Murder

Accessorial Liability

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)

offences committed on or after 24.11.2025 and where victim was an intimate partner of the offender

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	**MORGAN** (17y 3m) **MIHAILOVIC** (18y 5m) NSWSC 15.4.1991 B-Parker J **HOWARD** (18y 2m) NSWSC 30.8.1991 B-Parker J	VG	MT 10y AT 8y MT 10y AT 8y MT 8y AT 5y	AD (1992) 29 NSWLR 242	nil nil minor	assault intent GBH / joint enterprise to assault	Gang homosexual bashing – victim lured to toilet and attacked - beating and kicking H some assistance to police.

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.	**MTD** (16y 8m) **S McAULIFFE** (17y 11m) **D McAULIFFE** (16y 10m) NSWSC 7.8.1992 Wood J NSWCCA (1993) 70 A Crim R 303 HCA (1995) 69 ALJR 621	PG Murder Mal wounding VG Murder Rob/wound VG Murder Mal wound w/i GBH	MT 11y AT 8y MT 12y AT 8y MT 12y AT 8y	 Conviction AD Conviction AD	lengthy, including assault nil nil	assault / drowning common criminal enterprise to assault	Attacked two men with intent to rob at night in park – one man assaulted with hammer, punched and kick - one fell over the cliff in attempt to escape
3.	**COULSTOCK** (35) **SUMMERSFORD** (30) NSWCCA 9.10.1992	VG VG	MT 16y AT 4y MT 6y AT 2y	AA MT 14y AT 6y Crown AD	armed robbery, on parole stealing, driving drugs	drowning - burnt car containing body	Fight in pub and behind yacht club - drowned victim then placed body in car and burnt car S dealt with as principle in second degree

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4.	**CATON** (18) **McDONALD** (19) NSWSC 12.3.1993 Levine J (McDonald) NSWCCA 18.8.1994	VG Murder PG Rob in Co PG	MT 10y AT 5y MT 18y AT 6y	 AA MT 15y AT 7y	minor no violence but lengthy dishonesty.	shooting common purpose robbery intent kill	Intending to steal taxi told driver to get out and run - shot to prevent identification.
5.	**LIEW** (49) **LIM** (33) NSWCCA 24.12.1993	PG VG Murder s.90A	MT 20y AT 6y MT 18y AT 6y	AD	Armed robbery in Malaysia Nil	shooting	Killing of Dr Chang – pulled over victim driving to work - Liew shot victim when he refused to give them money
6.	**STEELE** (22) NSWSC 12.5.1994 Hunt CJ at CL	PG Murder 2 x Aid and abet murder	Life 25y		minor	shooting – pushed over cliff intent to kill	Killing spree with two other men - 3 men shot by offenders – siege followed – senseless, ruthless, irresponsible and gross violence - completely callous lack of concern or remorse Psychopathic tendencies - frequently expressed pleasure at killing, or blamed victims
7.	**FOWLER** (23) NSWSC 27.5.1994 Blanch J	VG	MT 8y AT 4y			strangulation common purpose robbery	During robbery of taxi driver co-offender strangled victim with cord of handset

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8.	**PILLER** (20) NSWSC 6.7.1995 Dowd J **KRAMER** (23) NSWSC 29.11.1995 Dowd J	VG PG	MT 13y AT 5y MT 11y AT 4y		Nil Assault, dishonesty as a juvenile	Shooting Felony murder	Shooting of Pizza Hut employee during armed robbery with shotgun – K waited in car
9.	**GAC** (15) **JOHNSON** (18) NSWSC 24.4.1996 Ireland J (GAC) NSWCCA 1.4.1997	VG Murder Rob with wounding VG Murder Rob with wounding	MT 6y AT 4y MT 8y AT 4y	Conviction AD	 record	assault felony murder / common purpose	Group of young persons assaulted elderly vagrant in park.
10.	**JB** (15y 11m) NSWSC 20.11.1997 Hunt CJ at CL **RJH** (17y 10m) NSWSC 25.11.1997 Hunt CJ at CL [1999] NSWCCA 93	PG PG	MT 11y AT 5y (20% assistance) MT 12y AT 6y	AD AD	appalling, including violence bad record, including violence	assault felony murder	Cousins robbed commuter walking home from train station - struck head with rock. H less culpable.

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11.	**ADAM** (33) [1999] NSWSC 144 Wood CJ at CL (1999) 47 NSWLR 267 [1999] NSWCCA 197	VG	MT 21y AT 7y	AD	AOABH	stabbing / assault joint criminal enterprise	Group bashing of off duty police officer outside hotel.
12.	**D PRIVETT** (27) **M PRIVETT** (29) [1999] NSWSC 1076 B-Parker AJ (D Privett) [2001] NSWCCA 518	VG	MT 14y 6m AT 3y 3m MT 11y AT 3y 8m	AA 17y 9m NPP 13y 4m	minor long record reflecting trouble childhood	shooting intent kill / common purpose or joint criminal enterprise	Shot victim during robbery at property - no premeditation - DP fired fatal shot at close range and greater culpability
13.	**MCNELLEE** **TUCKER** (33) **DALLEY** (16) [2000] NSWSC 1154 Bell J (2002) 132 A Crim R 169 [2002] NSWCCA 284 (Dalley) Co-offender: BREWER	PG (25%) VG VG	14y NPP 10y 6m 13y NPP 9y 10y NPP 6y	Conviction AD	minor nil nil	stabbing common purpose robbery	Offenders involved in common purpose to rob victim of cannabis while armed with knives, mattock handle and machete - victim stabbed 21 times by fourth offender - all offenders played subsidiary role Good prospects of rehabilitation.

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14.	**HYLAND** (27) **PARRY** (35) **YATES** (28) [2001] NSWSC 470 Ireland AJ [2002] NSWCCA 520	VG Murder s.111(3) Murder s.111(3) Murder s.111(3)	23y NPP 17y 3m FT 11y (concurrent) 26y NPP 19y FT 11y (concurrent) 20y NPP 15y FT 10y (concurrent)	Conviction and sentence AD	prior record lengthy record including violence insignificant record	shooting intent to kill	Group of men forced way into residential house and terrorised occupants inside with baseball bat, revolver and shortened shotgun - occupants assaulted with bat - victim executed at close range with bullet behind ear - other occupants shown body and threatened - worst class of case but level of culpability not so extreme that community interest only met through life imprisonment P shot victim in presence of Y Y a follower with limited intellectual functioning and back injury.
15.	**BIKIC** (45) [2001] NSWSC 571 Hidden J [2002] NSWCCA 227	VG Murder Manslaughter	16y NPP 11y 10y NPP 7y Total: 17y NPP 12y	Conviction AD	serious drug offence	shooting joint criminal enterprise	Involved in assault upon two men by nine offenders - both men shot - motive not clear - unclear who fired shots – other offenders convicted of manslaughter - offender convicted of murder on basis aware of guns and contemplated their use with requisite intent for murder - convicted of manslaughter on basis shot fired after provocation. Serbian - supportive of sister and her family - pre-sentence custody and stringent bail conditions - high risk prisoner while on remand. (Co-offenders - *PUTA & ORS* [2001] NSWSC 225)

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16.	**SUTESKI** (23) (2002) 129 A Crim R 559 [2002] NSWSC 457 Kirby J (2002) 137 A Crim R 371 [2002] NSWCCA 509 Co-accused: IRANI	VG Murder PG 8 x s.178BA s.178BA Sched: 68 x s.178BA	22y NPP 16y 4y NPP 3y FT 3y Total: 24y NPP 18y	AD	nil	stabbing accessory before fact intent GBH	Female accounts clerk committed extensive frauds upon company - paid co-offender to injure supervisor to keep him away from work - assisted on night of killing - victim stabbed to death - agreement to inflict gbh - weapons discussed Committed earlier frauds on different company - no charges when father repaid money
17.	**TNT** (16 at offence / 22 at sentence) [2002] NSWSC 537 Hidden J Co-offender: MHN	PG (50% combined)	10y NPP 6y (cumulative to existing sentences – see facts)			stabbing accessory	(1996) With 2 co-offenders took 18y victim from coffee shop to nearby street and assaulted him – victim tied up in house then taken to garage - further assaults committed in garage - victim stabbed in throat by co-offender in absence of offender Disturbed childhood - at time of killings involved in gang and under influence of co-offender - subsequent to killings left gang and seriously assaulted - moved interstate with pregnant girlfriend - evidence of good character - volunteered guilt - assistance to authorities Sentenced one month earlier for unconnected murder committed 8 days earlier: Tran [2002] NSWSC 394 Total Sentence: 23y 3m NPP 14y 3m
18.	**KANAAN** (23) **MAWAS** (21) **EL ASSAAD** (21) [2002] NSWSC 774 Wood CJ at CL [2006] NSWCCA 109	VG VG VG	Life 25y NPP 19y 24y NPP 18y	AD AD AA 22y NPP 16y 6m	Life sentence for 2 murders - breached bond lengthy but relatively minor - no violence lengthy - mostly motor vehicle - no violence	shooting intent to kill Accessory before fact	Gangland killing of notorious and vicious principal in extensive criminal organisation involved in drugs and protection by associates – victim gunned down in car by K and M - E acted as lookout, advising shooters of victim's movements - motive was to improve offender's own criminal activities - use of firearms an aggravating circumstance K - Principal - hardened criminal M - Reacted badly to death of mother at 16y - suicidal and drug addiction - follower not initiator E - Close family - exposed to anarchy and violence in Lebanon - prospects of rehabilitation - Immaturity

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19.	**P PHAM** (18 at offence) **NGUYEN** (17 at offence) [2002] NSWSC 1261 Sully J Co-offender: TRAN	VG VG	16y NPP 11y 17y 38w NPP 11y 38w (cumulative to existing sentences – see facts)		record unclear but not significant appalling record for violence - includes murder and manslaughter	shooting intent to kill	(1996) Execution in context of gang involvement - victim taken to oval by offenders at night and shot four times by co-offender PP - Vietnamese - difficult childhood - refugee - drugs - need for psychiatric care - important co-operation with police N - Traumatised childhood - serious depression - Serving sentences for Murder: 29.10.1998 Kirby J Manslaughter: 20.11.1998 Kirby J Murder: [2000] NSWSC 1177 Total sentence 31y NPP 25y
20.	**MEHAJER** (23) **JACOBS** (21) [2003] NSWSC 885 Studdert J (2004) 151 A Crim R 452 [2004] NSWCCA 462	VG Murder Rob in Co Agg Rob in Co VG Murder Rob in Co Agg Rob in Co	18y NPP 13y 6m FT 4y FT 5y Total: 18y 6m NPP 14y 16y 6m NPP 12y 6m FT 4y FT 5y Total: 17y NPP 13y	AD	Nil prior – minor subsequent offence Minor prior offence	Assault Felony murder Accessory	Robbery of takeaway shop – one man threatened by M with knife and assaulted – owner kicked in head and subsequently died – unclear who caused death – M ringleader M – prior good character – good prospects of rehabilitation J – extremely harsh upbringing – favourable prospects of rehabilitation

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21.	**LO** (22) [2003] NSWSC 582 Adams J Co-accused: NG LEW	PG (40% combined) Murder Sched: Att AR	18y NPP 13y 6m		Breached bond for drug offences	Shooting Accessory	During attempted robbery of tavern manager shot in head by co-offender to prevent identification – offender did not foresee or intend death but intentionally assisted Assistance given against co-offender
22.	**NG** (28) [2003] NSWSC 781 Adams J [2011] NSWCCA 227 Co-accused: LO LEW	VG Murder s.97(2) Agg Rob	35y NPP 25y 9m FT 7y Total: 37y NPP 27y 9m	AA 30y NPP 22y 6m FT 7y Total: 31y NPP 23y 6m	Nil relevant	Shooting Accessory	Involved in robbery of Tavern – manager deliberately shot in head to prevent identification – not satisfied who fired shot
23.	**MARCHANT** (29) **CRAWT** (24) [2003] NSWSC 958 Greg James J [2006] NSWCCA 120	PG (10%) Murder PG (10%) Murder Sched: 3 offences	38y NPP 32y 35y NPP 28y	AD AA 30y NPP 24y	Lengthy record for violence – breached parole Lengthy record – breached parole and bail	Shooting Intent to kill Accessory	Male shot twice in head during night time meeting in park to discuss stolen jewellery – purpose of shooting not clear – vicious and callous execution M – Primary offender – continuing danger – little hope of rehabilitation C – Present and reckless as to killing – deprived background – some hope of rehabilitation
24.	**JSK** (16y) [2004] NSWSC 470 Buddin J Co-offender: MAH	PG	11y NPP 7y		Nil	Assault	Fatal assault on 17y friend at instigation of co-offender – friend taken to remote area and body buried – pre-meditation – element of duress. Voluntary admission of guilt three years later - significant discount for assistance – extreme remorse – emotionally immature – excellent prospects of rehabilitation

