# Murder: 2022

**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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|---|---|---|---|---|---|---|---|
| | **KELEKLIO**<br>(42) | PG<br>(10%) | 27y<br>NPP 20y 3m | | AOABH, robbery, fraud, BES whilst armed - last offending 15y ago | Shot<br><br>Intent to kill | **SNPP 20 years**<br>Joint criminal enterprise - K shot 65y male victim solicitor to back of head three times in busy shopping centre during daytime – K fled scene driven away in S' van – S recruited K and others; carried out surveillance, provided K with gun, provided means for fleeing from scene – planned; premeditation; part of organised criminal activity - no motive established; connected with victim's association with organised crime; killing to serve criminal objective of unknown person(s) – no prior dealings with victim – only known motive was that K carry out task set for him by S on behalf of others – same level of culpability among K and S despite different roles.<br>K: reasonable prospects of rehabilitation - remorse.<br>S: acted at behest of others but still an important hands-on role - reasonable prospects of rehabilitation - unlikelihood of re-offending. |
| **1.** | **SINAI**<br>(33)<br><br>[2022] NSWSC 62<br>RA Hulme J<br><br>(Sinai)<br>[2023] NSWCCA 194 | VG | 30y<br>NPP 22y 6m | Conviction AD | Nil in NSW - insignificant NZ: theft, burglary | | |

**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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| 2. | **BURNS (No.2)**<br>(21)<br>[2022] NSWSC 140<br>McCallum JA | PG<br>(10%)<br>Murder<br><br>s. 98 | Indicative:<br>19y 9m<br><br>6y 9m<br><br>Aggregate:<br>21y<br>NPP 14y | | Traffic offences only | Stabbing<br><br>Intent GBH | **SNPP 20 years**<br>Stabbed victim once in struggle in victim's house during attempted robbery for drugs – robbery of limited planning – stabbing intentional but fleeting and spontaneous intent based on desire to escape struggle – use of weapon aggravating factor – both offences below mid-range<br>Prior good character – ***Bugmy*** factors applied – mental health issues – offence reflected immaturity and under-developed self-control – good prospects of rehabilitation – unlikely to re-offender – support of fiancé – harsh conditions in custody due to pandemic |
| 3. | **DARCY (No.9)**<br>(46)<br>[2022] NSWSC 135<br>Lonergan J | VG | 40y<br>NPP 30y | | Breached parole – domestic related offences including poisoning and assaulting previous husband, setting fire to bedroom and fraud offences | Suffocation<br><br>Intent to kill | **SNPP 20 years**<br>Female sedated male partner with drugs then used helium and plastic bag to cause suffocation – staged scene to appear as suicide – months of planning and setting of false trail to suggest victim suicidal – motivated by greed – aggravated by use of drugs and committed in victim's home – murder committed in domestic setting attracts particular consideration of general deterrence, denunciation and community protection<br>Personality disorder |
| 4. | **CARBONE**<br>(23 at offence – 30 at sentence)<br>[2022] NSWSC 373<br>Garling J<br><br>[2024] NSWCCA 7<br><br>[2026] NSWCCA 83<br><br>Co-offender:<br>BAGNATO [2024] | VG | 24y<br>NPP 18y | Conviction AD<br><br>Sentence AD | Breached bond for offence of entering building with intent to rob | Stabbing / shooting<br><br>Joint criminal enterprise to inflict GBH | **SNPP 20 years**<br>(2014) Joint criminal enterprise with co-offender to cause GBH to victim – dispute over money owed to victim's sister – co-offender armed with pistol – meeting arranged with victim in car park – during struggle victim stabbed in back four times then shot three times attempting to flee – some degree of planning – above mid-level – lesser culpability than co-offender – co-offender escaped country and sentenced 2024<br>Low intelligence and easily led – early drug addiction – mental health issues – reasonable prospects of rehabilitation – difficult custodial conditions due to pandemic<br>On appeal: no error in failure to special circumstances or question of parity |

