

Murder: 2008

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' offences where plea or conviction on or after 1.1.2008 and where victim was a child under 18 years of age

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	BURRELL (42 at offence – 55 at sentence) [2008] NSWSC 30 Kirby J [2009] NSWCCA 193	VG	28y NPP 21y	Conviction AD	Minor at time of offence – conviction for subsequent murder	Unknown Intent to kill	(1995) Owed money to 74y female friend of family – unable to repay loan - invited her around to house – circumstances of murder known – body never found – planning
2.	DAVIS (26) [2008] NSWSC 55 Mathews AJ [2015] NSWCCA 90	VG	24y NPP 18y	AA 22y NPP 16y 6m	Lengthy – mal wounding under similar circumstances	Stabbing Intent GBH	SNPP 20 years Broke into apartment to steal property – stabbed male occupant in attempt to escape – victim died 3 days later from heart failure Disturbed and abusive childhood
3.	LEIATAUA (41) [2008] NSWSC 170 Mathews AJ	PG (20%) Murder Threaten w/l to do GBH Sched: Agg BE W/l	23y 6m NPP 17y FT 2y Total 24y NPP 17y 6m		Rape and assault female	Stabbing Intent to kill	SNPP 20 years Left home early in morning armed with hammer and knife – broke into home of ex-partner – stabbed victim in house – pursued victim across road and continued stabbing – threatened female attempting to assist – well above mid-range – offence committed in presence of children – planned offence Difficult childhood – long history of alcohol abuse - remorse

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4.	ZIHA (57) [2008] NSWSC 145 Barr J [2013] NSWCCA 27	VG Murder Mal wound	24y NPP 18y FT 4y (concurrent)	AD	Nil	Stabbing Intent to kill	SNPP 20 years Broke into home of estranged wife – stabbed sleeping male – cut off genitalia – stabbed wife in leg – well planned Remorse - depression
5.	COLLON (21) [2008] NSWSC 174 Mathews AJ	PG (15%)	21y NPP 14y 6m	AD	Extremely long record including violence	Stabbing Intent to kill	SNPP 20 years Argument over sharing of home unit – stabbed victim in eye and cut throat – background of friction – mid-range – used three weapons – spontaneous and no premeditation – offence occurred in bedroom of victim – ferocious attack Disturbed and abusive childhood – early substance abuse – mental impairment
6.	THOMPSON (22) [2008] NSWSC 109 Hoeben J	PG (15%)	20y NPP 15y		Assault on same victim – breached bond and apprehended violence order	Assault Intent GBH	SNPP 20 years Violent and sustained attack on de facto partner – angered at perceived relationship with ex-boyfriend – intoxicated – unpremeditated Samoan origin – drug abuser – genuine remorse
7.	WILSON (32) [2008] NSWSC 238 Howie J [2015] NSWCCA 128	VG	26y 6m NPP 20y	AA 21y 4m NPP 16y	Minor	Shooting Intent to kill	SNPP 20 years Attempted armed robbery on co-offender's flatmate – flatmate recently obtained large amount of money from armed robbery – also a drug dealer - shot victim in head at close range – lost temper – killing not planned Aboriginal male - violent and deprived childhood Co-offenders Fraser and Spencer dealt with for manslaughter [2007] NSWSC 1449
8.	GALANTE (27) [2008] NSWSC 319 Adams J	PG (10%)	27y NPP 20y		Nil	Shooting Intent to kill	SNPP 20 years Planned killing of pregnant wife – took victim and young daughter to bushland and shot wife in back – left body in bush – reported wife missing to police – feared wife planning to leave with child

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9.	DONAI (33) [2008] NSWSC 502 Fullerton J [2011] NSWCCA 173 [2012] NSWSC 1102 Hidden J [2016] NSWCCA 212 Co-offender: WEIGHTMAN [2005]	VG 2 x Murder	40y NPP 30y Total 43y NPP 33y	Conviction AA Conviction AD	Minor – but did admit in undercover operation to undetected criminal misconduct	Asphyxiation Intent to kill	(2000) Contract killing with victims' adopted son – son sedated parents with drugs in tea – offender entered house and suffocated both victims within short space of time – bodies placed in car and pushed off embankment to suggest car accident – principal offender – promised \$17,000 - amateurish and unprofessional killing – not satisfied as to future dangerousness Evidence of schizophrenia / mental illness Sentence of life imposed after first trial
10.	BARBETTA (44) [2008] NSWSC 688 Howie J	PG (20%)	18y 7m NPP 13y 9m		Little significance	Assault Intent GBH	SNPP 20 years Fatal assault on 65y neighbour in victim's home – element of provocation in form of racial taunts – uncontrollable rage – forced keys down throat of victim – intoxicated with drink and drugs – ransacked unit – just below mid-range seriousness Remorse
11.	YOUMARAN (24) [2008] NSWSC 762 Rothman J	PG (12.5%)	17y 4m NPP 13y		Not significant	Shooting Intent to kill	(2002) - Fight broke out at hotel between two groups – history of animosity between some members of each group (not offender) – offender and another returned to car and took out glock pistols – shot at hotel – offender killed male victim shooting at him while on ground – not premeditated offence – element of provocation Prospects of rehabilitation Co-offender Mirad [2004] NSWSC 701, sentenced as acc after fact
12.	CLARK (42) [2008] NSWSC 795 Kirby J [2010] NSWCCA 94 Co-accused: CLARK [2007]	VG	30y NPP 24y	Conviction AD	Significant	Shooting Intent to kill – joint criminal enterprise	SNPP 20 years Recruited 21y son to shoot grandfather – son visited victim at home and shot him in head – financial motivation as well as other emotional issues – planning - above mid-range seriousness Suffering brain damage from motor vehicle accident and physical illnesses