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25.	**WILKINSON** (26) [2004] NSWSC 1307 Howie J Co-offender: WILLARD TJA	PG (25%)	22y 6m NPP 16y 6m		Drug offences – breached bond	Shooting Accessory	**SNPP 20 years** Female - assisted in killing of friend's husband – arranged shooter – drove shooter to house – victim shot in back of head while asleep on lounge – premeditated offence for financial reward – substantial role Judgement impaired by mental state
26.	**LEW** [2004] NSWCCA 320 Co-offenders: NG LO	VG Murder PG Acc before fact attempt armed robbery	14y NPP 11y FT 5y	AA 14y NPP 10y FT 5y Total: 14y NPP 11y	AOABH.	Shooting Accessory before fact	Planned with co-offenders to rob tavern where offender worked - co-offenders armed with metal pole, knife and gun, entered tavern, struck victim on back of head with metal pole - victim struggled and killed by knife wound to throat and bullet wound to head - co-offenders stole $50K – offender aware of metal pole only - tried to convince co-offender not to proceed - attempted to withdraw from involvement but did nothing of significance to prevent robbery – did not notify victim of what was to occur. Abuse of position of trust – motivated by financial pressures – gambling debt On appeal related conviction for accessory before the fact to armed robbery quashed
27.	**SATORRE** (38) [2005] NSWSC 367 Studdert J [2006] NSWCCA 298 Co-offenders: AB TAN	PG (50% combined)	16y NPP 12y	AD	Minor	Acid attack Intent GBH	Drove 2 co-offenders to scene of offence – acid poured over victim's face – aware acid to be used to disfigure Assistance – reasonable prospects of rehabilitation
28.	**WILLARD** (48) [2005] NSWSC 402 Whealy J Co-offender: WILKINSON TJA	VG Murder Sched: Supply drug	36y NPP 26y		Minor dishonesty	Shooting Intent to kill	**SNPP 20 years** Arranged for friend's boyfriend to kill husband – victim shot while asleep on lounge – seeking insurance money – organiser and instigator

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29.	**TROCIO** (29) [2005] NSWSC 563 James J	PG (15-20% + small discount assistance)	12y NPP 8y		Nil	Throat cut with machete Accessory	Stood guard while friend attacked male acquaintance with machete – assisted in dismembering and concealing body – unplanned and unpremeditated – realised co-offender acting with intent to kill Married with young child
30.	**SMALE** (47) [2005] NSWSC 903 Patten AJ [2005] NSWSC 923 Patten AJ [2007] NSWCCA 328 Co-offender: WIGNEY	VG Murder PG s.97(2)	18y NPP 13y 6m 13y NPP 9y 9m (concurrent)	AD	Extensive record – breached suspended sentence	Shooting Felony murder	Male shot by co-offender during armed robbery of tavern – not involved in shooting Remorse – drug addiction
31.	**SMIT** (31) **SMIT** (31) **TARRANT** (29) [2005] NSWSC 1277 Latham J (Tarrant) [2007] NSWCCA 124	VG VG VG	16y NPP 12y 16y NPP 12y 16y NPP 12y	AD	Each offender had criminal record connected to drug abuse	Assault Party to criminal enterprise to inflict GBH	Body of male victim found dead in residence – assaulted with cricket bat and multiple stab wounds – substantial degree of violence – sudden, unpremeditated and unplanned attack – motive unclear – not clear who inflicted fatal assault – retrial – equal culpability S(1) – Male – intoxicated – believed victim acting inappropriately to co-offender – remorse – prospects of rehabilitation S(2) – Female –wife of S(1) – history of drug abuse – children – prospects of rehabilitation T – Female – violent childhood – drug abuse – prospects of rehabilitation
32.	**AB** (37) [2006] NSWSC 69 Grove J Co-Offenders: SATORRE TAN	PG (25% combined) Sched: Possess firearm	18y NPP 13y 6m		Supply drugs, ongoing supply drugs - on parole.	acid attack accessory before the fact intent GBH	Contract killing - Tan asked offender to have victim attacked - dispute over money – offender refused request to splash acid on victim's face but found person who would carry out attack, located hardware store from which acid could be purchase and lent pistol to attacker – victim threatened with pistol and had acid poured into mouth - not motivated by payment but desire to ingratiate himself with Tan who supplied drugs to offender. Drug abuse.

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33.	**IMNETU** [2006] NSWCCA 203 [2014] NSWCCA 99	VG	26y 6m NPP 20y	AD AD (Muldrock)		Strangulation Joint criminal enterprise	**SNPP 20 years** Assisted primary offender in killing of male acquaintance – victim dosed with heroin, assaulted and strangled in own home – offender acted as lookout and helped dispose of body
34.	**AOUN** (25) [2006] NSWSC 800 Hulme J [2007] NSWCCA 292	VG Accessory before fact to murder	17y 3m NPP 13y	AD	Nil	Shooting Accessory before fact to murder	Victim shot dead in drive by shooting of house after ongoing dispute between shooter and victim's son – offender knew shooter intended to kill or inflict GBH on son or family and killing within scope – helped prepare stolen car used in shooting – gave some advice – declined to accompany shooter – lesser role but still substantial assistance
35.	**HOHAIA** (18) **ABDULKADER** (21) [2006] NSWSC 866 Kirby J (Hohaia) [2015] NSWCCA 91	VG Murder Rob in Co AOABH VG Murder Rob in Co	24y NPP 18y FT 18m FT 9m (all concurrent) 21y NPP 15y 9m FT 18m (all concurrent)	AA 24y NPP 18y FT 18m FT 9m (all concurrent)	Priors – no violence Significant record	Assault Intent GBH	**SNPP 20 years** Sustained assault on male acquaintance over several hours – victim assaulted by H in home of H's mother – victim robbed of mobile phone and wallet, forced to reveal PIN and taken to ATM to obtain money – subjected to further assault by both offenders and left for dead – H principal offender – A lesser offender but involved in second, fatal assault on victim - no clear motive H - also sentenced for assault on male in company with friend three months earlier – sustained attack with no motive - disrupted childhood with early drug abuse A – early drug abuse
36.	**A** (16) [2006] NSWSC 1035 Buddin J Co-offender: HOURI	PG	12y 8m NPP 9y 6m		Priors	Stabbing Felony murder	**SNPP 20 years** Involved in armed robbery of service station – after robbery co-offender suddenly and without provocation stabbed operator four times Remorse – prospects of rehabilitation – discount for assistance – protective custody

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37.	**BROWN** [2006] NSWCCA 395 Co-offender HUDD	VG Murder 2 x Agg AR s.33 AOABH in Co	20y NPP 15y 8y NPP 6y 3y NPP 2y 3m 2y 6m NPP 1y 10m <u>Total</u>: 21y 10m NPP 16y 10m	AD	Lengthy	Shooting Felony murder – accessorial liability	Two offenders involved in planned armed robbery of electrical store – three employees tied up – one employee hit on head with gun and one with vacuum cleaner – third employee shot dead by co-offender in pursuit Lesser offender
38.	**NORMAN** (50) **OLIVIERI** (49) [2007] NSWSC 142 Hidden J (Olivieri) [2016] NSWCCA 169	VG Murder Fraud VG Murder	35y NPP 29y FT 3y <u>Total</u>: 37y NPP 31y 33y NPP 28y	Conviction AD	Minor Lengthy – dishonesty and drugs	Shooting Access before the fact	**SNPP 20 years** N accountant who defrauded victim – had victim shot by O to cover up fraud – O paid little more than expenses – carefully planned offence – victim shot at home office
39.	**TAN** (38) [2007] NSWSC 684 Price J [2010] NSWCCA 207 Co-offenders: SATORRE AB	VG	Life	AD	Priors – no violence – drug offence – breached bonds	Acid attack Joint criminal enterprise to inflict GBH	Arranged and paid $10,000 for attack on male victim – intended to flush from hiding victim's brother in law who owed over $500,000 – hydrochloric acid poured over victim's face – wife and victim threatened with gun - victim's skull fractured by blow to head with gun - died three weeks later - intended to cause grievous bodily harm only – a principal – extreme cruelty – inhumanity of using acid to hideously disfigure and inflict awful pain - slow and horrible death Indonesian – prospects of rehabilitation

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40.	**CARRUTHERS** [2007] NSWCCA 276	PG (37.5% combined)	25y NPP 18y 9m	AA 20y NPP 15y		Shooting and car Intent to kill Accessory	Victim a witness in mal wounding charge against co-offender - took victim to co-offender to remote area – victim shot by co-offender then run over by offender in car and possibly assaulted with metal bar — offender initially unaware of plan to kill victim – voluntarily continued assistance after shooting - motivated by desire to assist drug supplier and element of fear – lesser offender Genuine remorse – prospects of rehabilitation – assistance - parity
41.	**LEA-CATON** (28) [2007] NSWSC 1294 Buddin J Co-offender: SNIBSON	PG (40% combined) 2 x Murder 2 x Sp agg kidnapping	18y NPP 12y 6m (each) FT 5y Total: 22y NPP 16y 6m		Record	Suffocation / Strangulation Joint criminal enterprise	**SNPP 20 years** Assisted two co-offenders in detainment and murder of husband and wife – victims lured to house, assaulted and hog-tied – female suffocated by female co-offender and male strangled by male co-offender – assisted in disposing of bodies and car – principal in second degree Voluntarily surrendered to police - assistance to authorities – brain damage and psychological problems resulting from motor cycle accident Third co-offender, Flentjar, sentenced only for kidnapping offences
42.	**GRUPE** (26) [2007] NSWSC 1303 Berman AJ	PG (35% combined)	19y 6m NPP 14y 6m		Priors for violence	Shooting Joint criminal enterprise / felony murder	(2000) Carefully planned attempt to kidnap victim on behalf of third person while heavily armed – offender deliberately shot at fleeing victim 6 times – co-offender caught victim and shot him 15 times – motivated by greed and financial reward – co-offender subsequently killed by offender in self defence Lesser offender – remorse - assistance
43.	**CLARK** (42) [2008] NSWSC 795 Kirby J [2010] NSWCCA 94 Co-accused: CLARK	VG	30y NPP 24y	Conviction AD	Significant	Shooting Intent to kill – joint criminal enterprise	**SNPP 20 years** Recruited 21y son to shoot grandfather – son visited victim at home and shot him in head – financial motivation as well as other emotional issues – planning - above mid-range seriousness Suffering brain damage from motor vehicle accident and physical illnesses

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44.	**SNIBSON** (35) [2008] NSWSC 905 Buddin J [2023] NSWCCA 127 Co-offender: LEA-CATON	PG (10%) 2 x Murder 2 x Sp agg kidnapping	26y NPP 18y (each) FT 8y 6m Total: 32y NPP 24y	AA 24y NPP 17y (each) FT 8y 6m Total: 29y 6m NPP 22y 6m	Insignificant	Strangulation / suffocation Joint criminal enterprise / intent to kill	**SNPP 20 years** Female - recruited two male friends to assist in detaining victims – lured husband and wife to house – victims assaulted, gagged and hogtied – male strangled – female suffocated – not established which offender committed fatal acts – bodies placed in drums, taken into forest and burned – equal involvement in post murder conduct - kidnapping well planned – murder slightly above mid-range – pivotal role Motive unclear – model prisoner – lost contact with daughters – prospects of rehabilitation Third co-offender, Flentjar, sentenced only for kidnapping offence CCA: *Muldrock* error.
45.	**BARRETT** (20) [2009] NSWSC 338 Mathews AJ Co-offender: FORDHAM	PG (12.5%)	22y NPP 16y		Nil	Stabbing Intent to kill	**SNPP 20 years** Female offender - arranged murder of ex-partner – victim became frustrated at offender's lack of response and sent threatening SMS messages – disproportionate response to threats due to heavy cannabis consumption – meticulously planned killing with male friend – lured victim interstate – multiple stab wounds inflicted by co-offender – both offenders inflicted final stab wound – instigator of plan – above mid-range Abusive childhood – smoking marijuana by 12y – remorse – two young children
46.	**WHITMORE** (26) [2009] NSWSC 520 Adams J [2010] NSWCCA 157	VG	14y NPP 10y	Conviction AD Crown AD	Minor record for assaults and property damage	Stabbing Common purpose	**SNPP 20 years** Female offender – male victim stabbed in back during argument with neighbours over dogs – unclear who inflicted fatal stab wound – offender and brother emerged from house in response to comment made by victim – sentenced on basis adverted to possibility lethal blow could be inflicted by someone with intent to kill or inflict gbh – significantly below mid-range - brother sentenced for manslaughter History of alcohol and drug abuse