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| 5. | **BALEINAPUKA**<br>(55)<br>[2022] NSWSC 485<br>Fagan J | VG | 26y 8m<br>NPP 20y | | nil | Stabbing<br><br>Intent to kill | **SNPP 20 years**<br>Sustained and savage attack with two knives on female partner in townhouse home late at night – victim pursued through house – 14 stab wounds including defensive wounds – arrested by police driving away from the scene – spontaneous attack – no apparent motive or reason – mid-range<br>Continued denial of guilt – prior good character – Fijian national – co-operation in efficiency of trial |
| 6. | **DELANEY**<br>(50)<br>[2022] NSWSC 492<br>Fagan J<br><br>[2023] NSWCCA 181 | VG | 16y<br>NPP12y | Conviction AD | Violence offences, drive unlicensed, use vehicle without authority, breach AVOs, destroy property making threats by use of carriage service. | Assault<br><br>Intent GBH | **SNPP 20 years**<br>Offender attacked victim with fists and knees – known to each other, offender upset with victim, both intoxicated – cause of death ruptured spleen sustained during attack – victim's spleen was severely diseased prior to attack – low level of intent to cause grievous bodily harm.<br>Accumulation of recent stressors on background of chronic and serious psychiatric disorders exacerbated mental condition to point where it became a contributing cause of irrational, violent attack.<br>Remorse – great childhood disadvantage and trauma - major depressive disorder; substance abuse disorder; possible borderline personality disorder. |
| 7. | **KRIVOSIC (No.7)**<br>(27)<br>[2022] NSWSC 507<br>Johnson J<br><br>[2024] NSWCCA 166 | VG | 28y<br>NPP 21y | Conviction AD | Significant including violence and firearm offences – breached parole for firearm offence | Shooting<br><br>Intent GBH | **SNPP 20 years**<br>Offender advised of an assault committed by victim and another man – attended unit where victim visiting female resident – entered unit wearing gloves and jacket concealing face and shot victim sitting on lounge once in left side of back in lower chest area – pistol whipped victim to head and attempted to kick - left home deliberately armed with pistol and attempts made to conceal identity – very angry at treatment of third man but no immediate provocation at time of shooting – aggravating factors include use of weapon and in company – upper mid-range gravity<br>Experienced trauma during childhood in Croatia and Serbia during war and further difficulties in Australia |

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| 8. | **MALETSAS** (28) [2022] NSWSC 712 Fagan J | VG | 19y NPP 14y 3m | | Record including AR | Assault<br><br>Intent GBH | **SNPP 20 years** Offender and victim lived in same housing complex –offender called victim out from unit and threw him to ground - punched victim several times to head, smashed head on concrete path and struck to back of head with metal pole once – brutal and merciless attack – both intoxicated – irrational rage - no immediate provocation but victim's behaviour had caused problems with other residents and ongoing verbal altercations with offender – absence of planning or pre-meditation – serious offence<br>Violent childhood – early substance abuse – longstanding psychiatric problems |
| 9. | **PAPANICOLAOU** (38) [2022] NSWSC 728 Wright J | VG | 22y NPP 15y | | Nil | Assault, stabbed<br><br>Intent to kill | **SNPP 20 years** Female – worked as cleaner for 92y old female victim-attended victim's home with intention of stealing from victim due to gambling losses – victim saw accused – accused stabbed and bashed victim - used three different weapons over extended period of time; beat victim with walking sticks and plates; knife wounds to lower chest and abdomen – switched off victim's alarm and took cordless telephone away leaving victim to die without assistance - impulsive attack, but prolonged – vulnerable victim - middle of range of relative seriousness.<br>Remorse – good rehabilitation prospects – mother to two children |
| 10. | **LLOYD** [2022] NSWSC 906 Bellew J | PG (25%) | 25y 6m NPP 19y 1m | | Previous domestic violence, stalking, AOABH. In breach of AVO. | Assault (baseball bat); stabbed<br><br>Intent to kill | **SNPP 20 years** Killed ex-partner at front door of victim's premises - long history of domestic violence – used two weapons - struck with baseball bat to head and arms – stabbed multiple times to face and neck - above mid-range objective seriousness. Difficult upbringing - disadvantage - background supporting slight reduction in moral culpability - subjective case otherwise limited. |

