

Murder: 2011

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

offences where the offence arose because of the victim's occupation as a council law enforcement officer (added 9.6.2009)

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	BELDON (34) [2011] NSWSC 112 Barr AJ [2012] NSWCCA 194	PG (10%)	24y NPP 16y	AD	lengthy	Stabbed Intent GBH	SNPP 20 years Stabbed male occupier of upstairs flat during argument over drugs – both affected by drugs at time of killing – spontaneous offence with no premeditation – below mid-range Pleaded on day of trial – long history of drug abuse and mental instability
2.	LANE (21 at offence - 36 at sentence) [2011] NSWSC 289 Whealy J [2013] NSWCCA 317	VG Murder 3 x False swearing	18y NPP 13y 5m 9m (concurrent)	Conviction AD	nil	Unknown Intent to kill	(1996) Mother disposed of 2-day old daughter – body never found and no information as to circumstances of or motive for killing – killing relatively spontaneous – suffering disordered personality - false swearing offences related to false information contained in affidavits used for adoption of other children – birth of daughter and two other children kept secret from friends and family Strong character testimonials – rehabilitation – mother to 9y daughter – low level of protective custody

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3.	CENICCOLA (72) [2011] NSWSC 302 Harrison J	VG	22y NPP 16y		Nil significant	Shooting Intent to kill	SNPP 20 years Shot dead 66y male neighbour at back door of farming home – dispute over boundary fence – shooting followed period of harassment by offender of victim and wife – attended house with intent to kill Offence out of character
4.	WILLIAMS (23) [2011] NSWSC 583 Schmidt J [2012] NSWCCA 172	PG (25%)	21y 9m NPP 16y 3m 23d	AD	nil	Assault and asphyxiation Intent to kill	SNPP 20 years Became angry with ex-girlfriend while talking late at night – motive for killing not established - strangled victim, struck her with a shovel and buried her near lagoon – spontaneous offence – just above mid-range Assistance in relation to offence – remorse – good prospects of rehabilitation – long term alcohol and cannabis user – offence out of character
5.	NGUYEN (26) LUONG (18) [2011] NSWSC 562 McCallum J Co-offender: TVN (2014)	VG 2 x Murder PG (10%) 2 x Murder	25y 6m NPP 18y <u>Total</u> 30y NPP 22y 6m 24y NPP 17y <u>Total</u> 28y NPP 21y		Nil significant Nil	Stabbing Common purpose to inflict gbh	SNPP 20 years Victims stabbed during attack by four males outside bar – not known who inflicted fatal wounds – attack a response to earlier attack on first offender by one victim and friends – delay between incidents and degree of planning – mid range offences – disregard for public safety N – judgment clouded by fear caused by earlier attack – did not stab anyone although aware of knives and armed with knife himself –reasonable prospects of rehabilitation L – stabbed both victims

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6.	CHRISTIANSEN (42) [2011] NSWSC 840 Latham Co-offender: TRAN [2011]	PG (30%) Murder PG (45%) Poss shortened firearm Supply lge comm qty Supply comm qty Sched: 21 offences	21y NPP 15y 3m FT 1y 8m 6y 7m NPP 5y 4y 5m NPP 2y 2m <u>Total:</u> 22y 3m NPP 16y 6m		Nil relevant	Shooting Intent to kill	SNPP 20 years Shot dead male during discussion over drug debt – attended house to provide protection for drug dealer aware may be required to kill victim – made preparations for storage of body – disposed of body at sea – stored 2985g methylamphetamines in storage unit – also in possession of numerous guns and 327.58g of cocaine – murder in upper range of severity Remorse - assistance
7.	THOMPSON [2011] NSWSC 1130 Rothman J	PG (discount at highest level)	20y NPP 14y		Nil relevant	Shooting Felony murder	SNPP 20 years Shot dead drug dealer during robbery – arranged meeting in secluded area armed with loaded and shortened shotgun – planned robbery – stole drugs, money and mobile phone – disposed of body and gun. Drug addiction
8.	SHIELS (20) [2011] NSWSC 1177 Barr AJ	VG	20y NPP 13y		Bonds for assaults including assault on victim – committed while mentally ill	Stabbing Intent to kill	SNPP 20 years Stabbed father in temple during argument at party – both intoxicated - history of violent arguments with father – spontaneous offence – issue at trial was substantial impairment, provocation and self defence Suffering schizophrenia – regular user of marijuana and alcohol – voluntary surrender to police – remorse – prospects of rehabilitation

