-offender suddenly and without provocation stabbed operator four times Remorse – prospects of rehabilitation – discount for assistance – protective custody
23.	MB (16) [2006] NSWSC 1164 Howie J [2013] NSWCCA 254	VG	22y NPP 15y 6m	AA 17y 6m NPP 12y 6m	Nil	Assault / stabbing Intent GBH	SNPP 20 years Unprovoked confrontation on street between group of intoxicated youths and two intoxicated males – fist fight between offender and victim – stabbed victim in neck with broken bottle – unplanned offence – midrange seriousness Born in PNG – positive evidence of rehabilitation – youth

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24.	<p>DARWICHE (26/28)</p> <p>EL-ZEYAT (23)</p> <p>AOUAD (22)</p> <p>[2006] NSWSC 1167 Bell J</p> <p>(conviction appeals) [2011] NSWCCA 62</p> <p>(Sentence appeals - El-Zeyat, Aouad) [2015] NSWCCA 196</p>	<p>VG Mal discharge firearm W/I</p> <p>Shoot W/I to murder</p> <p>2 x Murder</p> <p>2 x Murder</p>	<p>2 x Life</p> <p>2 x Life</p> <p>2 x Life</p>	<p>Conviction AD</p> <p>Sentence AD</p> <p>Sentence AD</p>	<p>Relatively minor – breached bond</p> <p>Relatively minor</p> <p>Relatively minor – Breached bond</p>	<p>Shooting</p> <p>Intent to kill</p>	<p>SNPP 20 years Ongoing dispute between two families originally over drug business – ongoing violence June 2001 – D entered bedroom with co-offender - fired five shots at male – intent to kneecap not kill – serious injuries July 2003 – D and co-offender fired 55 round from SKS semi- automatic rifles at house after luring out occupants – no one injured Aug 2003 – D, E and A fired at house using SKS rifles and pistols –sleeping female and male killed</p> <p>(NB – E and A sentenced to life for unrelated third murder – conviction quashed on appeal [2011] NSWCCA 61 – no further proceedings taken)</p>
25.	<p>CHRISTOV (52)</p> <p>[2006] NSWSC 1179 Kirby J</p> <p>[2009] NSWCCA 168</p>	<p>VG</p>	<p>23y NPP 17y</p>	<p>AD</p>	<p>Violence</p>	<p>Strangulation</p> <p>Intent to kill</p>	<p>SNPP 20 years Strangled ex-girlfriend during struggle in victim’s home– angered at break up – mid-range Remorse – protective custody – reasonable prospects of rehabilitation</p>
26.	<p>STEER (40)</p> <p>[2006] NSWSC 1198 Whealy J</p> <p>(2008) 191 A Crim R 435 [2008] NSWCCA 295</p>	<p>VG Murder</p> <p>AR</p>	<p>29y 4m NPP 22y</p> <p>FT 4y</p> <p>Total 31y 4m NPP 24y</p>	<p>AD</p>	<p>Lengthy</p>	<p>Stabbing</p> <p>Intent to kill</p>	<p>SNPP 20 years Broke into home and stabbed male occupant in neck – set fire to house with body inside – angered at relationship between deceased and ex-girlfriend – above mid-range offences – intent formed after entry to house – on separate occasion robbed bank Single parent with 4 children</p>

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27.	BROWN [2006] NSWCCA 395 Co-offender HUDD [2013]	VG Murder 2 x Agg AR s.33 AOABH in Co	20y NPP 15y 8y NPP 6y 3y NPP 2y 3m 2y 6m NPP 1y 10m <u>Total:</u> 21y 10m NPP 16y 10m	AD	Lengthy	Shooting Felony murder – accessorial liability	Two offenders involved in planned armed robbery of electrical store – three employees tied up – one employee hit on head with gun and one with vacuum cleaner – third employee shot dead by co-offender in pursuit Lesser offender
28.	IMBRISAK (29) [2006] NSWSC 1382 Hidden J	PG (15%) Murder Mansl Mal wound	18y 6m NPP 13y 6m FT 7y FT 2y 6m <u>Total</u> 23y NPP 18y		Lengthy – mostly drugs and dishonesty	Stabbing	SNPP 20 years Stabbed male transvestite prostitute during sexual encounter – spontaneous offence Fatal stabbing of male acquaintance during argument – excessive self-defence – daughter of victim also injured in incident Isolated person
29.	GOEBEL- McGREGOR (62) [2006] NSWCCA 390	VG	20y NPP 15y	AD	Minor	Shooting Intent to kill	Shot wife in back of head during argument over custody of children Depressive illness – good character

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