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| 11. | **NB**<br>(45)<br>[2022] NSWSC 1013<br>Cavanagh J | VG | 26y 6m<br>NPP 18y<br>(s.22A CSPA - 5%) | | Nil | Assault<br><br>Intent GBH | **SNPP 25 years**<br>Female – Foster carer - caring for deceased, child / baby aged 20 months – violent assault – loss of control - forceful blow to stomach –fracture of left femur, stomach perforation, bruising, scratch marks.<br>Unusual case - no pattern of mistreatment leading up to child's death / no violence over lengthy period.<br>Prior good character - unlikely to reoffend - reduction for facilitating administration of justice - special circumstances. |
| 12. | **WEAVER (No.13)**<br>(39)<br>[2022] NSWSC 1140<br>Campbell J | VG<br>Murder<br><br>PG<br>(10%)<br>s.166 Certificate: Resist arrest<br><br>Carry cutting weapon | 24y 8m<br>NPP 18y 6m<br><br>6m<br>(concurrent)<br><br><br>s.10A | | Poor record including personal violence in domestic setting – breached parole | Stabbing<br><br>Intent GBH | **SNPP 20 years**<br>Living with partner in home of victim – became obsessed with suspected relationship between victim and partner – stabbed victim six times in confrontation – drug affected – determined and unprovoked attack – not wholly spontaneous – offence committed in home of victim – bottom of mid-range<br>Facilitation of administration of justice in conduct of trial – extra-curial punishment when stabbed in gaol by victim's daughter's partner |
| 13. | **COSKUN (No.5)**<br>(28)<br>[2022] NSWSC 1216<br>RA Hulme J<br><br>[2024] NSWCCA 67<br><br>Co-offender:<br>BATAK (2026) | VG<br>Murder<br><br>Att s.97(2) | Indicative<br>32y<br>NPP 24y<br><br>5y<br><br>Aggregate:<br>34y<br>NPP 25y 6m | AD | Lengthy record | Shooting<br><br>Constructive murder | **SNPP 20 years**<br>One of two men who entered unit in early hours of morning, both armed and intent to rob drug dealer of money or drugs – offender fired ten shots – one occupant fatally shot in head and second occupant shot twice in arm – female occupant threatened with gun to head by second assailant – intent to cause GBH or at least high degree of recklessness – both offences above mid-range<br>Born in Turkey – difficult childhood including physical and sexual abuse and early substance abuse – suffering PTSD and other mental health disorders |
| 14. | **JUNG**<br>(56)<br>[2022] NSWSC 1262<br>Harrison J | PG<br>(25%) | 18y<br>NPP 13y 6m | | Nil | Strangulation<br><br>Intent to kill | **SNPP 20 years**<br>Strangled female victim with whom having an affair – strangled with telephone charger cord in vehicle – buried victim in park - stated motive was to prevent victim from exposing affair to offender's wife – impulsive state of anger – cause of anger not capable of demonstration beyond reasonable doubt.<br>Remorse - risk of reoffending small - prospects of rehabilitation good |

