Murder: 2024

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.	**BL** (15) [2024] NSWSC 51 RA Hulme AJ Co-Offender: BE [2023] AD [2024] SIONE [2024] DAWSON [2024]	PG (25%)	15y 6m NPP 10y		Of marginal significance	Assault Intent GBH Accessorial	One of group of people bashed 16y male victim over 33 minutes – victim suspected of stealing airpods so lured to home of owner – offender phoned and texted victim and was one of four who collected victim from station – victim assaulted by adult male in bedroom while offender and others looked on – when adult male left offender and others continued assault – sustained and extremely vicious involving kicking, punching and stomping – attack filmed Traumatic and dysfunctional childhood including exposure to family violence – PTSD – some evidence of progress in custody – remorse – reasonable prospects of rehabilitation – special circumstances permitting offender stay in juvenile custody until 21y TB [2024] sentenced for manslaughter

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
2.	**HAWKINS** (45) [2024] NSWSC 80 Hamill J	VG	32y NPP 24y		Record since 13y – mostly drugs, dishonesty and property offences – breached conditional liberty	Shooting Intent kill	**SNPP 20 years** Shot grandmother in her home in front of daughter and newborn grandson – cold-blooded execution – victim not known to offender – acted on behalf of associate who had fallen out with victim – some involvement in planning several days before offence – form of reward unclear – above mid-range Childhood of profound deprivation including violence, abuse, substance abuse and early involvement in criminal system – 'Indigenous heritage' – *Bugmy* and *Millwood* applied to reduce moral culpability and justify determinate sentence – substance abuse disorder – difficult custodial conditions due to Covid - reasonable prosects of rehabilitation Co-offender (driver of car) convicted of manslaughter
3.	**AB** (32) [2024] NSWSC 108 Weinstein J	PG (25%) Murder Sched: Damage property offence	16y 6m NPP 11y		Nil	Stabbing Intent to kill	**SNPP 20 years** Female drove to mother's home late at night and stabbed her in her own home – went to confront mother about identity of father – formed intent to kill after several minutes of conversation – multiple stab wounds – longstanding dysfunctional relationship with mother – offender mentally unwell in weeks prior to killing – place of killing an aggravating factor – below mid-range Mental health and dysfunctional childhood related issues and reduced moral culpability – background included physical, emotional and sexual abuse, exposure to violence and substance abuse, neglect, out of home care, homelessness and chronic self-harm from early age – borderline personality disorder and PTSD – developing remorse – prospects of rehabilitation guarded although unlikely to re-offend – custody more onerous due to vulnerabilities – impact of Covid

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4.	**TRAN** [2024] NSWSC 116 Lonergan J	PG (5%) Murder Enter house with intent to commit: s.111(1) AOABH: s.59 s.166 Certificate: Use carriage service to menace, harass and offend	Indicative: 24y NPP 18y 4y NPP 3y 2y NPP 18m Aggregate: 28y NPP 21y 6m (concurrent)		Limited – subsequent conviction for possession child abuse material	Stabbing Intent to kill	**SNPP 20 years** Met victim through massage parlour and erroneously came to believe she was his girlfriend – engaged in obsessive behaviour when she attempted to end contact – messaged and called victim, accessed her social media accounts and attended home uninvited on multiple occasions – broke into victim's unit and waited in bedroom with kitchen knife for her to return – stabbed victim multiple times to all parts of body – vicious and prolonged attack – failed to call for help – angry and jealous – stabbed victim's boyfriend in arm when he attempted to intervene - well above mid-range Pleaded guilty after defence relating to mental illness fell through – facilitated administration of justice – chronic schizophrenia not relevant to offending but taken into account in relation to deterrence and custodial conditions – remorse
5.	**DASTAN** [2024] NSWSC 55 Harrison CJ at CL	VG Murder s.93T(1) Participate in crim group	21y NPP 15y 6m 18m (concurrent)			Shooting Intent to kill	**SNPP 20 years** Vigilante act of revenge for assault on brother – mistakenly believed victim responsible – attended home of victim and shot him four times – planned confrontation – recruited co-offenders – upset by assault on brother but failed to clarify circumstances of assault and response disproportionate – slightly above mid-range Extremely unfortunate childhood – violence, parental incarceration and exposure to substance abuse – took responsibility for younger brother – mental health issues and substance abuse – little or no prospect of re-offending in similar way – special circumstances

