Murder: 2021

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)

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1.	**WHITELEY** (26) [2021] NSWSC 153 Rothman J	VG	35y NPP 24y		Extremely limited	Assault Intent GBH	**SNPP 25 years** Killed 20mth step daughter – 13 injuries to neck and head and 16 injuries to trunk – assault probably started while child in her bed and included being thrown against drawers – spontaneous assault over several minutes with no motive – assault reflected emotional dysfunction related to mental and personality disorder – breach of trust - above mid-range Sexually abused and mistreated as a child – mental health and personality disorder – some remorse – good prospects of rehabilitation – some reduction for conduct of trial
2.	**BOTRUS (No.6)** (18) [2021] NSWSC 199 Walton J	VG	20y NPP 14y		On bail in Children's court	Single stabbing Intent GBH	**SNPP 20 years** Stabbed male victim seated at barber's - victim known to offender – "targeted" - victim had no warning of attack – single blow – planning and premeditation. Substance abuse disorder – social disadvantage – tumultuous early childhood in Iraq – refugee background – remorse – rehabilitation

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

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3.	**PHAM** [2021] NSWSC 528 Wilson J	VG (assistance 10%)	30y 7m NPP 22y 11m		AOABH, affray, violence, BES, larceny, supply drugs, dishonesty - on conditional release order	Stabbed Intent to kill	**SNPP 20 years** Victim purchased drugs from offender – stabbed victim in back – victim ran and fell, stabbed further three times to heart, chest and back – knife lodged in victim's spine and snapped – with co-offender dragged body back inside apartment - offender mutilated and partially dismembered body for disposal – stole victim's car and wallet – not possible to state why killed victim - possible argument. Early drug use – adverse childhood – assistance.
4.	**NEY** (20) [2021] NSWSC 529 Johnson J [2023] NSWCCA 252	PG (10% - s.25F(2) *CSPA*) Murder s.33 Sched: Assault Possess	Indicative: 40y NPP 30y 8y NPP 6y Aggregate: 44y NPP 33y	AA Indicative: 36y NPP 27y 8y NPP 6y Aggregate: 40y NPP 30y	Limited – breached conditional liberty – subsequent custodial offences	Stabbed Intent to kill	**SNPP 20 years** Travelled from home suburb to city with intent to kill - booked escort and upon arrival at unit fatally stabbed female victim, filmed scene and sent footage to friends – donned balaclava to engender fear and ran through city streets brandishing knife – attempted to stab one female then stabbed second female in shoulder – subdued by civilians – several days earlier had assaulted sister in family home during argument Turkish / Cypriot background – mental health issues since 14y but treatment resistant – at time of offending suffering mental disorder which did not impede capacity – no major depressive illness – obsessed with mass killings and violent, interactive fantasy games - dangerous man – importance of community protection – expressed desire to die at hands of police of limited mitigating value Declined to impose life sentence because of mental health issues – no double counting in setting determinate term On appeal: error found in failure to consider impact of mental health issues on custodial conditions

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5.	**SPINKS** (33) [2021] NSWSC 649 Hamill J	VG (5% discount for trial conduct)	20y 10m NPP 15y 7m		Record includes drugs, BES and assault offences – serious subsequent offences	Shooting Intent to kill	**SNPP 20 years** Nine days prior to killing victim threatened offender with knife in offender's home – several days later offender observed driving past victim's car parked at friend's house – just before 2.10am drove past car again and fired shots striking victim standing next to car – pre-meditated – planning – public place – presence of victim's partner in front seat – upper end of mid-range – aggravated by use of 12-gauge shotgun – element of provocation – affected by PTSD from unrelated violent assault 6 months earlier High degree of pre-trial disclosure – mental health issues justified significant reduction in moral culpability - long term drug abuse - delay
6.	**DXH (a pseudonym)** [2021] NSWSC 849 Harrison J [2023] NSWCCA 140	VG (25% discount assistance)	14y NPP 10y 6m	AD		Shot Joint criminal enterprise	**SNPP 20 years** Joint criminal enterprise - co-offender received a call that his associate had been assaulted by deceased - co-offender told applicant that he wanted to "go talk to this bloke" – applicant went with co-offender to deceased's apartment - saw co-offender had a handgun – offender unarmed - both entered apartment wearing latex gloves and faces covered - co-offender shot deceased, who later died in hospital - two days later, offender rang police – told them of involvement in shooting. Voluntary disclosure – assistance. CCA: No error with regard to discount or with respect to matters relating to voluntary disclosure.