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47.	**WILLETTS** (37) **GURNEY** (29) [2009] NSWSC 1201 Latham J [2011] NSWCCA 48	PG (15%) Murder Arson PG (20%) Murder	25y 6m NPP 19y FT 2y (concurrent) 24y NPP 18y	AD	Conditional liberty – drug related record Conditional liberty – drug related record	Stabbing Intent to kill	**SNPP 20 years** Joint criminal agreement to kill formed immediately before the fatal assault – attacked male acquaintance in his home – stab wound to the chest – assault commenced in yard and victim taken inside – penis amputated and numerous wounds to body - set alight – steps taken to conceal weapons – markedly higher than mid-range G had been sexually assaulted by victim as a child and was dissatisfied with drugs supplied by victim – offer of assistance – suffering drug abuse and mental disturbances at time of offence W no motive for attack but not involved in mutilation of body – drug abuse
48.	**LR** (16) [2010] NSWSC 22 Howie J Co-offender: KR	PG (20%) Murder Assault w/I to rob in co	14y 3m NPP 10y 6m FT 6m		nil	Assault Intent GBH	Agreed with co-offender to find person to rob - assaulted male stranger and stole mobile phone – assault initiated by co-offender who stomped on head of victim – offender joined assault and kicked victim once to head - assaulted male bike rider with intent to rob shortly before killing Aboriginal youth – some evidence of rehabilitation in custody and remorse
49.	**KR** (17) [2010] NSWSC 188 Howie J [2012] NSWCCA 32 Co-offender: LR	PG (15%) Murder 2 x Ass w/i Rob	18y 9m NPP 12y 12m / 6m Total: 19y 6m NPP 12y 9m	AD	nil	Assault Intent GBH	Agreed with co-offender to rob someone – kicked male victim to death in driveway of house – assault included stomping on head – subsequently attempted to rob cyclist - pushed female from behind, punched her twice to head and kicked in cheekbone Aboriginal youth – drug and alcohol abuse - remorse
50.	**LEE** (18) [2010] NSWSC 632 Price J [2011] NSWCCA 169 Co-offender: WONG	PG (12.5%) Sched: Assault s 61	19y 3m NPP 13y 3m	AA 17y 6m NPP 12y 3m	Nil	Stabbing Intent GBH	**SNPP 20 years** With co-offender confronted victim and friends because thought victim had been "staring" – co-offender stabbed victim to heart – with co-offender chased victim – offender struck victim with hammer – co-offender inflicted more stab wounds – victim died from stab wound to heart - lesser role than co-offender. Remorse

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51.	**TATCHELL** (18) **WILDSMITH** (20) [2010] NSWSC 495 Kirby J (Wildsmith) [2012] NSWCCA 116	VG	18y NPP 13y 6m 16y NPP 12y	AD	Breached bail Breached bond for assault	Assault Intent GBH / Joint criminal enterprise	**SNPP 20 years** Victim fatally assaulted by group of youths – retaliation for victim's abuse of ex-partner known to co-offenders – after discussion at fast food restaurant weapons collected at nearby house and victim assaulted while walking along road – opportunistic offence of short duration – metal pole, wooden axe handle and golf club used T – intent GBH – multiple blows with weapon – below mid-range – drug addiction / depression – some behaviour problems in custody - remorse W – not as involved – joint criminal enterprise aware possibility co-offender would use weapon to do grievous bodily harm – reluctant – supported Tatchell – assaulted in custody as result of offence – guarded prospects of rehabilitation Co offenders AA, SS and AC convicted of manslaughter
52.	**NGUYEN** (26) **LUONG** (18) [2011] NSWSC 562 McCallum J Co-offender: TVN	VG 2 x Murder PG (10%) 2 x Murder	25y 6m NPP 18y Total 30y NPP 22y 6m 24y NPP 17y Total 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
53.	**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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
54.	**RYAN** (51) **COULTER** (72) [2011] NSWSC 1249 Latham J [2013] NSWCCA 175 Co-Offender: BROOKS	VG	36y NPP 27y 27y NPP 18y	AD AD	Nil Nil	Shooing 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
55.	**KIRCHNER** [2011] NSWSC 1516 Schmidt J	PG (45% comb)	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.
56.	**PERISH** (42) **LAWTON** [2012] NSWSC 355 Price J [2016] NSWCCA 89	VG Murder Conspiracy murder VG Murder Conspiracy murder	24y NPP 18y 14y NPP 10y 6m (concurrent) 20y NPP 15y 10y NPP 7y 6m (concurrent)	Conviction AD	Attempt dissuade witness from giving evidence; no violence Not significant	Died while in boot of car Intent to kill	(2001) victim killed and body dismembered - offenders believed victim killed grandparents of Perish brothers and was police informer against Motorcycle Club of which one offender a member - recruited others to abduct victim in vehicle and bring to location where victim would be killed by offenders - victim died en route - sentenced on basis victim already died before arrival at location P - mastermind behind elaborate plan - recruited others – co offenders followed his directions – motivated by revenge for killing of grandparents - lessens need for personal deterrence and protection of community – supportive family L - intention to kill and to participate in dismemberment of body – not engaged in planning of offence – supportive family Co-offender Perish sentenced for conspiracy to murder

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
57.	**HOBLOS** (27) [2012] NSWSC 454 Grove J [2014] NSWCCA 20	VG	28y NPP 21y	Conviction AD		Shooting Intent to kill	**SNPP 20 years** One of three offenders involved in shooting of male victim at party – two offenders entered party – one offender shot victim point blank range then both left in car driven by third offender – execution murder – unable to identify role of offender – equal culpability – motive unknown
58.	**MILAT** (17) **KLEIN** (18) [2012] NSWSC 634 Mathews AJ [2014] NSWCCA 29	PG (No discount) PG (CCA – 25%)	43y NPP 30y 32y NPP 22y	AD AA 27y NPP 20y	Mid-range PCA. No violence.	Axe Intent to kill	**SNPP 25 years (for Klein only)** Offenders and another friend invited victim to accompany them to Belanglo Forest – M took double sided axe from vehicle and struck victim in torso and to back of head – killing recorded by K on mobile phone - "thrill kill" – planned and premeditated - in company - gratuitous cruelty. M - personality dysfunctions and lack of empathy - poses substantial risk of violent re-offending - serious potential danger to community – no remorse – worst case category murder K – impressionable and strongly influenced by M - no psych illness - prospects of rehabilitation at least moderate and more favourable – within serious range
59.	**GOUNDAR** (26) [2012] NSWCCA 154	PG (40% combined)	12y NPP 9y	AA 9y 6m NPP 7y 2m		Stabbing Accessory	**SNPP 20 years** Female - male victim commenced sexual relationship with offender – stabbed to death by offender's estranged husband – lured to house by offender at request of husband – assisted in masking offence and disposing of body. Assistance to authorities. Husband sentenced for manslaughter on basis of provocation
60.	**DAWSON** (48) [2012] NSWSC 1497 Bellew J Co-offender: COMBER AQUILINA	VG	23y NPP 17y 3m		Dishonesty	Strangulation Joint criminal enterprise	**SNPP 20 years** Female - joint criminal enterprise to kill offender's neighbour – relationship between victim and offender had become strained – offender complained about behaviour of victim - with son (A) and friend (C) assaulted and killed victim – punched victim in face – co-offender tied noose around victim's neck and pulled it causing death – body taken and buried in bushland. Major depressive illness.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
61.	**COMBER** [2012] NSWSC 1502 Bellew J Co-offender: DAWSON AQUILINA	PG (10%) Murder 2 x Proceeds crime Sched: 17 x offences	23y 4m NPP 17y 6m FT 6m Total 23y 7m NPP 17y 9m		Lengthy - on conditional liberty	Strangulation Joint criminal enterprise	**SNPP 20 years** Joint criminal enterprise to kill female co-offender's neighbour – relationship between victim and co-offender had become strained – co-offender complained about behaviour of victim – victim taken and assaulted – AQ tied noose around victim's neck and pulled it causing death - offender assisted pulling noose with limited force – stood by to assist and prevent victim from leaving – assisted in disposing of body
62.	**NATUBA** (19) **TAMAPUA** (20) [2012] NSWSC 1569 Johnson J Co-Offenders: MA BYQUAR RAMOS KHOURY KARIMI MIR	PG (50%) Murder AR Sched: Robbery PG (50%) Murder Sp Agg BES Poss Firearm Poss weapon Sched: 3 x Robbery	14y NPP 10y 5y NPP 3y 9m Total: 15y NPP 11y 14y NPP 10y 4y NPP 3y 3y NPP 2y FT 2y Total: 15y 6m NPP 11y 6m		Agg robbery – breached bond. Robbery, assault, breach AVO - on bond	Assault with meat cleaver / machete Joint criminal enterprise	**SNPP 20 years** Home invasions committed over three-day period with number of other young males - armed with meat cleavers - occupant at one home seriously injured - occupant of another house killed while resisting offenders N – threatened victim with cleaver T - organisational role – did not enter homes Each received discount for assistance to authorities - undertaking to give evidence against co-accused - youth – drug and alcohol abuse

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
63.	**MA** (17) **BYQUAR** (18) **RAMOS** (18) [2012] NSWSC 1527 Johnson J (Ramos) [2015] NSWCCA 313 Co-Accused: NATUBA TAMAPUA KHOURY KARIMI MIR	PG (25%) Murder Sp Agg BES AR Sched: Conspire rob AR PG (25%) Murder AR Sched: AR PG (25%) Murder Sp Agg BES AR Sched: Conspire rob AR	20y NPP 14y 5y 6m NPP 4y 5y 6m NPP 4y <u>Total</u>: 23y NPP 17y 23y NPP 16y 8y NPP 6y <u>Total</u>: 25y NPP 18y 17y NPP 12y 4y NPP 3y 5y 6m NPP 4y <u>Total</u>: 19y NPP 14y	