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6.	**PETTIFORD** (34) [2024] NSWSC 319 Dhanji J	VG Murder Att murder	33y 3m NPP 20y 3m 14y 3m NPP 10y 8m Total: 39y NPP 26y		Minor violence	Assault Intent to kill	**SNPP 20 years** Fatal assault on male sleeping rough using three rocks from nearby seawall – had developed idea of killing victim earlier in day when walked past sleeping area – admitted long held desire to kill in police interview – on remand slashed throat of inmate using weapon made of wire and razor blades – intent to kill – both victims strangers to offender but targeted as persons 'less dead' – callous, senseless and unprovoked killings lacking humanity – high range seriousness Jury rejected defence of mental illness and substantial impairment – some reduction of moral culpability, denunciation and deterrence due to undiagnosed bi-polar disorder – do not need to decide if life sentence otherwise appropriate – guarded prospects of rehabilitation – 5% discount for extensive and frank participation in interviews and further discount for efficient conduct of trial
7.	**SULTANI** (27 at offence) [2024] NSWSC 338 Ierace J	PG (10%) Murder	31y 6m NPP 23y		Currently serving sentences for four murders as well as other offences	Shooting Intent to kill	**SNPP 20 years** (2015) this murder second of five unrelated killings – acting as president of chapter of bikie gang at time of killing – victim Sergeant at arms of different chapter – offender in part motivated by anticipated problems with victim over intention of offender and others to leave gang – shot victim in back of head four times during meeting at night – no significant pre-planning – stored body for several days before having it dumped in bushland by associate – callous execution style killing No remorse – onerous custodial conditions – serving three life sentences for subsequent murders
8.	**DANISHYAR (No.2)** (23 – 31 at sentence) [2024] NSWSC 353 N.Adams J Co-offender: SULTANI [2021] MUNSHIZADA [2021]	PG (10%) Accessory before the fact murder	10y 9m NPP 4y 9m (partially concurrent with existing sentence for murder - effective additional time) 3y 9m NPP 2y 9m		Minor record prior to offence – serving lengthy sentence for murder committed 8 months later)	Shooting Accessorial – intent GBH	(2016) Handed over encrypted BlackBerry to senior members of criminal group knowing that it would be used to lure victim out of his home with intention to inflict grievous bodily harm - not present when victim shot – below mid-range Dysfunctional childhood mitigating factor – drug user – sexually assaulted in juvenile detention – mental health issues – limited remorse – some prospects of rehabilitation – difficult custodial conditions

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9.	**AA (a pseudonym)** (18) [2024] NSWSC 409 Huggett SCJ	PG (25%) Sched: Use offensive weapon with intent to intimidate	12y 3m NPP 8y		Assault, AOABH, receiving, driving unlicensed	Suffocate Intent to kill	**SNPP 25 years** Female - young mother suffocated 11-month-old baby daughter - precise mechanism of suffocation not known - no other violence, neglect or abuse - volatile relationship with child's father - irrational motive that her conduct would lead to resumption of relationship with child's father – belief arose from post-traumatic stress disorder and personality disorder existing at time of offence - intent to kill but intention formed impulsively, without planning and fleeting - mental health impairments closely connected to offending that objective seriousness reduced. Traumatic background – remorse – positive rehabilitation prospects - special circumstances.
10.	**AD** (13y 11m) [2024] NSWSC 444 RA Hulme AJ [2026] NSWCCA 82 Co-Offender: BE [2023] BL [2024] SIONE [2024] DAWSON [2024]	PG (20%)	14y 4m NPP 9y 3m	AD	nil	Assault Constructive murder Accessorial	One of group of people bashed 16y male victim over 33 minutes – victim suspected of stealing airpods so lured to home of owner – victim assaulted by adult male in bedroom while offender and others looked on – when adult male left offender and others continued assault – offender punched, kicked, and stomped on victim – kicked victim to face with such force head hit wall - sustained and extremely vicious assault involving kicking, punching and stomping – attack filmed – liability of offender based on constructive murder resulting from foundational offence of specially aggravated detain for advantage – offender did not intend or contemplate GBH and played no role in luring victim to house Youth – remorse – reasonable prospects of rehabilitation – difficult childhood including exposure to violence and substance abuse, gang membership and lack of parental guidance reducing moral culpability TB [2024] sentenced for manslaughter