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7.	**HOPKINSON** (18y 10m) **ROBERTSON** (18y 8m) [2021] NSWSC 861 Ierace J [2022] NSWCCA 80	PG (25%) PG (45% combined)	12y 9m NPP 8y 3m 13y 2m NPP 9y	Crown AD	nil	Assault / constructive / extended JCE Assault / intent to kill / JCE	**SNPP 25 years** 17y victim detained in home of offenders over 8 hours – subjected to severe beating by co-accused S and fatally stabbed by S – offence aggravated by use of weapon and commission in company H watched assault and on several occasions took responsibility to keep victim detained – assisted in concealing offence – mid range seriousness R asleep during initial assault – later helped detain victim in car and assaulted victim to head with cricket bat to 'put him out of his misery' – non-exculpatory duress - above mid-range H – difficult childhood – some mental health issues – genuine remorse – very good prospects of rehabilitation R – unusually immature – high prospects of rehabilitation – genuine remorse – prior good character - assistance On appeal: sentences light but not manifestly inadequate – discussion as to SNPP where age gap between victim and offenders small
8.	**CHATIMBA (No.2)** (34) [2021] NSWSC 863 Wright J [2025] NSWCCA 225	VG Murder AOABH	21y NPP 15y 9m s.10A	Conviction AD	Limited – no violence – breached bond for minor offence	Stabbing Intent GBH	**SNPP 20 years** While visiting ex-partner offender had several phone calls with male friend (victim) – both became angry – offender threw phone at ex-partner causing injury to face – victim arrived at residential street intoxicated – confrontation outside house between victim and offender – offender stabbed victim six times – impulsive offence – somewhat below mid-range Prior good character – suffering PTSD and depression – low likelihood of re-offending – good prospects of rehabilitation – genuine remorse
9.	**REAY (No.2)** (47) [2021] NSWSC 901 RA Hulme J	VG	30y NPP 22y 6m		Lengthy record for violence – offence committed on Extended Detention Order	Strangulation Intent to kill	**SNPP 20y** Strangled cell mate – no explanation – spontaneous offence – vulnerable victim - very grave Violent childhood – early drug use – 'long demonstrated propensity for unprovoked and on occasion indiscriminate violence in custody and in the community' – severe personality disorder

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10.	**DION** (41) [2021] NSWSC 1043 Beech-Jones J	VG	25y NPP 18y 9m		Nil Australia – minor offences in USA	Assault Intent to kill	**SNPP 20y** Lured drug dealer to car park with intent to use violence to steal drugs – during assault developed intent to kill and used weapon – victim died of head injuries – body dumped at side of road aggravating offence – attempted to cover up offence – mid-range Difficult childhood in Lebanon including sexual assault as a child – good character – unlikely to re-offend – prospects of rehabilitation – co-operation in trial process
11.	**TAUMALOLO** (18) [2021] NSWSC 1412 Davies J	PG	18y 10m NPP 14y 1m		Nil – dealt with for assaults on remand	Assault Intent GBH Joint criminal enterprise	**SNPP 20y** Group of youths fatally assaulted 18y male victim outside party – victim kicked, punched and stomped to head and face for several minutes while defenceless on ground – part of joint criminal enterprise to inflict GBH – did not know victim or reason for assault – vicious and unprovoked attack – spontaneous – gratuitous violence – main perpetrator – in company – under influence of drugs and alcohol – slightly below mid-range Some difficulties in childhood – low intellectual functioning – substance abuse since early teens – remorse – limited insight – reasonable prospects of rehabilitation – low risk of re-offending – relevance of youth but also general deterrence Co-offenders sentenced for manslaughter and affray
12.	**DUKAGJINI (No.2)** (30 at offence – 65 at sentence) [2021] NSWSC 1668 Fagan J [2023] NSWCCA 210	VG	20y NPP 13y	AD	Record for housebreaking – no other violence	Strangled and assaulted	(1986) Broke into residential house and surprised by female occupant – panicked and killed victim with electrical cord and piece of wood – killing aggravated by being in home of victim Albanian – no risk of violent re-offending – long period of no offending On appeal: no error in refusal to apply s.22A facilitation of justice discount