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
64.	**SMITH** [2012] NSWSC 1565 Rothman J	VG Murder Destroy dwelling by fire	14y NPP 10y FT 2y Total: 14y 6m NPP 10y 6m		Domestic violence – breached conditional liberty	Assault Extended joint criminal enterprise	**SNPP 20 years** Suggested known drug dealer to co-offenders as subject for robbery – victim viciously kicked and assaulted and run over by car - present during offence but not involved in assault - contemplated co-offenders could form intention to inflict GBH – no agreement to kill or inflict GBH – provided jerry can for co-offenders who returned to scene and set fire to home incinerating body - objective criminality in lowest possible category - no intention, initially, of obtaining financial gain - motives not totally clear, but most probably included revenge for victim's treatment of offender's mother Drug abuse – difficult upbringing including sexual abuse – mental health issues and probably brain damage – some assistance Three co-offenders pleaded guilty to manslaughter - *McCulloch, Biffen and Biffen* [2013] NSWSC 894
65.	**AQUILINA** (27) [2013] NSWSC 525 Bellew J Co-offenders: COMBER DAWSON	VG	28y NPP 21y		No significant history	Strangulation Joint criminal enterprise	**SNPP 20 years** With mother (D) and friend assaulted and killed D's neighbour – relationship between victim and D had become strained – D complained about behaviour of victim – offender made preparations including recruiting C and taking knife and iron bar to ambush victim – struck victim with iron bar from behind - victim subjected to violence by offenders over several hours - act of strangling victim extended over period of time - offender actively involved in pulling rope causing death - cash taken and victim's bicycle sold – assisted in disposal of body - motivated by vengeance - acting as "executioner" - above mid-range No remorse - depressive illness – some rehabilitation prospects.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
66.	**SUTCLIFFE** (40) **HOSKINS** (39) **MOULDS** (30) [2013] NSWSC 715 Grove AJ (Sutcliffe) [2014] NSWCCA 208 (Hoskins - conv'n) [2014] NSWCCA 207 (Hoskins - sentence) [2016] NSWCCA 157	VG	16y NPP 12y 12y NPP 9y 10y NPP 7y 6m	Conviction AD Conviction AD Sentence AD	Manslaughter Assault Minor	Stabbing Intent GBH Joint criminal enterprise	**SNPP 20 years** Joint criminal enterprise - confrontation over victim's belief that offenders were responsible for damaging prized motor vehicles – victim arrived armed with gun and discharged shots – all three offenders chased and assaulted victim - S inflicted stab wound – H armed with baseball bat and intended to inflict serious injury – neither H or M aware of knife - provocation S: family – young child H: poor health – protection M: developmental disability – rehabilitation prospects. Fourth offender Brown convicted of manslaughter
67.	**SAFETLI** (46) [2013] NSWSC 1096 Latham J Co-offender: GATTELLARI	PG (60% combined) Intimidation	9y NPP 6y 6m 6m Total: 9y 6m NPP 7y		nil	Shooting Intent to kill	**SNPP 20 years** Organised and present at shooting of male businessman in front yard of home in presence of 9y son – killing ordered and paid for by business associate of victim – after several months delay recruited and assisted 19y shooter – paid $300,000 – several months later arranged for victim's wife to be threatened about payment of debts – active and direct role Significant assistance
68.	**GATTELLARI** (63) [2013] NSWSC 1097 Latham J Co-offender: SAFETLI	PG (60% combined)	10y NPP 7y 6m		nil	Shooting Intent to kill	**SNPP 20 years** Asked by close business associate to organise killing of male businessman – over many months recruited and made arrangements with S for killing – victim shot dead in front yard of home in presence of 9y son – played primary role but no evidence received financial benefit – acted out of misguided loyalty Significant assistance – prior good character

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69.	**SMITH** (27) [2013] NSWSC 1159 Schmidt J Co-offenders: SMITH KENNEDY	PG (18%)	22y 11m NPP 17y 2m		Considerable record	Assault Intent GBH Joint criminal enterprise	**SNPP 20 years** Three men broke into home of 75y male occupant – severely assaulted in attempt to obtain access to safe – active participant in assault - left for nearly a day – joint criminal enterprise – moral culpability high Evidence of remorse - drug addicted – Aboriginal male – low intelligence – poor schooling
70.	**LOCKETT** (27) [2013] NSWSC 1555 Price J Co-offender: BROWN	VG	18y NPP 13y		Drugs and weapons – breached conditional liberty – no violence	Shooting Intent GBH	**SNPP 20 years** Part of group of males who assaulted victim outside his home - given gun by B but thought it was a pole - struck victim on head with gun and it discharged killing victim – cowardly attack by group – no intent to kill – spontaneous offence – did not know weapon was a gun and did not know gun loaded – below middle of range – equal culpability to B Remorse – special circumstances: need for drug counselling – some prospects of rehabilitation. Co-offenders *Tuivaga* and *Barnes* sentenced for manslaughter
71.	**BROWN** (27) [2013] NSWSC 1557 Price J [2015] NSWCCA 11 Co-offender: LOCKETT	VG	19y NPP 13y 9m	AD	Reckless wounding in company – murder committed on bail for these offences	Shooting Joint criminal enterprise	**SNPP 20 years** Initiator of confrontation - gave loaded shotgun to L – with four offenders confronted male next door over sale of pistol – encouraged and participated in assault – threatened female - male struck over head with gun by L – L unaware loaded shotgun - gun discharged killing victim – cowardly attack by group – no intent to kill – spontaneous offence – equal culpability to L – below middle of range No remorse and no finding as to rehabilitation prospects – difficult family background Co-offenders *Tuivaga* and *Barnes* sentenced for manslaughter
72.	**KEARNES (No.2)** (52) [2013] NSWSC 1652 Button J Co-offender: PATON	VG	30y NPP 22y 6m		Dishonesty and violence offences including serious sexual offences	Shooting Intent to kill	**SNPP 20 years** Travelled to neighbouring town with co-offender to shoot male acquaintance in victim's home unit – not established who fired shots – murder instigated by offender – motive for shooting unclear Suffered violence as a child – drug and alcohol abuse

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
73.	**LOVERIDGE** (18) **AB** (17) [2013] NSWSC 1591 Adams J (AB) [2014] NSWCCA 339	VG Murder PG s.112(3) s.96 Recruit child to crime Influence witness PG Murder s.112(2) Intimidate Sched: One offence	45y NPP 30y 10y NPP 7y 6m 1y 8m NPP 1y 3m FT 3y FT 3y (all concurrent) 45y NPP 30y 7y 6m NPP 5y 6m FT 2y (all concurrent)	AD	Minor record – breached bond Lengthy and violent record – breached probation – violent record in custody	Stabbing Intent to kill	**SNPP 20 years** Broke into neighbouring house at night – assaulted 87y female occupant with walking stick – made threats – stole property Premeditated and unprovoked attack on three male strangers walking down the street – L slashed knife against neck of one male – knocked second male to ground – 'cowardly, sadistic, pitiless, deadly attack, stabbing and cutting him repeatedly' – left scene then returned to continue assault – attack included intent to torture – both represent danger to community – worst case AB threatened girlfriend – L threatened witness L – seriously deprived childhood affecting ability to make moral judgments – low intelligence – drug and alcohol abuse AB – severely deprived childhood including violence – limited education – drug and alcohol abuse – no discount for guilty plea for murder offence
74.	**SMITH** (26) [2013] NSWSC 1723 Barr AJ Co-offenders: SMITH KENNEDY	PG Murder 2 x AR	20y NPP 14y 8y NPP 6y Total: 23y NPP 17y		Property offences related to drug problem – breached parole	Assault Joint criminal enterprise	**SNPP 20 years** Involved in breaking into home of elderly victim - sustained assault on male occupant by co-offender – acted as lookout - left victim to die - on earlier occasion broke into home with two co-offenders and assaulted male occupant – forced female occupant to ATM to withdraw money – threats made Aboriginal male - difficult childhood – early drug and alcohol abuse

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
75.	**KARIMI** (22) [2013] NSWSC 1761 Johnson J Co-offenders: KHOURY MIR NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder Consp AR s.112(3) 2 x AR Conspiracy to murder Possess firearm	24y NPP 17y 6y NPP 4y 8y NPP 6y 10y NPP 7y 12y NPP 9y 4y NPP 3y <u>Total</u>: 37y NPP 30y		Limited	Assault with meat cleavers Joint criminal enterprise Intent to kill	**SNPP 20 years** Home invasions committed over three-day period by young males armed with meat cleavers linked to drug dealing - occupant at one home seriously injured - occupant of another house killed with meat cleaver while resisting offenders – planned to engage subsequent fight to death Karimi significant role in organisation -Afghani
76.	**KHOURY** (29) [2013] NSWSC 1761 Johnson J Co-offenders: KARIMI MIR NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder Consp AR Poss firearm s.112(3) Recruit to commit AR AR AR x 2 Consp murder	26y NPP 18y 6y NPP 4y 4y NPP 3y 10y NPP 7y FT 3y 10y NPP 7y 11y NPP 7y 12y NPP 9y <u>Total</u>: 40y NPP 32y		Minor	Assault with meat cleavers Joint criminal enterprise Intent to kill	**SNPP 20 years** Home invasions committed over three-day period by young males armed with meat cleavers linked to drug dealing - occupant at one home seriously injured - occupant of another house killed with meat cleaver while resisting offenders – planned to engage subsequent fight to death Khoury effective leader of organisation involved in drug dealing – continued to plan criminal activity after murder - Lebanese

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77.	**MIR** (20) [2013] NSWSC 1761 Johnson J [2022] NSWCCA 132 Co-offenders: KARIMI KHOURY NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder AR AR	26y NPP 19y 10y NPP 7y 11y NPP 7y Total: 31y NPP 24y	AD Appeal against armed robbery sentences only	Minor	Assault with meat cleavers Joint criminal enterprise Intent to kill	**SNPP 20 years** Home invasions committed over three-day period by young males armed with meat cleavers linked to drug dealing - occupant at one home seriously injured - occupant of another house killed with meat cleaver while resisting offenders – planned to engage subsequent fight to death Mir – foot soldiers - Afghani
78.	**PATON** (28) [2014] NSWSC 71 Button J Co-offender: KEARNES	VG	19y NPP 14y3m		Record – breached parole	Shooting Accessory	**SNPP 20 years** Male victim shot by co-offender in victim's home – drove with co-offender from nearby town aware of his intention to kill for several hours – present in general vicinity of units when shooting occurred Background of deprivation and violence leading to early alcohol and drug addiction
79.	**SAFAR** [2014] NSWSC 376 Rothman J Co-offender: JUBRAEEL	PG (12.5%)	15y 9m NPP 11y		No history of violence of dishonesty	Shooting Joint criminal enterprise	**SNPP 20 years** Approached home of victim at night with two co-offenders – victim pulled back curtain to investigate and shot dead by co-offender –intended BES with no violence - first aware of gun when alighted car – lowest end of range of seriousness – affected by drugs and fear of co-offender prevented withdrawal Drug addiction motive for robbery – genuine remorse – good prospects of rehabilitation
80.	**JUBRAEEL** [2014] NSWSC 838 Rothman J [2015] NSWCCA 131 Co-offender: SAFAR	VG	17y NPP 12y	Conviction AD	AR	Shooting Joint criminal enterprise	**SNPP 20 years** Approached home of victim at night with two co-offenders – victim pulled back curtain to investigate and shot dead by co-offender –intended BES with no violence - first aware of gun when gun drawn by shooter shortly before shooting - lowest end of range of seriousness – shooting based on reckless indifference to life Traumatic childhood upbringing in Iraq – personal drug use – testing revealed to be in 'intellectual disabled' range

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81.	**EVANS** (41) **RAWLINSON** (42) [2014] NSWSC 979 Harrison J Co-offender: PROUD SPICER	PG (25%) VG	24y NPP 18y 36y NPP 27y		Nil Nil	Arson Joint criminal enterprise Intent to kill	**SNPP 20 years** R was principal and driving force behind plot to kill victim – R in relationship with victim – R also in secret relationship with E and manipulated E to believe they could not be together unless victim was killed – E and co-offender S set victim's home alight causing death R: above mid-range objective seriousness – calculated planned offence – not present at fire E: Aboriginal female – depression – purchase of items to start fire – planned
82.	**SAFI** (37) [2014] NSWSC 1208 Bellew J	VG	22y 8m NPP 17y		Driving and dishonesty offences	Assault Joint criminal enterprise Intent GBH	**SNPP 20 years** Fatal assault on male acquaintance with brother – victim had made threats, stolen from offender and attempted to break onto offender's house – baseball bat used – victim a stand over man
83.	**TNV** (17) [2014] NSWSC 1510 Fullerton J Co-offenders: NGUYEN LUONG	PG (15%) Murder Murder	13y 7m NPP 8y 10m 15y 3m NPP 9y 11m <u>Total</u> 19y 3m NPP 13y 11m			Stabbing Joint enterprise	Victims stabbed during attack by four males outside bar during argument – TVN inflicted non-fatal stab wound on one victim during fight - attack response to earlier attack on co-offender by one victim and friends – delay between incidents and degree of planning – disregard for public safety – under influence of 26y co-offender – above mid-range Spent three years in Vietnam with father after murder – voluntarily returned – difficult childhood – evidence of rehabilitation