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11.	**HE** (24) [2024] NSWSC 417 Lonergan J	PG (25%)	20y NPP 13y		Nil	Stabbing Intent to kill	**SNPP 20 years** Stabbed girlfriend 75 times in their shared home – ferocious attack – skull fractures – unplanned – evidence of recent heavy use of nitrous oxide – self-inflicted transient drug induced psychosis – marginal reduction of culpability – signs of coercive elements in relationship - above mid-range seriousness Immediately after killing jumped four stories causing traumatic brain injury and ongoing physical disabilities affecting custodial conditions – no remorse – unlikely to re-offend - prior good character – Chinese student

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12.	**HAYES** (21) **McLACHLAN** (35) **HARDING** (39) **FARNSWORTH** (34) [2024] NSWSC 545 Yehia J Co-offender: NH (2023)	VG (25%) VG VG VG	20y 3m NPP 13y 2m 23y NPP 14y 11m 23y NPP 14y 11m 23y NPP 14y 11m		Nil Nil Nil Nil	Shooting Accessory Intent GBH	**SNPP 20 years** Shooting of president of bikie gang while sleeping in his bed at night – joint criminal enterprise to inflict GBH – four men entered bedroom of victim armed with guns – identity of shooter unclear – all offenders member of social club subjected to long period of intimidation and violence by bikie gang at direction of victim – genuine concern for safety and desire to stop violence and intimidation reduced seriousness of offence – not sophisticated – JCE formed night before offence – degree of planning and in company – aggravated by use of weapons and commission of offence in home of victim - mid-range *Hayes*: architect and instigator of plan – sourced firearms and gave some instructions - difficult childhood – sexual abuse and early substance abuse – mental health – reduced moral culpability – prior good character – reasonable prospects of rehabilitation *McLachlan*: subordinate role, following instructions – mental health issues – very good prospects of rehabilitation – unlikely to re-offend Harding: subordinate role, following instructions – difficult childhood – mental health – reduction of moral culpability – good prospects of rehabilitation and unlikely to re-offend *Farnsworth*: subordinate role, following instructions – childhood of social isolation – mental health – substance abuse - reduction of moral culpability – remorse -– good prospects of rehabilitation and unlikely to re-offend Special circumstances found for all offenders – all facing harsh custodial conditions resulting from Covid, nature of offence and mental health Note: WOODS – Conviction AA: [2026] NSWCCA 160

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13.	**CAGE** **LOWCOCK** [2024] NSWSC 718 Yehia J	VG Murder PG (5%) s.195(1)(b) VG Murder	21y NPP 14y 2y 3m <u>Total</u>: 21y 6m NPP 14y 6m 20y NPP 13y 3m		Lengthy – serious personal violence offences – on conditional liberty Lengthy – serious personal violence offences – on conditional liberty	Shooting Accessorial Intent GBH	**SNPP 20 years** Male victim fatally shot during attempted robbery – C arranged to meet victim to 'purchase' drugs and sourced firearm - agreement to rob while armed, foreseeing possibility victim would be shot with intent to inflict GBH – unable to identify shooter – plan to rob formulated by C on morning of shooting – L joined agreement shortly before meeting – relatively unsophisticated – committed in company with disregard for public safety – mid-range – C more serious role – C arranged for friend to destroy car being used by offenders C – Difficult childhood including physical and sexual abuse, substance abuse, out of home care, homelessness and educational interruption – institutionalised – ***<u>Bugmy</u>*** applied - drug user with mental health issues – some remorse – guarded prospects of rehabilitation – special circumstances L – profound childhood deprivation including physical and sexual abuse, substance abuse, mother's mental health, out of home care, homelessness and educational interruption – institutionalised – ***<u>Bugmy</u>*** applied - extensive drug user with mental health issues including suicide attempts – guarded prospects of rehabilitation – special circumstances