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9.	MARTIN (27) [2011] NSWSC 1189 Kirby J	VG Murder s.35(4) Assault	20y NPP 15y 2y NPP 18m FT 6m <u>Total:</u> 21y NPP 16y		Lengthy record	Stabbing Intent GBH	SNPP 20 years Unprovoked stabbing of male strangers in hotel car park – frustrated when attempt to leave in car blocked by other patrons leaving – first stabbing superficial – second stabbing fatal – stopped car and punched third male on way home – no premeditation – below mid-range Difficult and traumatic childhood
10.	SHEATHER (42) [2011] NSWSC 1239 Hoeben J	PG (10%)	20y NPP 15y		No significant record	Stabbing Intent GBH	SNPP 20 years Unplanned and unprovoked stabbing of male during drinking session in offender's home – offender heavily intoxicated – spontaneous and inexplicable rage - single stab wound – below mid-range Remorse – prospects of rehabilitation linked to alcohol abuse
11.	RYAN (51) COULTER (72) [2011] NSWSC 1249 Latham J [2013] NSWCCA 175 Co-Offender: BROOKS [2012]	VG	36y NPP 27y 27y NPP 18y	AD AD	Nil Nil	Shooting Intent to kill	SNPP 20 years Female offenders (daughter and mother) - R paid \$30,000 to have husband shot dead by hit man - \$10,000 knowingly provided by C (R's mother) – angered by breakdown in marriage and financial loss – close to worst category –C genuinely believed R had been physically assaulted by victim
12.	BIDDLE (60) [2011] NSWSC 1262 Garling J [2017] NSWCCA 128	VG	27y NPP 18y	AD	nil	Assault Intent to kill	SNPP 20 years Assaulted wife with iron bar – covertly entered house and struck wife from behind – sustained assault – angered by recent separation due to offender's extra martial affair – above middle range Good prospects of rehabilitation

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13.	McKENZIE [2011] NSWSC 1460 Schmidt J	PG (25%)	14y 3m NPP 10y		Nil	Smothering Intent to kill	SNPP 20 years Smothered wife during argument – evidence of struggle – no premeditation – no provocation No history of domestic violence – suffering depression as a result of health issues - remorse
14.	TRAN [2011] NSWSC 1480 Rothman J Co-offender: CHRISTIANSEN	PG (7.5%)	20y NPP 15y		Not lengthy	Shooting Joint criminal enterprise	SNPP 20 years Arranged for co-offender to provide protection during discussion over drug debt – contemplated possibility of killing – aware of violent reputation of victim who produced gun at meeting – helped move body and arranged clean-up of scene – slightly above mid-range – less than co-offender Good prospects of rehabilitation - remorse
15.	KIRCHNER [2011] NSWSC 1516 Schmidt J	PG (combined discount 45%)	8y 9m 18d NPP 6y		Minor offences	Shooting Aid and abet	SNPP 20 years Victim shot by friend – offender worked for co-offender in lawn mowing business and knew shortly before offence that co-offender was planning to shoot victim – offender present at shooting and helped bury body in bushland. Drug abuse from young age – remorse. Co-offender given limiting term
16.	ATAI (18) [2011] NSWSC 1617 Grove J [2014] NSWCCA [210]	VG	24y NPP 18y	AD	Custodial record	Shooting Recklessness	SNPP 20 years Approached house with group of men – fired shots into front window of house killing occupant after being advised had wrong house – motive for approach to house and shooting unclear Afghani refugee with links to bikie gang
17.	FILIPPOU (54) [2011] NSWSC 1607 Mathews AJ [2013] NSWCCA 92	VG Murder Murder	26y NPP 20y 26y NPP 20y <u>Total</u> 31y NPP 25y	AD	Old record – most recent offence involved neighbourhood dispute	Shooting Intent to kill	SNPP 20 years During confrontation with neighbours shot two brothers – shot one victim twice – origin of gun unclear – not premeditated – ongoing neighbourhood dispute – mid-range offence

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18.	COUSENS (40 at offence – 61 at sentence) [2011] NSWSC 1375 RS Hulme J	VG	18y NPP 14y		Short record including violence	Shooting Intent to kill	(1990) – shot dead male friend and left body in bush – probably motivated by jealousy at relationship between victim and offender’s wife – delay in charging
19.	KJS (36) [2011] NSWSC 1690 Hidden J [2013] NSWCCA 132	VG	20y NPP 15y	Conviction AD	nil	Assault Intent to kill	SNPP 20 years Bashed wife to death in bedroom with plumber’s tool – angered by indication from victim she accepted daughter’s allegation of long-term sexual abuse at hands of offender – argued over prior weekend – significantly below mid-range Good character – no history of violence – offered to plead guilty to manslaughter (provocation)

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