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
84.	**E McKELLAR** (18) **B McKELLAR** (28) [2014] NSWSC 1243 RA Hulme J	VG Murder Wound with intent Att AR VG Murder Wound with intent Att AR	20y NPP 14y 8y NPP 6y 5y NPP 3y 9m <u>Total</u>: 24y NPP 18y 20y NPP 14y 8y NPP 6y 5y NPP 3y 9m <u>Total</u>: 24y NPP 18y		Lengthy – breached parole Lengthy – breached bail for assault offence	Stabbing Intent GBH Extended joint criminal enterprise	**SNPP 20 years** Four males attended home of victim with intent to rob – victim sold small amounts of cannabis on regular occasions – group brought machete and knife to scene - victim assaulted by BMcr at door to house – BMc pursued by victim and 17y son – son stabbed by EMc twice at request of BMc to 'kill the cunt' – victim surrounded and assaulted by four offenders – stabbed four times by EMc – spontaneous assault Aboriginal brothers with difficult background including domestic violence E McKellar very low intellectual functioning B McKellar suffering brain damage from accident
85.	**KENNEDY** (18) [2015] NSWSC 327 Wilson J [2016] NSWCCA 114 Co-offenders: SMITH SMITH	PG (5% on appeal)	21y NPP 15y 9m	Sentence AA 20y NPP 15y	Not as serious as co-offenders	Assault Joint criminal enterprise / intent GBH	**SNPP 20 years** Three men broke into home of 75y male occupant – victim severely assaulted in attempt to obtain access to safe – left for nearly a day – moral culpability high but lower than co-offenders Drug addicted – Aboriginal male – exposed to drugs early - low intelligence – poor schooling

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
86.	**SPICER** [2015] NSWSC 519 Harrison J Co-offenders: PROUD RAWLINSON EVANS	VG	32y NPP 24y		AOABH	Arson Joint criminal enterprise Intent to kill	**SNPP 20 years** S and E set fire to victim's home throwing petrol while victim asleep – part of plan by co-offenders R and E to kill victim – S recruited – considerable planning. Dysfunctional upbringing.
87.	**MOORE (No.2)** (24) [2015] NSWSC 214 Garling J [2016] NSWCCA 185 Co-offenders: MOORE PRICE	VG	24y NPP 18y	AD	Lengthy record involving violence – breached bond	Assault Intent GBH	**SNPP 20 years** Assaulted male acquaintance on head with mattock handle during argument outside victim's house – argument over supply of cannabis commenced several hours previously by phone texts – threats made by victim – mother of offender planned and encouraged confrontation – all participants armed – slightly above mid-range Some prospects of rehabilitation – remorse – some co-operation in conduct of trial – chaotic, tragic and dysfunctional personal history
88.	**SB** (16) **AE** (16) [2015] NSWSC 659 Hall J (AE) [2016] NSWCCA 228	VG VG	12y NPP 8y 12y NPP 8y	Conviction AD	Nil Nil	Assault Joint criminal enterprise	Part of group of males involved in bashing and fatal assault of 17y male at party – group kicked and bashed victim – struck on head by co-offender JP with wine bottle causing death. Each offender had favourable rehabilitation and strong subjective circumstances.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
89.	**MOORE** (51) **PRICE** (44) [2015] NSWSC 1101 Garling J (Moore) [2016] NSWCCA 300 Co-accused: (J) MOORE	VG VG	22y NPP 15y 18y NPP 12y	AD	Not significant Nil - driving offence only.	Assault Accessory	**SNPP 20 years** Female offender (M) and her partner (P) accessory to murder by son JM - JM struck 47y male with wooden mattock handle in dispute over drug deal - offenders encouraged and assisted JM – M armed with hobby hammer – P struck victim with fishing rod – victim armed with knives Moore: upper end of mid-range of seriousness of objective criminality - good prospects of rehabilitation, remorse – special circumstances Price: lower end of mid-range of seriousness – played a lesser role - good character - good prospects of rehabilitation – special circumstances
90.	**SYME** (27) [2015] NSWSC 1609 Adams J Co-offender: AX	PG (15%)	21y NPP 12y		Minor	Assault Accessory Intent GBH	**SNPP 20 years** Female – 76y male victim bashed by co-offender (husband) so that victim would not discover they had taken money from victim's bank account – victim bashed to head with tyre lever and metal pipe Dysfunctional background – drug abuse
91.	**AC (No.7)** (34) [2016] NSWSC 404 Hamill J [2017] NSWCCA 20	PG (50% combined) Murder Acc before s.33A(1)(a) Sched: Participation in a criminal group - s.93T	8y NPP 5y 4y 6m NPP 3y <u>Total</u>: 9y 6m NPP 6y 6m	AD Crown AD	Nil	Accessory before the fact Shooting	Female – acting under duress - associated with Brothers for Life gang members involved in gangland violence / turf war - worked for solicitor representing various gang members – told FQ she heard LC planned to kill him – drove 3 gang members who intended to kill LC to home where LC was – HM shot dead by mistake - attended cafe location of another intended shooting with gang members - identified proposed target and his car – target later shot - mid-range objective seriousness - carefully planned execution of rival gang member Fearful of FQ who threatened her and family but remained involved with gang knowing they were involved in serious gangland activity - good prospects rehabilitation – assistance - onerous custodial conditions

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
92.	**PHAN** (30) [2016] NSWSC 483 Mathews AJ	VG Murder PG (20%) 4 x s.97(2)	Indicative: 14y NPP 10y 6y / 7y Aggregate: 20y NPP 14y		Lengthy record for minor offences	Shooting Accessory to constructive murder	**SNPP 20 years** Armed robbery of fruit shop – armed with hammer – co-offender armed with pistol – employee shot twice by co-offender while detaining offender – liable on basis foresaw gun being discharged but not being used to cause GBH or death – lower range - other armed robbery offences committed week before in company with co-offender Difficult childhood
93.	**ROGERSON** (75) **MCNAMARA** (57) [2016] NSWSC 1207 Bellew J [2021] NSWCCA 160	VG Murder Supply lge comm qty ice VG Murder Supply lge comm qty ice	Life 12y NPP 9y Life 12y NPP 9y	Conviction AD Conviction and Sentence AD	Dishonesty offences Nil	Shooting Intent to kill Joint criminal enterprise	**SNPP 20 years** Joint criminal enterprise to kill 20y male drug dealer and take 2.78kg ice – extensive planning weeks prior to shooting – arrangements made to source and prepare suitable place for killing as well as car and boat used for disposal of body – victim lured to storage unit and shot dead by one offender – body dumped at sea – drugs repackaged for disposal – brutal execution – aggravating factors: use of weapon / in company / financial gain – no material distinction in roles – no different to contract killing Both offenders former police officers – importance of sentence to deter police officers misusing knowledge gained through profession – objective gravity so grave ignore small number of mitigating factors On sentence appeal: 2 stage approach correct approach for life sentence
94.	**SWAN** (31) **KIMURA** (50) [2016] NSWSC 1819 N. Adams J	VG	26y 6m NPP 19y 6m 23y NPP 17y		Breached conditional liberty – assault offences Minor	Assault Intent GBH	**SNPP 20 years** Two males broke into unit and stole property – agreement reached in unit to assault elderly male occupant – victim assaulted by S – died of injuries 8mths later – just above mid-range – S more culpable than K – aggravating factors: in company – in victim's home – vulnerable victim – S armed with large knife S – Aboriginal male - derived childhood K – Maori – assaulted in gaol because gave evidence on sentence and in protection – fearful for life – facilitated trial

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95.	**HAINES** (31) **LEE** (37) [2016] NSWSC 1333 Harrison J	PG (20% - comb) Murder AR PG (15%) Murder AR	14y 8m NPP 11y 5y <u>Total</u>: 15y 8m NPP 12y 17y 6m NPP 13y 6m 5y <u>Total</u>: 18y 6m NPP 14y 6m		Moderate record Significant record	Stabbing Constructive / joint criminal enterprise	**SNPP 20 years** Three offenders approach unit of known drug dealers with intention to rob occupants of drugs and money – during violent struggle one occupant fatally stabbed by L – second occupant assaulted by H and stabbed by L – planned robbery shortly before arriving at unit – constructive murder based on armed robbery with wounding - H did not foresee possibility knife would be used with relevant intent – below mid-range for both offences Lifelong drug addicts – difficult family backgrounds - remorse H - borderline intelligence – reasonable prospects of rehabilitation L – limited prospects of rehabilitation
96.	**A. CHABARJI** (26) **H. CHABARJI** [2016] NSWSC 1867 Rothman J [2019] NSWCCA 28	VG VG	32y NPP 24y 36y NPP 27y	AD AA 34y NPP 25y 6m	Rob in company – AOABH - possess proh weapon Robbery – assault - steal from person - AOABH in company – stalking - assault police officer - breach ADVO - dishonesty	Stabbing – assault - force-fed drugs Joint criminal enterprise Intent GBH	**SNPP 20 years** Brothers – male victim beaten by hand and ratchet, stabbed and force-fed lethal amount of drugs (Xanax) – dispute over money victim owed for drugs – bought suitcase and placed body inside – took body to remote area and poured kerosene over body - well-above mid-range in objective seriousness AC: inflicted knife wound – inflicted beating (either by hand or ratchet) that caused further, unnecessary pain - involvement in “torture” greater than co-offender HC: instigator – “owed” debt - lured victim to pub and brought him to apartment where murder took place AC: psychiatric disorders including schizophrenia – difficult background – drug abuse – poor rehabilitation prospects HC: difficult background – drug abuse – poor rehabilitation prospects HC appeal - disparity

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97.	**CAMERON** (62) **FORWARD** (21) [2016] NSWSC 1342 Fagan J (Cameron) [2017] NSWCCA 229 Co-offender: ZANKER	PG (40% comb) Murder (25% plea) Cultivate lge comm qty PG (30% comb) Murder (25% plea) Cultivate lge comm qty	24y NPP 18y 10y NPP 7y 6m <u>Total</u>: 28y NPP 22y 21y NPP 15y 5m 3y NPP 2y 3m (concurrent)	AD	Persistent offender in relation to cannabis – breached parole for cannabis offence Nil	Stabbing Intent to kill	**SNPP 20 years** C one of two principals in hydroponic cannabis plantation in shed at rear of property – F and victim two of several workers – concerns developed as to violence and instability of victim – plan developed to kill victim – grave dug in remote area one week prior to killing – victim fatally stabbed by F in sustained assault in cannabis shed in presence of C and two others – body buried in grave – pre-meditated - killed to protect planation and financial gain for C – brutal killing – in company – disposal of body Planation involved 664 plants – highly organised and high-volume commercial planation – involved some supply C – Principal in both offences F – willing participant – drug user probably impaired by substance intoxication at time of killing
98.	**PROUD** (29) [2017] NSWSC 286 Harrison J Co-offenders: EVANS RAWLINSON SPICER	PG (10%)	10y NPP 6y		Nil significant	Arson Accessory (before the fact)	Female introduced partner to friend aware really serious harm could be caused to victim – did not encourage offence – victim murdered in fatal house fire caused by co-offenders – minor and largely passive involvement – low to moderate end of scale Difficult and abusive personal life – mental illness – mother to three children – relationship with partner abusive – prior good character – genuine remorse – prospects of rehabilitation where no drug use Originally convicted and sentenced for murder – conviction quashed on appeal – offence changed from joint criminal enterprise to accessory before – reference to difference in criminal culpability at [31]-[32]

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
99.	**G STOCCO** (56) **M STOCCO** (34) [2017] NSWSC 304 Davies J [2018] NSWCCA 77	PG (25%) Murder Arson 2 x s.33A(2)(a) Sched 5 related offences PG (25%) Murder Arson 2 x s.33A(2)(a) Sched 5 related offences	<u>Indicative</u> 26y NPP 19y 6m 5y 3m 9y NPP 6y 9m <u>Aggregate</u> 40y NPP 28y <u>Indicative</u> 26y NPP 19y 6m 5y 3m 9y NPP 6y 9m <u>Aggregate</u> 40y NPP 30y	AD	Property offences Stealing and robbery offences	Shooting Intent to kill Accessory	**SNPP 20 years** Father and son – entered rural property at night where had previously worked as caretakers – angry at treatment by previous owner – slashed tyres – stole diesel and set fire to outbuildings – substantial damage and financial loss - did not intend to hurt people – upper mid-range One year later living with victim on remote property tending cannabis plantation – at urgings of son father shot victim – no real planning or pre-meditation – in company – use of weapon – at home of victim – disposed of body and burned possessions to cover tracks – high mid-range Picked up driving stolen vehicle – police pursuit over rural roads – shot at three police cars with high powered automatic rifle – not aiming at police officers – upper mid-range Leading itinerant lifestyle after breakdown in marriage between father and wife – developing anti-authoritarian attitudes – no mental illness
100.	**BORG** (23) [2017] NSWSC 746 Schmidt J [2019] NSWCCA 129 Co-offender: GATT	PG (40% combined)	16y 2m NPP 12y 2m	AA 15y NPP 11y 3m	minor drug – breached bail	Shooting Accessory	**SNPP 20 years** One of two men who approached 18y victim in parked car – co-offender shot victim seven times – offender armed but did not shoot – joint criminal enterprise to cause really serious injury – evidence did not establish motive - above mid-range Out of character – difficult childhood resulting in mental health issues and drug abuse – remorse - assistance