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13.	KLEIN (29) [2008] NSWSC 835 Buddin J	VG	22y NPP 16y 6m		Minor	Shooting Intent to kill	(2001) - Shot male acquaintance in chest and in back of head during confrontation over debt to offender's brother – no initial intent to kill – killed to prevent identification in moment of panic Good prospects of rehabilitation – out of character – strict bail conditions – long delay
14.	FAEHNDRICH (50) [2008] NSWSC 877 Price J	VG	20y NPP 15y		Priors for violence	Stabbing Intent to kill	SNPP 20 years Stabbed female partner with scissors during argument in hotel room – turbulent relationship – victim attempting to leave relationship – element of provocation – suffering depression and personality disorder – lower half of mid-range of seriousness Offered to plead guilty to manslaughter – abusive childhood
15.	HOWARD [2008] NSWSC 934 Hulme J	PG (12.5%) Sched: 2 firearms offences	18y 6m NPP 14y		Alcohol related	Shooting No intent to kill	SNPP 20 years Argued with son at service station one hour before offence – son approached offender at home – fired warning shot then fired two shots into head and body – apprehensive – element of provocation and self-defence – spontaneous offence – intoxicated – no intent to kill Remorse – good prospects of rehabilitation
16.	SNIBSON (35) [2008] NSWSC 905 Buddin J [2023] NSWCCA 127 Co-offender: LEA-CATON [2007]	PG (12.5%) 2 x Murder 2 x Sp agg kidnapping	Each: 26y NPP 18y FT 8y 6m Total: 32y NPP 24y	AA Each: 24y NPP 17y FT 8y 6m Total: 29y 6m NPP 22y 6m	Insignificant	Strangulation / suffocation Joint criminal enterprise / intent to kill	SNPP 20 years Female - recruited two male friends to assist in detaining victims – lured husband and wife to house – victims assaulted, gagged and hogtied – male strangled – female suffocated – not established which offender committed fatal acts – bodies placed in drums, taken into forest and burned – equal involvement in post murder conduct - kidnapping well planned – murder slightly above mid-range – pivotal role Motive unclear – model prisoner – lost contact with daughters – prospects of rehabilitation Third co-offender, Flentjar, sentenced only for kidnapping offences CCA: <i>Muldrock</i> error.

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17.	DL (16) [2008] NSWSC 1199 Hulme J [2017] NSWCCA 58 [2018] HCA 32 [2018] NSWCCA 302	VG	22y NPP 17y	AD Sentence AA Remitted for re-sentence 18y NPP 13y	Nil	Stabbing Intent GBH	SNPP 25years Stabbed 15y school girl walking home from school 48 times – frenzied killing – no explanation for attack – irrational – premeditation not established – intent to kill not established – uncharacteristic – possible psychotic episode – little below mid-range Suffering anxiety and depression – declined to discuss offence claiming innocence
18.	KUTSCHERA (25) [2008] NSWSC 1271 Fullerton J [2010] NSWCCA 150 [2015] NSWCCA 73	VG	26y 8m NPP 20y	Conviction AD Sentence AA 24y NPP 18y	Minor – breached bond	Car Intent to kill	SNPP 20 years Involved earlier in evening in fight with group including victim on street at night – returned to area of fight in car to observe victim pinned to ground by friend of offender – deliberately ran over victim with car killing instantly – no clear motive for killing – mid range – returned home to wash car Drug abuse
19.	O'CONNOR (64) [2008] NSWSC 1297 Studdert AJ	VG	21y NPP 16y		Old offence of culpable driving	Shooting Intent to kill	SNPP 20 years Shot wife twice as she descended from roof by ladder – spontaneous offence – element of provocation and loss of self-control – history of arguments and disagreements in marriage – buried body – just below mid-range Remorse – prospects of rehabilitation
20.	WEBB (39) [2008] NSWSC 1351 Howie J	PG (15%) Murder Being carried in stolen conveyance	22y NPP 16y 6m FT 18m (concurrent)		Bad record – breached bonds	Stabbing Felony murder	SNPP 20 years Stabbed employee while struggling during armed robbery of restaurant with co-offender – entered restaurant armed with club-lock – picked up knife in kitchen – unplanned killing – just below mid-range Drug abuse – low intellectual functioning

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21.	PEARCE (25) [2008] NSWSC 1434 Latham J	PG (no discount)	20y NPP 15y		Lengthy – no major violence	Stabbing Intent to kill	SNPP 20 years Arrived at friend's unit armed with knife - became involved in fight with male victim and stabbed in back – spontaneous offence – no assistance to victim – paranoid and highly aroused state from amphetamines – slightly below mid-range Appalling childhood marked by domestic violence – both parents heroin addicts – no education – early drug abuse
22.	POCOCK (20) [2008] NSWSC 1435 Latham J	PG (15%)	19y 6m NPP 14y 9m		Breached bond for violence offences	Assault Intent GBH	SNPP 20 years Confronted male victim in street about stolen handbag – punched and kicked victim and stomped on head – no threat or provocation offered by victim – failed to provide assistance – under influence of alcohol and ecstasy – below mid-range Remorse – exposed as a child to domestic violence
23.	OWENS (32) [2008] NSWSC 1375 McCallum J	PG (10%)	23y NPP 17y		Nil	Stabbing Intent to kill	SNPP 20 years Stabbed 69y mother in her bed – timing of premeditation and motive unclear – previously considered killing mother – no remorse – high end of mid-range Prospects of rehabilitation

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