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13.	**GARVEY** (24)

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14.	**LUO** (31) **LIU** (33) **FAN** (45) [2021] NSWSC 1500 Hamill J Fan [2024] NSWCCA 114	VG Murder Att murder PG (5%) s.93GA Supply VG Murder Att murder PG (10%) Supply VG Murder Att murder PG (5%) Supply	Indicative 24y NPP 17y 12y NPP 8y 5y 6m NPP 3y 9.5m Aggregate: 30y NPP 20y Indicative 24y NPP 17y 12y NPP 8y 9m Aggregate: 28y NPP 19y Indicative 20y NPP 15y 10y NPP 7y 9.5m Aggregate: 22y NPP 16y 6m	

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15.	**ARCHER** (49) [2021] NSWSC 1485 Hamill J	VG	19y 6m NPP 13y 6m		Five offences – 2 personal violence offences although old	Stabbing Intent GBH	**SNPP 20y** Carrying knife in unit block when came across male acquaintance – angered by belief victim had broken into offender's unit and stolen personal property – in fight stabbed victim once in back – aggressor but stabbing not pre-meditated – comfortably below range Reasonable prospects of rehabilitation – 2.5% discount for assistance in trial – onerous conditions of custody due to poor health and Covid restrictions
16.	**SULTANI** (27) **MUNSHIZADA** (27-28) [2021] NSWSC 1654 Fagan J (Munshizada – conviction only) [2025] NSWCCA 172 Co-offenders: BAINES DANISHYAR	PG 3 x Murder VG 3 x Murder	Life Life	Conviction AD	Drug and violence offences	Shooting Intent to kill	**SNPP 20y** Three unrelated killings over nine month period – shot dead drug dealer outside his home on street late at night after arranging drug deal – S and M both fired shots – motive unclear but linked to organised criminal activity – 7 months later shot dead second drug dealer standing by his car with finance waiting inside – victim lured to trap - S fired from car then alighted and pursued victim to fire additional shots – M drove car - possible contract killing – final victim shot dead 9 weeks later – S believed victim, an underworld figure, involved in killing of offender's close friend – S and co-offender B shot victim while M drove – D aware of plan to kill and drove second getaway car - each killing carefully planned, merciless and committed in residential streets – all offenders part of inner circle of criminal organisation S – principal planner - dangerous to community – 'demonstrated readiness to kill for no cause' – no remorse – no positive prospects of rehabilitation M – similar culpability to S – willing participant with knowledge of intended offences – dysfunctional childhood – no remorse and no positive prospects of rehabilitation

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17.	**BAINES** (23-24) **DANISHYAR** (23) [2021] NSWSC 1654 Fagan J (Baines) [2023] NSWCCA 302 (Danishyar) [2023] NSWCCA 300 Co-offenders: SULTANI MUNSHIZADA	VG Murder VG Accessory before the fact to murder Accessory after the fact to murder	36y NPP 27y 15y NPP 11y FT 2y	AA 30y NPP 22y 6m Crown AA 20y NPP 15y	One prior offence of violence – prison offences	Shot Intent to kill	**SNPP 20y (Baines only)** Involved in last of three killings committed by co-offenders - all offenders part of inner circle of criminal organisation – co-offender S believed victim, an underworld figure, involved in killing of close friend – S and B shot victim while co-offender M drove – D aware of plan to kill and drove second getaway car - killing carefully planned, merciless and committed in residential street B – motived by desire to ingratiate with co-offenders – subordinate to co-offenders and influenced by them – dysfunctional childhood although no link to offending D – knew about plan to kill when accepted role of second getaway driver – M's cousin – no remorse – no positive prospects of rehabilitation – risk of re-offending
18.	**NEWSON** (37) [2021] NSWSC 1661 Ierace J [2024] NSWCCA 33	VG Murder (7% - facilitation of administration of justice)	27y NPP 19y 9m	AD	Conditional liberty	Assault Intent to kill	**SNPP 20 years** (2014) fatal assault on girlfriend in jealous rage after learning she had been with ex-partner – multiple blows – spontaneous offence – callously disposed of body in bushland – body not found for nearly two years – context of domestic violence – slightly above mid-range No remorse – prospects of rehabilitation guarded – moral culpability reduced by sexual abuse as a child On appeal: no error in finding intent to kill – no error in assessment of objective gravity – sentence not manifestly excessive