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14.	**SIONE** (32) **DAWSON** (19) [2024] NSWSC 846 RA Hulme AJ Co-offenders BE [2023] BL [2024] AD [2024]	VG VG	32y NPP 24y 20y NPP 13y		Significant violence – breached conditional liberty Record – breached conditional liberty	Assault Accessorial liability Intent GBH	**SNPP 25 years** 16y male bashed by group over 33 minutes – victim accused by D of stealing airpods so lured to her home – assault in bedroom initiated by S and continued by other male juvenile offenders after S left – D encouraged assault by presence, words and filming – frenzied assault involving extreme violence on vulnerable and defenceless victim – S older and took lead in offence – greater liability than co-offenders – liability based on joint criminal enterprise to inflict GBH – liability of D based on extended joint criminal enterprise to detain and assault foreseeing possibility of intentional GBH S - Samoan / Tongan heritage – suggestion of difficult childhood but does not reduce moral culpability – mental health issues – onerous custodial conditions D – female - significant cognitive impairment reducing moral culpability – behavioural and mental health issues – difficult childhood– onerous custodial conditions – genuine remorse – special circumstances TB [2024] sentenced for manslaughter
15.	**PARKES (No 3)** (46) [2024] NSWSC 910 Adams J Co-offender: SLOAN	VG	31y NPP 21y 6m		Threaten with intent to influence witness, stalk/ intimidate with intent to cause fear/physical harm, contravene AVO, rob in company, custody of knife in public, drug supply.	Assault Accessorial Intent to kill	**SNPP 20 years** Female victim - planned murder - joint criminal enterprise between P and S in context of drug dealing – not known which offender physically killed deceased - P's idea to kill - two motives: financial motive in that deceased wanted money back from P, and victim knew too much about the drug dealing - P recruited S to assist - S worked for P and looked up to him - both offenders users of high amounts of ice - P agreed to isolate victim for days before death - victim taken to remote bushland and bashed to death - probably killed with baseball bat, but no direct evidence of that apart from P's account - body set alight / burnt, petrol found in soil – victim's vehicle burnt - not known which offender removed victim's identifying tattoo with a knife to cover murder - above mid-range objective seriousness but not substantially. Mental health - ADHD, depressive disorder, severe amphetamine type stimulant use disorder - reasonable prospects rehabilitation if drug free - special circumstances.

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16.	**SLOAN** (57) [2024] NSWSC 952 N.Adams J Co-offender: PARKES	PG (10%)	25y 2m NPP 17y 6m		Lengthy – significant period of life incarcerated	Assault Accessorial Intent to kill	**SNPP 20 years** Planned murder of female associate - joint criminal enterprise in context of drug dealing – victim taken to remote bushland and bashed to death - body set alight / burnt – unknown which offender physically killed victim – P made decision to kill motivated by desire to keep money lent to him by victim and concern she knew too much about drug business – S entered agreement 2 days before offence and later than P - acted out of misguided loyalty – lesser criminality than P - above mid-range objective seriousness but not substantially. Difficult childhood including violence, sexual abuse and early drug use – *Bugmy* applied – onerous custodial conditions – unlikely to re-offend due to age - special circumstances.
17.	**AYLWARD** (18) [2024] NSWSC 923 Wilson J	PG (25%)	18y NPP 12y		nil	Stabbed Intent to kill	**SNPP 25 years** Offender entered home of 17y male acquaintance late at night and fatally stabbed victim asleep in bed – had been told by family member victim had physically hurt her on earlier occasion – 12 stab wounds to head and upper torso – savage attack - some element of planning Childhood marred by physical, sexual and drug abuse – youth, immaturity and PTSD – reduction in moral culpability under *Bugmy* – physical health conditions – remorse - out of character
18.	**DOOLAN** (31) [2024] NSWSC 933 Button J	PG (25%)	18y 9m NPP 14y		Short although breached ICO for AOABH in domestic setting	Stabbed Intent to kill	**SNPP 20 years** Attended social event with partner after funeral – confronted victim about sexual relationship with offender's partner – stabbed victim 14 times – spontaneous and out of control act against victim backing away – carried large knife for protection – context of domestic violence Aboriginal male - childhood of deprivation and violence – mental health issues including PTSD and low intellectual capacity – reduced moral capability – some evidence of remorse

