Murder
Gaol Killing

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	SUMMARY OF RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
1.	**NGUYEN** (22) [2000] NSWSC 1177 Whealy J	PG (15%) Murder Escape	18y NPP 9y 6m 18m NPP 6m Total: 19y 6m NPP 10y		history for violence - offence committed awaiting trial for murder and manslaughter	stabbing intent kill	Inmate stabbed to death by other inmates with scissors - over 60 wounds inflicted - spontaneous attack in retaliation for rape by victim perpetrated several weeks prior to killing. Unhappy and deprived childhood - chronic depression. Sentence partially concurrent to existing sentence NSWSC, Kirby J, 29.10.1998 (murder) NSWSC, Kirby J, 20.11.1998 (manslaughter) Total 30y NPP 21y
2.	**FERNANDO** (31) [2001] NSWSC 294 Howie J	PG (Head sentence reduced by 10 years)	30y NPP 22y		serving life sentence for murder and sexual assault	stabbing intent to kill	Stabbed cousin in prison with scissors blade - angered by cousin's assistance to police in relation to earlier murder

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3.	**FYFFE** (33) [2002] NSWSC 751 Barr J [2005] NSWCCA 3 Co-offender: HORE	VG	Life	AD	lengthy record	Assault Intent to kill	Carefully planned killing of fellow prisoner in prison - sandstone block dropped on head of victim several times- extensive and horrendous injuries - three offenders involved although cannot identify precise role of each - no evidence as to motive - execution of coolest kind Deprived and cruel childhood
4.	**HORE** (34) [2002] NSWSC 749 Barr J [2005] NSWCCA 3 Co-offender: FYFFE	VG	Life	AD	murder - poor prison record - continued violence	Assault Intent to kill	Carefully planned execution of fellow prisoner in prison - sandstone block dropped on head of victim several times- extensive and horrendous injuries - 3 offenders involved although cannot identify precise role of each - no evidence as to motive Anti-social personality traits
5.	**KNIGHT** (35) [2004] NSWSC 498 Barr J [2005] NSWCCA 241	VG	22y NPP 16y 6m	AD	Lengthy record for drug, property and violence offences	Stabbing Intent to kill	Savage attack on prison inmate by at least two offenders in cell – multiple stab wounds – no explanation for killing Some prospects of rehabilitation
6.	**DERBAS** **RUSTOM** [2005] NSWSC 244 Dunford J [2007] NSWCCA 118	VG Murder Assault VG Murder Assault	24y NPP 17y FT 2y (concurrent) 24y NPP 17y FT 2y (concurrent)	Conviction AD	Criminal history – serving time for drug offences	Stabbing Intent to kill	Gaol execution - prisoner stabbed in assault by group of prisoners – cousin also assaulted but escaped to guards – deliberate and planned assault – motive unclear – possibly drug related Young men – evidence of rehabilitation

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7.	**KAEWKLOM No.3** (18) [2013] NSWSC 59 Johnson J [2013] NSWSC 504 Johnson J	PG (25%) Murder Recklessly cause GBH	20y NPP 13y 6m 3y 9m NPP 2y 9m Total: 22y NPP 15y 6m		Nil	Assault Intent GBH	**SNPP 20 years** Attacked and killed 69y fellow prisoner in courthouse cell - kicked and stomped – four days earlier had assaulted 15y former girlfriend - kicked and stomped on victim due to rejection. Matter brought back to correct sentence for s.35 offence
8.	**WALSH** (77) [2018] NSWSC 1299 McCallum J	PG	Life		Serving two life sentences for murder - determinate sentences for third murder and attempted murder	Assault Intent to kill	**SNPP 20 years** Killed cellmate during lock-down – bashed victim with sandwich press – degree of planning – unprovoked attack when victim was in his own bed. Absence of any significant mitigating factors
9.	**TANGI (No.12)** (28) [2020] NSWSC 547 Rothman J	VG Murder	30y NPP 22y 6m		assault and domestic violence – offence committed while on remand – multiple misconduct charges ion prison	Assault Intent GBH	**SNPP 20 years** Fatal assault on fellow prisoner while alone in cell – argued with victim over several days prior to assault – led victim into cell while another prisoner stood guard – stomped on victim's head at least once – some planning but intent to inflict GBH did not develop until after assault commenced – above mid-range Little or no insight – no remorse – difficult custodial conditions exacerbated by pandemic restrictions – difficult childhood resulting in disempowerment and social exclusion
10.	**REAY (No.2)** (47) [2021] NSWSC 901 RA Hulme J	VG	30y NPP 22y 6m		Lengthy record for violence – offence committed while on Extended Detention Order	Strangulation Intent to kill	**SNPP 20y** Strangled cell mate – no explanation – spontaneous offence – vulnerable victim - very grave Violent childhood – early drug use – 'long demonstrated propensity for unprovoked and on occasion indiscriminate violence in custody and in the community' – severe personality disorder

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