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
101.	**SINCLAIR** **(a pseudonym)** (22) [2017] NSWSC 686 RA Hulme JA [2020] NSWCCA 108 Co-offender: EVANS	PG (15% comb) Murder s.112(3) PG (35% comb) s.112(3) 2 x s.86(2) s.86(2)	Indicative: 30y NPP 22y 6m 13y 6m NPP 10y 12y NPP 9y 8y 6m 9y Aggregate 38y NPP 28y 6m	AD	Minor	Assault Accessory	**SNPP 20 years** Broke into home of co-offender's former employer at night planning to steal from occupants – forced male occupant to show them safe – co-offender bashed male occupant to death with pick handle – also assaulted female occupant causing serious injuries – offender did not intend death but aware co-offender violent and armed with weapon One month earlier broke into family home of offender's ex-girlfriend with co-offender and third offender at night – sleeping male occupant severely assaulted around head by co-offender with pick handle causing serious and probably long-term injuries – all four occupants of house threatened and tied up with duct tape and rope All offences well above mid-range in seriousness Young offender with long term drug addiction – genuine remorse – some good prospects of rehabilitation On appeal: finding of objective gravity open to sentencing judge
102.	**ZANKER** [2017] NSWSC 1254 Fagan J Co-offenders: FORWARD CAMERON	VG Accessory before fact to murder	12y NPP 6y 8m		Comparatively minor	Stabbing Accessory before the fact	Worker on cannabis cultivation – with co-offenders became concerned about violent and unpredictable co-worker – knowingly travelled north to assist in digging grave in bush – not present at time of killing but assisted in clean up and burial of body Born with spina bifida resulting in serious physical disabilities – difficult and chaotic childhood – mental health issues – long-term cannabis use – good prospects of rehabilitation – extremely difficult custodial conditions due to vulnerability Sentenced on earlier occasion for involvement in cannabis plantation – 3y 9m NPP 2y 6m

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
103.	**F. QAUMI** (31) [2017] NSWSC 774 Hamill J [2019] NSWCCA 60 (conviction appeal against murder dismissed) [2020] NSWCCA 163 (conviction appeal against two counts allowed – sentence appeal allowed) Co-offender: M.QAUMI NK	VG Murder 2 x s.33(1)(b) Consp murder 2 x Solicit murder Attempt murder s.93GA(1B) – fire at dwelling 3 x unauth poss firearm Supply lge comm qty drugs s.93T(4A) direct criminal group (10% for offer) Manslaughter Unauth poss firearm	Indicative 45y NPP 33y 9m 10y NPP 7y 6m 12y NPP 9y 12y NPP 9y 12y NPP 9y 6y NPP 4y 6m 4y NPP 3y 6y NPP 4y 6m 8y 14y 6y NPP 4y 6m Aggregate 60y NPP 43y	AA Indicative 45y NPP 33y 9m 10y NPP 7y 6m 12y NPP 9y 12y NPP 9y 12y NPP 9y Conviction AA 4y NPP 3y 6y NPP 4y 6m 8y 14y 6y NPP 4y 6m Aggregate 58y NPP 42y	Lengthy record	Shooting Joint criminal enterprise Intent to kill	**SNPP 20 years** Leader of criminal gang - directed multiple shooting incidents over one month – premeditated and planned incidents in context of violent gangland war – co-offenders included brothers Murder committed for contract payment of substantial amount of money – gave orders and supplied weapons Manslaughter act of excessive self-defence after hearing about contract put out on life by rival gang – shooters opened fire on garage of suburban house killing one occupant and seriously injuring second - shooting of several rival gang members at their homes - teenage girl suffered serious and permanent injuries - ordered drive by shooting at home of mother of intended victim – on arrival shooter hesitated due to presence of women and children and shot at group of gang members nearby injuring one Found in possession of 1,894.4g relatively new psychoactive substance Refugee from Afghanistan – suffered extreme and traumatic violence as a child – continued to suffer trauma in India and later in Australia under father and as witness to school killing – early drug abuse – PTSD, substance abuse disorder and anti-social personality disorder – some reduction in moral culpability but also dangerousness – harsh custodial conditions No life sentence because of subjective features On appeal: conviction appeal for s.93GA(1B) allowed – error in SNPP for several offences

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
104.	**M. QAUMI** (29) [2017] NSWSC 774 Hamill J [2019] NSWCCA 60 (conviction appeal against murder dismissed) [2020] NSWCCA 163 (conviction appeal against two counts allowed – sentence appeal allowed)

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
105.	**LN** (40) **AW** (45) [2017] NSWSC 1387 Johnson J (LN) [2020] NSWCCA 131 (AW) [2025] NSWCCA 47	VG VG	44y NPP 33y 40y NPP 30y	AA 38y NPP 28y 6m Conviction AD	Nil limited	Assault Intent to kill (LN) Accessory (AW)	**SNPP 25 years** LN mother of 3y male victim - AW stepfather and LN's partner - LN killed child – AW guilty by extended joint criminal enterprise – victim assaulted over 51-day period before murder – extensive emotional and physical abuse – fatal injuries committed by LN attacking victim - substantial acceleration/deceleration forces - pattern of assaults taken into consideration in assessing objective seriousness LN: objective seriousness very significantly above mid-range – mental illness - troubled background - drug and alcohol abuse – no insight into offence – no remorse or contrition AW: objective seriousness significantly above mid-range - no remorse or contrition CCA (LN): error in relation to effect of offender's mental illness on moral culpability
106.	**ROLFE** [2017] NSWSC 1393 Rothman J Co-offender: WESTERN	PG (slightly above 50% combined) Murder Possess firearm Sched: Possess ammo	13y NPP 8y 6m 7y 4m NPP 5y 6m Total: 13y NPP 5y 8m		Includes inflicting grievous boldly harm	Shooting Intent GBH Joint criminal enterprise	**SNPP 20 years** New member recruited by Sergeant at arms of Bikie Club to 'touch up' victim – arranged cars to travel to victim's workshop - attended workshop with intent to cause GBH – dispute over bike belonging to victim and seized by Club – co-offender shot victim twice in stomach and groin – not contract killing but assertion of authority – offender carried gun but did not intend to use it – less culpable than shooter – offence well above mid-range Believed would be subjected to discipline if did not accompany co-offender – significant assistance resulting in protective custody and witness protection - remorse

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
107.	**EVANS** [2017] NSWSC 1440 RA Hulme J [2023] NSWCCA 11	PG (25% combined) Murder Sched: 2 offences	24y NPP 18y	Conviction AD	Assault - recklessly cause GBH – stalking / intimidate - BES	Assault Accessory	**SNPP 20 years** With female co-offender targeted home under mistaken belief drug dealer was living there –objective of threatening any occupants and using violence if necessary to steal – offender tied up 65y male with tape – forceful and sustained assault causing death – not known who inflicted fatal violence – assault possibly with impromptu use of items found in vicinity as weapons - victim left bound and gagged but died some short period of time after - joint criminal enterprise to detain victim with intention of stealing property in company and actual bodily harm being inflicted - premeditated invasion - mid-range Background of significant abuse - assistance
108.	**MEDICH (No. 43)** (70) [2018] NSWSC 886 Bellew J [2021] NSWCCA 36	VG Murder Intimidation	36y NPP 27y 4y 6m Total: 39y NPP 30y	Conviction AD	Nil	Shooting Intent to kill	**SNPP 20 years** Directed contract killing of former business associate – victim shot by hired contract killers outside home in front of young son – offender later arranged intimidation of victim's wife with threats she would be harmed if she did not repay debts – history of disputes between offender and victim – paid for killing and intimidation – offences arose out of one joint criminal enterprise - at upper end of range of objective seriousness
109.	**GATT (No.11)** (23) [2018] NSWSC 991 Schmidt J Co-offender: BORG	VG	28y NPP 21y		breached conditional liberty – violence and drug offences	Shooting Accessory	**SNPP 20 years** One of two men who approached 18y victim in parked car – victim shot seven times – evidence of co-offender not reliable enough to establish who fired fatal shots – both offenders involved in drug dealing business - joint criminal enterprise – above mid-range – greater culpability than co-offender Totality to existing sentences
110.	**SPITERI-AHERN** (23) [2018] NSWSC 1072 Rothman J [2022] NSWCCA 56	VG	30y NPP 18y	AD	nil violence – stalking and dishonesty offences	Shooting Accessory Intent GBH	**SNPP 20 years** Female - arranged for co-offender to inflict at least GBH on ex-partner – motive unclear but probably angered by previous treatment by victim – organised over long period - execution murder in presence of mother and partner of victim – above mid-range Suffering PTSD and depression before and after offence – abusive childhood

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
111.	**LY** (21 at offence / 27 at sentence) **NGO** (37) [2019] NSWSC 502 Bellew J	VG 2 x Murder VG 2 x Murder	28y <u>Aggregate</u>: 40y NPP 30y 28y <u>Aggregate</u>: 40y NPP 30y		Detain in company – agg rob - demand with menaces Drug supply	Choking / unknown Accessory	**SNPP 20 years** Two persons killed pursuant to a joint criminal enterprise – one victim suspected of stealing drugs from Ngo – choked with rope by offender Ly – second victim's body recovered some months after killing – circumstances of killing unknown but possibly asphyxiation / choking – both victims suffered brutal deaths – equal culpability - above mid-range Ngo – female – 2 children Ly - difficult upbringing
112.	**HO** (38) **HOANG** (34) [2020] NSWSC 341 Hamill J	VG Murder s.166 possess replica firearms VG Murder	20y NPP 15y FT 3m (concurrent) 22y NPP 16y 6m		old violence offences – drug offences serious drug and firearms offences – minor violence	Stabbed Intent GBH Joint criminal enterprise	**SNPP 20 years** Ho arranged meeting with victim in suburban street in broad daylight after victim failed to pay for drugs – victim assaulted by group of men then fatally stabbed in chest - unclear who inflicted fatal chest stab wound All offenders entitled to benefit for facilitation of trial under s.22A and delay Ho – instrumental in setting up meeting – prepared knife but not aware taken to scene and would be used – went to meeting intent to cause harm but joined joint criminal enterprise to inflict GBH during assault – struck victim three times with iron rod knowing he had been stabbed – below mid-range due to short period of intent – Vietnamese with difficult childhood Hoang – stabbed victim twice but not established he had inflicted fatal wound – long standing drug problem – reasonable prospects of rehabilitation Co-offenders LK (2019) and Feroz, Nguyen and Trinh (2020) dealt with for manslaughter
113.	**FLETCHER** (19 at offence / 21 at sentence) [2020] NSWSC 1478 RA Hulme J Co-Offenders: GARVEY JONES	PG (35% combined)	15y NPP 11y 3m		Children's Court offences – affray	Machete / assault Accessory	**SNPP 20 years** Joint criminal enterprise – with two co-offenders targeted home invasion to steal drugs – co-offenders attacked victim with machete, knife and baseball bat – sustained vicious attack Reasonably good prospects of rehabilitation and of not reoffending – assistance – youth, immature, remorseful

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114.	**JAGHBIR (No.4)** (28) [2020] NSWSC 1704 Davies J [2023] NSWCCA 175	VG Procure, aid and counsel murder	11y NPP 6y 6m	Conviction AD	Subsequent offences of pervert course of justice and dishonesty	Shooting Accessory	Replaced front door of victim's unit at request of victim – kept duplicate key – intruders obtained access to unit at night and fatally shot victim in bed – assistance involved passing on duplicate key allowing assailants easy access to bedroom and some phone calls – aware offenders had accessed building two nights earlier – opportunistic offence – took advantage of position of trust – just below mid-range Married with young children – protective custody
115.	**DS** (15) **DM** (16) [2020] NSWSC 422 Bellew J [2022] NSWCCA 156	PG (10%) Murder Agg take and drive MV Sched: Agg enter dwelling to steal PG (10%) Murder AR with wounding Wound with intent GBH Agg take and drive motor vehicle Sched: AOABH Agg enter dwelling to steal	15y 4m NPP 10y 9m 6y 4m <u>Total</u>: 18y 4m NPP 13y 9m 31y 6m NPP 23y 6m 11y 8m 12y 6m 9y <u>Total</u>: 35y 6m NPP 27y 6m	AA 13y 6m 3y <u>Total</u>: 14y 6m NPP 10m 20y 8m 7y 2m 7y 2m 4y <u>Total</u>: 27y NPP 20y 7m	dishonesty offences – carrying knife in public place lengthy record for minor violence; assault law enforcement officer, inflict ABH.	Stabbing intent to kill Constructive murder Accessory	'Violent and uncontrolled criminal rampage' over one evening and early morning - group approached male acquaintance sitting on bench – DM struck victim to head with bottle causing nose fracture and lacerations – with third male attended home of different male acquaintance with intent to steal – during struggle victim struck to head – two offenders then attended service station – DM fatally stabbed attendant multiple times in cowardly and unexpected attack – wrote letters on window using blood of victim – DS stole till and cigarettes – offenders left service station and waved down passing car – DM stabbed occupant and DS threatened him with wheel brace - offenders drove off in car – both victims vulnerable. DM – intent to kill prior to entering service station – cold-blooded murder – primary offender - exposed to family violence causing PTSD – early substance abuse – mild intellectual disability – schizophrenia – some acceptance of responsibility – substantial risk of re-offending DS – lesser offender – not aware of intent to kill in advance but no attempt to stop DM or assist victim – continued to steal – Aboriginal youth – difficult childhood – early drug use – borderline intelligence – genuine remorse – favourable prospects of rehabilitation CCA: DS – sentencing judge erred in assessing objective seriousness of offending by reference to his involvement in DM's offence - failed to give effect to special circumstances based on youth and rehabilitation. DM – Murder sentence disproportionate – sentences for other offences manifestly excessive – murder above middle of range of objective seriousness.