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19.	**STEIN** (32) [2024] NSWSC 1080 Wilson J	VG	Life		Dishonesty and drug offences – breached parole at time of offence	Shooting Intent to kill	**SNPP 25 years** Shot 9y daughter of fiancé while victim in offender's care in remote residence in Blue Mountains – shot victim in hip then at point blank range in face – victim vulnerable because of age, drowsiness due to drug and isolation – used stolen rifle – motive unknown – breach of trust – took elaborate steps in attempt to dispose of body over several days – placed body in barrel, filled with sand and rolled towards river – lied to fiancé suggesting victim first being cared for then kidnapped – offence at top of range No mitigation of moral culpability – no remorse – rejected claims of mental illness – bleak prospects of rehabilitation – danger to community
20.	**TAMMANJANTA** (29) [2024] NSWSC 1180 N.Adams J	PG (10%)	23y 4m NPP 16y 4m		nil	Assault Intent GBH	**SNPP 20 years** Killed 37y partner in brutal and sustained assault in multiple areas of home – pushed through door of bathroom to reach victim – died from blunt force injuries to head – some history of violence in relationship although dominant feature was offender's intense irrational jealousy and desire to control – intoxicated - well within mid-range Thai national with limited English – substance abuse – moderate prospects of rehabilitation – some risk of re-offending – isolation in custody
21.	**TAUFAHEMA** [2024] NSWSC 1419 McNaughton J Co-offender: NEHME	VG Murder s.97(1) PG (5%) s.113(2) s.112(2)	<u>Indicative</u> 22y NPP 15y 7m 5y 6m 4y 6m 5y 6m NPP 3y 10m <u>Aggregate</u> 23y NPP 16y 6m		Violence, offences involving use of weapons, armed rob, mal wound inflict GBH, firearms, assault police	Stabbed Accessorial	**SNPP 20 years** Not proven who responsible for fatal wound of male deceased during break enter / armed robbery – with co-offender N, entered deceased's home to rob for money, multiple stab wounds inflicted – aware N carried knife – anticipated resistance from occupants of home and possibility grievous bodily harm might be intentionally inflicted - motive need for money – recruited by N after co-offender P (female) provided robbery plan to N - co-offender R acted as lookout - limited planning; last minute venture – inside house for short time, 60-90 seconds. Drug addiction - traumatic childhood, abuse – remorse – guarded rehabilitation prospects - special circumstances. Co-offenders Price and Rahim convicted of manslaughter

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22.	**NEHME** (32) [2024] NSWSC 1617 McNaughton J Co-offender: TAUFAHEMA	VG Murder s.97(1): Assault with intent to rob in company PG (10%) s.112(2): Agg BE and assault with intent to run in company	Indicative: 20y NPP 14y 9m 5y 4y 9m NPP 3y 3m Aggregate: 21y 6m NPP 15y		Minor offences including drugs and affray – nil custody – reached conditional liberty	Stabbed Accessorial	**SNPP 20 years** Prime mover in organising break in and robbery at home of victim – recruited co-offender T – broke into home in early hours of morning – victim stabbed by T five times during confrontation – offender present at time of stabbing – needed money to fund drug addiction and advised victim lucrative target – aware possibility of violent confrontation and possibility GBH would be inflicted with intent – aggravating factors include use of knife and home of victim Sexually abused as teenager escalating drug abuse – some personality and mental health issues – heavy drug user – efficient running of trial: s.22A – some reduction of difficult custodial conditions – delay – remorse – moderate prospects of rehabilitation Co-offenders Price and Rahim convicted of manslaughter
23.	**RAJAPAKSE (No 3)** (28) [2024] NSWSC 1642 Chen J	VG	24y NPP 18y		Assault, reckless wound, drug possession, larceny - on bail.	Stabbed Intent GBH	**SNPP 20 years** Inflicted single fatal stab wound to victim's armpit using flick knife - victim refused to hand over stolen methylamphetamine (drug rip) – armed with knife when attended premises but unplanned offence. No remorse – poor prospects rehabilitation – application of Bugmy principles – Indigenous male - exposure to domestic and family violence - PTSD/complex trauma.
24.	**ZAFAR** (20) [2024] NSWSC 1639 Sweeney J	PG (10%)	21y 6m NPP 16y		Limited	Suffocate / choke / smothered Reckless indifference	**SNPP 20 years** Domestic violence – killed female partner - obstructed breathing by applying compression to neck and/or smothering victim - purchased hydrochloric acid, put into bathtub and put victim's body into bathtub in attempt to dispose of remains - anger at prospect of victim leaving and ending marriage - background of controlling and violent behaviour by offender. Youth - positive prospects rehabilitation – past substance abuse.

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25.	**BAGNATO** (25 at offence - 35 at sentence) [2024] NSWSC 1674 Cavanagh J Co-offender: CARBONE [2022]	PG (25%)	17y 3m NPP 12y		Nil	Shooting – stabbing Intent GBH	**SNPP 20 years** (2014) With co-offender (cousin) killed male victim - joint criminal enterprise to inflict GBH – dispute over money – lured victim to carpark - shot and stabbed – no finding as to who shot or stabbed victim - not significant planning, but not simply opportunistic or random – aggravated by use of weapon, committed in company and disregard for public safety – mid-range - fled overseas shortly after commission of offence – subsequently convicted of further offences in Thailand. Childhood difficulties – employed – ADHD - good prospects rehabilitation – PTSD due to custodial conditions in Thailand – backdated 13m for additional time served in Thailand at behest of Australian authorities – special circumstances.