

Murder: 2019

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.	YAVUZ (34) [2019] NSWSC 95 Davies J [2020] NSWCCA 226	VG	21y NPP 15y 9m	AD	assault	Stabbed Intent GBH	SNPP 20 years Offender assaulted by male neighbour while sitting in car with partner – attack unprovoked - returned to neighbour's house with knife and inflicted fatal stab wound to chest – low to mid-range objective seriousness
2.	STONE (25) [2019] NSWSC 195 Hidden AJ	PG (25%)	23y NPP 17y 6m		Assault - dishonesty	Stabbing Intent to kill	SNPP 20 years Forensic patient stabbed another forensic patient in hospital – no provocation – planned offence - schizophrenia and substance use disorder - causal link between mental illness and offence Disturbed background – family support - remains a forensic patient

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3.	KHAZMA (23) [2019] NSWSC 416 Fullerton J	VG Murder AOABH AOABH	<u>Indicative</u> 40y NPP 30y FT 3y FT 5y <u>Aggregate</u> 44y NPP 33y		juvenile record	Assault Intent GBH	SNPP 25 years Killed daughter of de facto partner aged 2y 8m – blunt force head and spinal cord injuries – slammed victim’s head into wall – next day slapped victim forcing head to hit floor – shook unconscious child with sufficient force to cause further injuries – post mortem revealed 114 inflicted injuries on almost every area of victim’s body, including soles of feet - 45 separate sites of bruising, 17 thermal injuries including to perianal area and 28 probable human bite marks – majority of injuries inflicted by offender – uncontrolled rage and lack of appreciation of vulnerability of child Nothing in subjective features provides possible explanation for conduct
4.	EYUBOGLU (No.3) (34) [2019] NSWSC 414 Button J	VG	19y NPP 14y		Many offences of violence	Stabbing Intent to kill	SNPP 20 years Fatally stabbed male acquaintance during argument in kitchen of victim’s house – staying with victim prior to offence – spontaneous offence – repeated stabbing – moral culpability substantially reduced by mental illness Chronic schizophrenia resistant to treatment – only issue at trial was whether offender mentally ill
5.	JOHNSON (No.8) (44) [2019] NSWSC 613 Campbell J	VG Murder PG Assault	26y 6m NPP 20y FT 10m <u>Total:</u> 26y 9m NPP 20y 3m		Murder - malicious wounding offences involving use of knife - assault corrections officer	Stabbing Intent GBH	SNPP 20 years Offender mistakenly thought two male victims were stalking him with intention of ambush – had a small knife he used for peeling fruit – inflicted two fatal stab wounds to one victim in left pelvic and upper thigh – spontaneous act following offender’s self-induced agitation – but unprovoked, deliberate and determined – punched second victim on chin Aboriginal male - requirement to give full weight to profound childhood deprivation – contrition and remorse – limited prospects of rehabilitation – recidivous homicide – absence of remorse – danger presented to society

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6.	CADMAN (51) [2019] NSWSC 634 Button J	VG	20y NPP 14y		Nil	Stabbed Intent to kill	SNPP 20 years Stabbed female partner five times in their home – no previous violence - spontaneous and unplanned offence - intent to kill in extraordinary psychological circumstances - long history of alcoholism - had stopped drinking two nights before offence and two days after murder suffering delirium tremens - sudden withdrawal from alcohol affected mind to significant degree. Offence out of character - remorse – good prospects of rehabilitation - need to address long-standing alcohol issues
7.	JUNE OH SEO (38) [2019] NSWSC 639 Wilson J	PG (25%) Sched: AOABH	22y 6m NPP 16y 10m		Assault - contravene AVO in relation to previous partner	Assault – strangulation Intent to kill	SNPP 20 years Struck, strangled and threw female partner from 23 rd floor balcony – victim had ended relationship - offender possessive and controlling of victim Strong reservations as to prospects of rehabilitation - controlling nature with women appears to be long standing.
8.	RJB (32) [2019] NSWSC 719 Hidden AJ	VG	22y NPP 16y 6m		Brief record involving offences of minor violence	Stabbing Intent GBH	SNPP 20 years In altercation outside residence stabbed male twice in thigh – victim ran off and died from blood loss – spontaneous offence – did not know victim prior to arrival at house – below mid-range Difficult childhood in Lebanon exposed to violence and suffering PTSD – delay – conduct of trial – onerous custodial conditions
9.	BOON (37) [2019] NSWSC 813 RA Hulme J	PG (15%)	18y 6m NPP 13y 10m		minor	Assault Probably intent to kill	SNPP 20 years Struck 57y male site manager multiple times to head with small sledgehammer and wrench – left victim in lunchroom – drug affected – spontaneous offence – mid-range – behaving irrationally prior to offence Remorse – prior good character – good prospects of rehabilitation