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| **15.** | **KENNEDY (a pseudonym)** (34) [2022] NSWSC 1499 N Adams J | PG (25%) | 27y NPP 19y | | Breached ADVO – nil record | Axe<br><br>Intent to kill | **SNPP 20 years** Female killed estranged husband with axe – ten 'chop style' injuries to head – volatile relationship marred by domestic violence – killed while victim resting or sleeping in early hours of morning in his home – motivated by jealousy and revenge for leaving relationship – offender subject to ADVO in relation to victim – made searches for methods of killing months prior to offence – above mid-range Born in Samoa – remorse – good prospects of rehabilitation – unlikely to re-offend |
| **16.** | **CAMELO-GOMEZ** (48 at sentence) [2022] NSWSC 1559 Wilson J<br><br>[2026] NSWCCA 63 | VG | 20y NPP 14y | Conviction AD | Nil | Strangulation / stabbing<br><br>Intent to kill<br><br>Joint criminal enterprise | (2001) – Female - joint criminal enterprise with boyfriend CC to kill offender's mother – financial motive – also motivated by wanting CC's love - plan to kill victim to take control of victim's assets for money to start business - offence committed in home of victim – not established whether offender or CC was assailant or whether both had role in inflicting fatal injuries - death by ligature strangulation from behind - when victim lay on floor, stabbed to neck – premeditated. Vulnerable to manipulation by CC – unstable personality – obsessed with CC - delay - special circumstances – separation from children |
| **17.** | **KILINCER** [2022] NSWSC 1625 Wilson J | VG | 22y NPP 16y 6m | | Dishonesty offences before and after offence – offence breached conditional liberty | Assault<br><br>Intent to kill | (1995) – fatally assaulted employer at workshop – spontaneous and brutal assault using tools and machinery – continued assault after victim fell to ground - victim planned to terminate offender's employment due to continual theft of money – stole money from wallet and cash register – covered involvement resulting in lengthy delay – grave breach of trust – extreme violence Delay meant some measure of rehabilitation and lesser sentencing range – no remorse – gambling addiction placed offender in precarious financial position |

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| **18.** | **DAWSON**<br>(34 at offence - 74 at sentence)<br>[2022] NSWSC 1632<br>Harrison J<br><br>[2024] NSWCCA 98 | VG | 24y<br>NPP 18y | AD | Nil | Intent to kill<br><br>Unknown | (1982) - Killed spouse to be free to continue relationship with teenage lover – made plans to kill victim at home – arranged for daughters to be cared for so could dispose of victim's body without interruption – victim's body never found - evidence does not reveal how victim killed - delay 36 years.<br>Good prospects rehabilitation – unlikely to reoffend - deteriorating physical and cognitive health – significant likelihood offender will not survive to become eligible for parole. |
| **19.** | **SHERIDAN (No.2)**<br>(24)<br>[2022] NSWSC 1634<br>Garling J | VG | 25y<br>NPP 17y | | Drugs, driving, common assault, affray | Intent to kill<br><br>Strangled | **SNPP 25 years**<br>Strangled 16y male - no motive - victim vulnerable with autism and intellectual disability, alone in apartment – offender impaired such that he did not know that act morally wrong - suffering from drug-induced psychosis result of self-induced acute intoxication - impairment caused solely by temporary effect of ingesting ice – experiencing command hallucinations, in form of voices directing or he would suffer certain consequences - smothering, manual strangulation with bare hands, and strangulation with cord.<br>History of chronic mental illness, drug abuse and addiction (ice) – remorse – PTSD – special circumstances. |
| **20.** | **TRAN (No.3)**<br>(75)<br>[2022] NSWSC 1661<br>Button J | VG | 20y<br>NPP 15y | | Nil | Assault with car and axe<br><br>Intent to kill | **SNPP 20 years**<br>Parked outside home of former wife – deliberately struck wife's new partner with car as he approached house on foot – took axe from car boot and fatally assaulted victim lying on ground – extremely grave<br>Extremely deprived background in Cambodia and Vietnam resulting in extreme loss and requirement to re-establish life several times – loss of wife and family resulted in loneliness and isolation – depression and PTSD justifies some mitigation in moral culpability although substantial impairment rejected at trial<br>Out of character – excellent prospects of rehabilitation – no remorse – credit for conduct of trial |

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| **21.** | **WATSON (No.3)** (40 at offence – 52 at sentence) [2022] NSWSC 1693 Walton J | VG | 24y NPP 16y 9m (partially concurrent with existing sentence) | | Reckless wounding and serious child sex offences committed after murder | Unknown<br><br>Intent to kill | **SNPP 20 years** (2010) – little evidence as to circumstances of death – inflicted fatal injury on male staying with family – no evidence as to motive or pre-meditation – burned and buried body out back of property – unprovoked assault – mid-range – old sentencing patterns applied<br>No remorse – low prospects of rehabilitation – evidence of propensity to violence – difficult and isolating custodial conditions |