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116.	**McCOSKER** (49) [2020] NSWSC 1822 RA Hulme J [2022] NSWCCA 127 Co-offender: STONE	VG	36y NPP 27y	AD	Lengthy although mostly Local Court – breached bond imposed 3 weeks earlier for possess prohibited weapon	Petrol fire Intent to kill Accessory	**SNPP 20 years** Contacted by co-offender who had just set fire to male victim in isolated area – returned with co-offender and found victim on side of road – accepted decision of co-offender to finish off victim and drove to obtain more fuel – upon return co-offender doused victim with more fuel and set alight – victim found two hours later but died in transit to hospital – sadistic and callous killing – history of animosity between offender and victim – supported and assisted offender's idea to kill victim – offence easily in upper range – same culpability as co-offender. Long-term drug user
117.	**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.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
118.	**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
119.	**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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
120.	**GARVEY** (24)	PG (10%) Murder Steal from person Impersonate police	28y 9m NPP 20y 3m 13m 9m <u>Aggregate</u>: 29y 3m NPP 20y 9m <u>Total including existing sent:</u> 34y 3m NPP 25y 9m		Lengthy – commenced at 11y – includes violence and robbery – breached parole and bail – shocking record of custodial breaches – existing sentence for dangerous driving causing death	Multiple incision wounds with machete during robbery Extended joint criminal enterprise (J)	**SNPP 20y** Offenders attended home of 60y male victim impersonating police officers – grabbed victim's wallet containing $1000 – later that day recruited co-offender – returned to victim's house during night disguised and armed with baseball bat and machete – in confrontation with two of three male occupants victim cut multiple times with machete by G – fatal wound to upper arm – targeted home invasion for robbery – brutal assault – G primary offender – J involved in planning and aware of machete – more culpable than third offender – murder slightly above mid-range for J – more serious for G G – Aboriginal male – Bugmy principles applied – poor education – behavioural issues as a child – exposure to drug abuse and violence – foster care and homelessness – long history of personal substance abuse commencing at 11y – sexual abuse – never employed – possibly institutionalised – relevance of totality in light of existing sentence J – difficult childhood – drug user – mental health issue – some discount for assistance at trial
	JONES (23) [2021] NSWSC 1147 RA Hulme J	VG Murder PG Steal from person Impersonate police Driving offence	28y NPP 21y 6m 13m 9m 9m <u>Aggregate</u>: 28y 9m NPP 22y 3m		Lengthy – includes domestic violence, robbery and driving offences – breached bond and parole		
	Co-offender: FLETCHER						

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
121.	**LUO** (31)

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
122.	**DANISHYAR** (23) [2021] NSWSC 1654 Fagan J [2023] NSWCCA 300 Co-offenders: SULTANI MUNSHIZADA BAINES	VG Accessory before fact to murder Accessory after fact to murder	15y NPP 11y FT 2y	Crown AA 20y NPP 15y		Shot Intent to kill Accessory	**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 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
123.	**KELEKLIO** (42) **SINAI** (33) [2022] NSWSC 62 RA Hulme J (Sinai) [2023] NSWCCA 194	PG (10%) VG	27y NPP 20y 3m 30y NPP 22y 6m Conviction AD		AOABH, robbery, fraud, BES whilst armed. Last offending 15 years ago. Nil in NSW. Insignificant NZ – theft, burglary.	Shot Intent to kill	**SNPP 20 years** 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. K: reasonable prospects of rehabilitation - remorse. S: acted at behest of others but still an important hands-on role - reasonable prospects of rehabilitation - unlikelihood of re-offending.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
124.	**CARBONE** (23 at offence – 30 at sentence) [2022] NSWSC 373 Garling J [2024] NSWCCA 7 [2026] NSWCCA 83 Co-offender: BAGNATO [2024]	VG	24y NPP 18y	Conviction AD Sentence AD	Breached bond for offence of entering building with intent to rob	Stabbing / shooting Joint criminal enterprise to inflict GBH	**SNPP 20 years** (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 Low intelligence and easily led – early drug addiction – mental health issues – reasonable prospects of rehabilitation – difficult custodial conditions due to pandemic On appeal: no error in failure to special circumstances or question of parity
125.	**COSKUN (No.5)** (28) [2022] NSWSC 1216 RA Hulme JA [2024] NSWCCA 67	VG Murder Att s.97(2)	Indicative 32y NPP 24y 5y Aggregate: 34y NPP 25y 6m	AD	Lengthy record	Shooting Constructive murder	**SNPP 20 years** 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 Born in Turkey – difficult childhood including physical and sexual abuse and early substance abuse – suffering PTSD and other mental health disorders
126.	**CAMELO-GOMEZ** (48) [2022] NSWSC 1559 Wilson J [2026] NSWCCA 63	VG	20y NPP 14y	Conviction AD	Nil	Strangulation / stabbing Intent to kill 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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
127.	**HAMDACH** (31) [2023] NSWSC 298 Campbell J Co-offender: KARAALI	PG (10%)	16y 2m NPP 14y		Nil relevant	Bashed / assault Constructive Accessorial liability	**SNPP 20y** Victim defrauded offender through sale of fake airpods – offender recruited co-offender to use violence upon victim in order to obtain refund – with co-offender met victim at shopping centre carpark where co-offender assaulted victim - walked victim to another location – co-offender continued assault: bashed and kicked victim to head - victim suffered catastrophic brain injury - offence planned 24 hours prior – premeditated - constructive murder -– not part of agreement that GBH would be intentionally inflicted - joint criminal enterprise - specially aggravated kidnapping – offender instigator of foundational offence. Domestic violence in childhood - schizoaffective disorder with symptoms of mania involving over-confidence and assertiveness at time of offending - prior good character - pro-social life - unlikely re-offend – remorse.
128.	**NH** (57) [2023] NSWSC 428 Yehia J Co-offenders: (2024) HAYES McLACHLAN HARDING FARNSWORTH	PG (50% combined)	13y NPP 8y 6m		Nil relevant	Shooting Intent to kill Acc liability	**SNPP 20 years** Part of joint criminal enterprise to shoot dead president of rival bikie gang in country – drove four co-offenders to rural home of victim at night – entered house and bedroom of victim with three offenders, all armed and disguised – victim shot dead by co-offender – drove co-offenders from property, burned car and provided false alibi – joined enterprise two days prior to killing – lesser role than others - not principal and not involved in decision making – 'minion' – offence committed in home of victim, in company and involved planning – above mid-range Strong subjective case – sexually abused as a teenager for two years by employer – ongoing mental health issues – prior good character – remorse – good prospects of rehabilitation and unlikely to re-offend – two-year life expectancy due to cancer – onerous custodial conditions – special circumstances

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
129.	**SHILLINGSWORTH** (21) [2023] NSWSC 453 Wright J Co-offender: DPD EE DJD: s.111(2) MURDOCH: s.111(2)	PG (25%)	13y 6m NPP 9y 6m		Not stated. On conditional liberty.	Stabbed Constructive murder Accessorial liability	**SNPP 20y** Male victim known to offenders – joint criminal enterprise to commit assault with intent to rob in company while armed with dangerous weapon – with four co-offenders forced themselves into victim's home, one co-offender armed with shortened rifle – victim assaulted and stabbed multiple times – unable to establish identity of killer – offender had substantial role - provided vehicle in which offenders travelled to victim's residence, pushed victim and present during assault and stabbing – some degree of planning and organisation – co-offender took money from victim's flatmate part of motivation was to obtain money - lower part of mid-range of objective seriousness Aboriginal male – *Bugmy* principles applied, traumatic upbringing – mental health conditions - substance abuse – anxiety disorder – genuine remorse – reasonable prospects of rehabilitation – youth - special circumstances - need for significant mental health and drug/alcohol treatment
130.	**DPD** (17y 6m) [2023] NSWSC 477 Wright J Co-offender: SHILLINGSWORTH EE DJD: s.111(2) MURDOCH: s.111(2)	PG (17.5%) Murder Sched: Posss shortened firearm Assault	15y 3m NPP 10y 3m			Stabbed Constructive murder Accessorial liability	Male victim known to offenders – joint criminal enterprise to commit assault with intent to rob in company while armed with dangerous weapon – with four co-offenders forced themselves into victim's home - offender armed with shortened rifle – victim assaulted and stabbed multiple times – unable to establish identity of killer – offender had significant role – knew victim – carried firearm – first to reach front door - provided vehicle in which offenders travelled to victim's residence, pushed victim and present during assault and stabbing – some degree of planning and organisation – stayed behind and attempted to obtain keys to quad bike from deceased whilst still alive having been stabbed and assaulted flatmate – mid-range - *Bugmy* applied, dysfunctional upbringing – significant mental health conditions causally related to offending – drug abuse - remorse – youth – some significant prospects of rehabilitation – special circumstances.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
131.	**SULTANI** (24 at offence) [2023] NSWSC 645 Hamill J	PG (10%)	20y NPP 15y		Rob in company and agg break and enter prior to offence – life sentences imposed for murders committed subsequently	Assault Extended joint criminal enterprise	**SNPP 20y** (2013) At time of offence member or nominee of Motorcycle club and dealing in drugs – Victim one of three men who threatened associate of offender over drug debt – offender took group of eight men armed with mallet and baseball bat to intervene on associate's behalf – victim assaulted by group being hit to head and body over two minutes – offender did not physically assault victim – no intent to murder or even inflict GBH – victim died from head injuries several weeks later - planned, organised and savage criminal attack – lower end of mid-range Difficult childhood as son of refugees from Afghanistan – exposed to violence outside home – genuine remorse – subjected to serious violence in custody
132.	**EE** (17) [2023] NSWSC 104 Wright J Co-offenders: DPD SHILLINGSWORTH DJD: s.111(2) MURDOCH: s.111(2)	PG Murder (50% combined) Sched: Robbery	6y 3m NPP 4y 2m		Violence – agg break and enter – breached conditional liberty	Stabbing Constructive murder Accessorial liability	Went to home of victim with four accomplices for robbery – two accomplices armed with rifle and knife – not present in room when victim stabbed – did not intend or foresee co-offender acting with intent to kill or GBH – significantly less participation than co-offenders – robbed female resident of money - below mid-range Remorse – good prospects of rehabilitation – born in Liberia – violent father – other *Bugmy* considerations – gang involvement – drug abuse – assistance
133.	**KARAALI (No 10)** (26) [2023] NSWSC 866 Campbell J [2024] NSWCCA 162 Co-offender: HAMDACH	VG	28y NPP 21y	AD	Common assault, agg BE, resist police, supply drugs, firearms, driving offences. On parole.	Assault Intent to kill Accessorial liability	**SNPP 20 years** Acted as "muscle" on behalf of co-offender – co-offender recruited offender to exact retribution on male victim for selling fake earbuds / airpods - serious physical assault including punches, kicks, athletic high-kick to the head and stomping to head - victim suffered extensive catastrophic brain injury - offender denied assistance from passers-by and told lies explaining victim's state of being unconscious. Drug use - substance abuse disorder - never given account of his part in offending – unsettled upbringing - absence of remorse - prospects of rehabilitation guarded. On appeal: no error in finding as to intent or parity and not manifestly excessive