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10.	LATU (No.3) (31) [2019] NSWSC 951 Lonergan J [2023] NSWCCA 19	VG Murder Breach ADVO	28y NPP 21y 2y (concurrent)	Conviction AD	AOABH, contravene ADVO - On bond.	Assault Intent GBH	SNPP 20 years Killed female partner - multiple blows to victim's head; kicking and or stomping on head, back, ribs and leg – relationship marked by violence and controlling behaviour by offender – threats to victim and her family - extreme brutality - very serious example - objective seriousness well above mid-range – finding of intent to cause GBH only of minor effect on sentence. Continues to deny and minimise offending - poor prospects of rehabilitation.
11.	COOPER (44) [2019] NSWSC 1042 Hidden AJ [2021] NSWCCA 65	PG (25%) Murder Sched: Stalking / intimidation Breach ADVO	13y 6m NPP 10y	AD	Domestic violence, intimidation, common assault	Heroin injection Intent to kill	SNPP 20 years Killing of female partner by heroin injection – “mercy killing” - volatile relationship characterised by drug use and domestic violence - victim suffered from numerous chronic medical conditions - low range objective gravity - impairment by abnormality of mind but not so substantial as to reduce murder to manslaughter. Aboriginal male - disturbed background - mental illness - chronic schizophrenia – remorse
12.	WASHBROOK (42) [2019] NSWSC 1143 Walton J	PG (25%)	18y NPP 13y 6m		breached bail for AOABH – lengthy record for violence, firearms and property offences	Assault with wooden pole Intent GBH	SNPP 20 years Repeatedly struck male friend to head with wooden pole during argument while staying at home of victim – spontaneous outburst of rage – had consumed marijuana throughout previous night – panicked and left house open to victim's chickens and dogs to contaminate scene – less serious than intent to kill Genuine remorse
13.	AKOK (19) [2019] NSWSC 1235 Button J	PG (25%)	16y NPP 12y		Armed robbery - assault with intent to rob - AOABH	Assault including broken bottle Intent to kill	SNPP 20 years Fight with acquaintance following argument - attacked deceased with broken glass – grossly intoxicated – spontaneous offence Refugee background - grossly disrupted and deprived early years - mental illness – schizophrenia.

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14.	A1 (46 at offence - 51 at sentence) [2019] NSWSC 1581 Johnson J	VG	32y NPP 23y		AOABH, stalking, possess firearms	Shot Intent to kill	SNPP 20 years Shot male victim six times in head and once in chest – victim and offender’s wife involved in relationship / affair – motive related to outrage at relationship - planned offence - sense of dishonour which offender felt for cultural reasons – sexual jealousy
15.	ROWE (25) [2019] NSWSC 1592 Walton J	PG (25%)	23y NPP 17y 6m		minor – no violence but driving offences	Car Intent to kill	SNPP 20 years Struck male acquaintance on pushbike late at night with ute – crossed to incorrect side of road to strike victim – returned to run over victim four times – angered and humiliated by victim earlier – intoxicated – above mid-range Sri Lankan born adopted by local family – supportive family but struggled with racism, bullying and social exclusion throughout life – ADHD and substance disorder – remorse and reasonable prospects of rehabilitation
16.	GREENTREE (62) [2019] NSWSC 1642 Davies J	PG (25%)	18y 9m NPP 14y		nil	Stabbing Intent to kill	SNPP 20 years Stabbed female partner multiple times in neck and chest while she was sitting in chair in their lounge room – covered face with pillow - spontaneous and unplanned offence – no explanation or motive – offender took morphine and made superficial cut to wrist – victim vulnerable due to medical condition – just below mid-range Extremely remorseful – possible impact of financial stress and victim’s medical condition – good character – good prospects of rehabilitation
17.	HARWOOD (19) [2019] NSWSC 1695 Walton J	PG (25%)	16y 6m NPP 12y		Nil	Stabbing Intent to kill	SNPP 20 years Stabbed grandmother in her home during argument – spontaneous and unplanned offence – grew up with victim after being abandoned by mother – heavily intoxicated and emotionally distressed – slightly below mid-range Suffering borderline personality and depressive disorder – reduction of moral culpability and deterrence - complex and difficult relationship with grandmother and mother – no history of personal violence – youth – intoxication may partly explain loss of control – remorse – accepted responsibility – reasonably good prospects of rehabilitation

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18.	ROGERS (68) [2019] NSWSC 1622 Lonergan J [2021] NSWCCA 61	VG	18y NPP 12y	Conviction AD	nil	Smothering Intent to kill	SNPP 20 years Smothered wife with pillow during argument over wife's infidelity – spontaneous and unplanned – offence committed in victim's home - attempted suicide – mid-range gravity Suffering depressive disorder at time of offending making offender more vulnerable to highly emotive situations and reducing moral culpability – extremely out of character – remorse – very good prospects of rehabilitation – reduced life expectancy due to cancer
19.	EDWARDS (58) [2019] NSWSC 1815 RA Hulme J [2022] NSWCCA 22	VG	24y NPP 18y	Conviction AD	cultivation – firearms	Unknown Intent GBH	SNPP 20 years Killed estranged wife one night in her own home – angry at separation and victim's new relationship – circumstances of killing unknown and body never found – marginally below mid-range

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