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
134.	**BE** (15) [2023] NSWSC 1007 RA Hulme AJ [2024] NSWCCA 100 Co-offender: BL [2024] AD [2024] SIONE [2024] DAWSON [2024]	PG (25%)	15y 6m NPP 10y	AD	Minor	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 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 – offender delivered at least 52 hits, 3 kicks and hair grab Difficult and disadvantaged childhood involving violence, neglect and exposure to alcohol and drug abuse – exposure to gang culture - uncontrollable behaviour, ADHD and Conduct Disorder – genuine remorse but continued violence in detention makes assessment of rehabilitation prospects difficult – some family support TB [2024] sentenced for manslaughter On appeal: no errors made and sentence not manifestly excessive
135.	**EARLY (No.8)** (41 at offence – 77 at sentence) [2023] NSWSC 1222 Yehia J	VG	22y NPP 15y 6m		On bail at time of offence – history of sexual offences prior to 1991	Assault Intent GBH Accessorial liability	(1987) Party to agreement by group of males to assault victim and cause really serious harm in park with reputation as 'gay beat' – vulnerable victim alone in park in early hours of morning – chased and assaulted by group – multiple injuries - motivated by hatred or prejudice against homosexual males – previously involved in group assaults on males in same park Advanced age – mental health issues – sexually assaulted in boys homes and prison – no remorse - some prospects of rehabilitation – unlikely to re-offend
136.	**TIRIAKI** (21 at offence) [2023] NSWSC 1480 Rothman J	PG (12.5%)	17y 6m NPP 11y 8m		Unremarkable – driving, assault and break and enter	Shooting Accessorial liability Constructive murder	**SNPP 20 years** (2011) Broke into home of victim with co-offender in order to commit specially aggravated kidnapping – co-offender shot victim once to chest – offender did not encourage shooting or contemplate death – aware co-offender carrying 'something to protect them' – aware people in house – presence of children – co-offender sentenced for manslaughter Family support – sound prospects of rehabilitation and reduced risk of re-offending - youth

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
137.	**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
138.	**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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139.	**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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
140.	**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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
141.	**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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
142.	**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
143.	**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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144.	**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.
145.	**TAUFAHEMA** [2024] NSWSC 1419 McNaughton J Co-offender: NEHME	VG Murder s.97(1) PG (5%) s.113(2) s.112(2)	Indicative 22y NPP 15y 7m 5y 6m 4y 6m 5y 6m NPP 3y 10m Aggregate 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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
146.	**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
147.	**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.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
148.	**PHAM** (26) [2025] NSWSC 180 Rigg J	VG	18y NPP 12y		Limited – no violence	Shot Joint criminal enterprise to kill	**SNPP 20 years** Male victim shot in carpark of gym while collecting child – planned killing – motive unknown – possible mistaken identity – offender had driven shooter and driver to parked car, waited at unit for them to return an hour later and drove them to another location – returned home and sprayed bleach in car - no involvement in planning and unaware child would be present – utilised by co-offenders to minimize their risk – became aware of intent to murder on day of offence – low level participation – expected money for involvement - not mid-range Moral culpability significantly reduced by intellectual disability, vulnerability to exploitation by others and *Bugmy* factors in childhood – hardship in custody – good prospects of rehabilitation
149.	**WALMSLEY** (37) [2025] NSWSC 582 Wright J	VG	21y 6m NPP 15y		Nil	Car Accessory	**SNPP 20 years** Son driving car with mother as passenger – left road and deliberately struck male victim walking along side track from behind – left scene without stopping – attempted to cover up offence – offence committed during afternoon near school pick up – sought revenge for longstanding animosity – no significant premeditation or planning – cowardly and cold-blooded – driver's offence mid-range – mother accessory to intent to kill or GBH – just below mid-range Difficult childhood – raised two sons alone – substance abuse – mental health issues – prior good character – reasonable prospects of rehabilitation – onerousness of custody – special circumstances

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
150.	**STANLEY** (18) [2025] NSWSC 735 Yehia J Co-offender: GILKES	PG (10%)	12y NPP 8y		On probation for affray at time of offence	Shot Constructive murder Accessorial liability	**SNPP 20 years** Attempted home invasion and robbery of drug dealer with two co-offenders in early hours of morning – when light came on co-offender G shot at front door from verandah striking victim in lower leg through door – victim had approached front door inside house unbeknown to offenders – victim died enroute to hospital – no intent to kill or inflict GBH or recklessness – aware of presence of firearm and entered JCE to commit armed robbery shortly before travelling to home of victim – did not utter word of encouragement to shoot Reduced moral culpability due to Bugmy factors, youth and mental health issues – remorse – parity – special circumstances
151.	**XE** (17 at offence) [2025] NSWSC 877 (Weinstein J) Co-Offenders: EVANS, Keith EVANS, John	PG (10%)	14y 10m NPP 9y 3m		Larceny, assault, reckless wounding, detain for advantage, driving. On bail.	Shooting Accessorial liability	(2017) – female – PG after successful appeal against murder conviction. With KE (brother) and JE (father) - dispute with group of males after KE assaulted member of group (JR) over personal matter – group attended offenders' home shattering front glass door, causing injury to XE – group armed with weapons, drove to meet offenders' at park – offenders in own vehicle, car chase – JE driving, blocked path of group's vehicle - KE directed shotgun towards rear of group's vehicle - fired shotgun killing 19y male – XE held up middle finger after shooting - joint criminal enterprise that KE would kill occupant(s) of other vehicle - advising and assisting to locate group - implicitly threatening group - communication point between the two groups - minimal planning on part of XE - under care and authority of father - childish wish for retribution for group earlier coming to home and injuring her. Background of deprivation – *Bugmy* – Aboriginal background - prospects rehabilitation good – special circumstances – youth – remorse

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
152.	**EVANS, John** (49 at offence) [2025] NSWSC 1053 (Weinstein J) Co-Offender: XE KE	VG Murder	26y 6m NPP 17y 8m		Possess drug, unlicensed firearms, AOABH, resist police, assault police, contravene ADVO, stalk/intimidate enter vehicle w/o consent, destroy property, low-range PCA.	Shot. Intent to kill Accessorial liability	**SNPP 20 years** (2017) – Retrial following successful appeals against murder convictions. KE (son), JE (father) and XE (sister/daughter) - dispute with group of males after KE assaulted member of group over personal matter – group attended offenders' home shattering glass door, causing injury to XE – group armed with weapons, drove to meet offenders at park – offenders in own vehicle, car chase – JE driving, blocked path of group's vehicle - KE directed shotgun towards rear of group's vehicle - fired shotgun killing 19y male - joint criminal enterprise - agreed KE would deliberately discharge firearm with intent to kill one of occupants of vehicle – deliberately stopped own vehicle in position that best allowed KE clear shot at group - objective seriousness just beyond mid-range – marginally above KE *Bugmy* – background of dysfunction
153.	**BATAK** (26 at offence – 33 at sentence) [2026] NSWSC 595 Sweeney J Co-Offender: COSKUN	VG	12y NPP 9y (wholly concurrent to sentence for attempt AR)		Two bonds without convictions	Shooting Constructive murder Accessorial – (see facts summary)	**SNPP 20 years** Agreed with co-offender to rob occupiers of apartment believed to be drug suppliers – provided co-offender with gun, ammunition and shirts – did not attend apartment but did not withdraw from enterprise – one occupant shot dead during confrontation by co-offender – did not intend or foresee discharge of gun – motivated by financial gain - home of victim an aggravating factor – below mid-range Sentenced after first trial for accessory before the fact to AR – conviction appeal in relation to murder allowed on basis cannot be accessory before the fact to constructive murder Strong subjective case – evidence of change since time of offence – positive steps towards rehabilitation – remorse – hardship to family – difficult custodial conditions – unlikely to re-offend – facilitation of justice – ceiling principle – parity – some credit for bail conditions

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
154.	**ATTEYA** (29) **KHALED** (24) [2026] NSWSC 675 Sweeney J	VG VG	34y NPP 25y 6m 24y NPP 18y		Assault, resist police, drug possession, domestic violence assault Minor - prior firearm offence	Shooting Intent to kill Accessorial	**SNPP 20 years** Victim shot 8 times, including to head, in his apartment car park – motive uncertain, possible dispute about stolen vehicles - A and co-accused B carried out surveillance, planning, and executed shooting (driver/shooter) - K assisted by locating parking spot, handling vehicles, and destroying evidence by burning cars - planned, coordinated, and executed with multiple vehicles and roles - premeditated, highly organised killing - presence of victim's wife who witnessed the killing. A: likely financial motive - PTSD, drug use, and traumatic upbringing - slight mitigation - influenced by ringleader B K: role less central, supporting, not present at shooting - PTSD-related dissociation - more susceptible to influence - traumatic childhood and past abuse
155.	**DT** (19) **DA** (18) [2026] NSWSC 930 Rigg J	PG (25%) Murder PG (25%) Murder Recklessly cause GBH	13y NPP 8y 8m 13y 6m NPP 8y 6m 2y 6m NPP 1y 8m <u>Total</u>: 15y NPP 10y		Nil Nil	Assault Intent GBH	**SNPP 20 years** Vulnerable and disabled male assaulted over four days by four people in home he shared with offenders – offenders angered by alleged sexual threats made by victim – joint criminal enterprise to cause GBH – aggravated factors: duration of offence – vulnerability of victim – use of weapon – offence committed in company – offence committed in victim's home – did not accept offence was below mid-range Recklessly cause GBH offence committed on inmate while on remand – without warning punched victim to head – felt pressured to be accepted – single blow DT: mental health – low intelligence – disadvantaged childhood including sexual abuse – youth - reduction in moral culpability – reasonably good prospects of rehabilitation – remorse – onerous custodial conditions due to mental health – special circumstances DA: mental health – disadvantaged childhood including sexual abuse – youth - reduction in moral culpability - some prospects of rehabilitation – relevance of community protection - remorse – onerous custodial conditions due to mental health – special circumstances

1.	**RAAD** (32) **TULI** (26) **LATHAM AZNAN** (25) [2026] NSWSC 1249 Hamill J	VG Murder PG (10%) Supply firearm: s.51(1A)(a) *Firearms Act* VG Murder PG (10%) Supply firearm: s.51(1A)(a) *Firearms Act* VG Murder PG (10%) Supply firearm: s.51(1A)(a) *Firearms Act*	23y NPP 17y 3m 9m <u>Total</u>: 23y 3m NPP 17y 6m 20y NPP 14y 18m <u>Total</u>: 20y 4m NPP 14y 4m 15y NPP 10y 9m <u>Total</u>: 15y 3m NPP 10y 3m		On parole at time of offence – record including assault, robbery, supply drugs and BES On parole at time of offence – record including repeated firearms off - stabbed inmate – numerous gaol infractions Limited record – driving offences	Shooting Intent to kill Extended JCE	**SNPP 20 years** All offenders involved in sale of gun by victim to associate of R for $22,000 – gun an imitation pistol – very far below mid-range - victim tracked down next day and confronted at home by offenders – shot in chest by R standing at door to home – double barrelled shotgun R deliberately shot victim with intent to kill – relatively spontaneous forming of intent – in company – part of organised criminal activity (gun supply) – use of weapon - mid-range T and L – extended JCE to intimidate victim realising possibility of use of loaded gun with murderous intent – T actively involved in planning and obtained gun and ammunition – lesser role than R – mid range – L least involvement – a little below mid-range R – difficult childhood including low socio-economic and criminal environment, sexual abuse, early drug use and education issues – significant substance abuse – prospects of rehabilitation guarded T – difficult childhood including exposure to violence, crime, substance abuse – homelessness and education issues – prospects of rehabilitation poor L – difficult family life including homelessness, low socio economic environment and educational issues – very good prospects of rehabilitation and unlikely to re-offend

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