Murder

Home Invasion / Break and Enter

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.	**CALLEJA** (17) NSWSC 19.7.1991 Slattery AJ	VG Murder PG Rob 2 x Obtain by deception	MT 15y AT 5y		long record armed robbery, kidnapping	strangulation reckless indifference	Robbery - tied elderly lady up in house - took chequebook and withdrew money. Escapee at time of offence.
2.	**O'HELLO** (23) NSWSC 31.3.1992 Finlay J	VG Murder Enter dwell w/i and armed	MT 12y AT 4y		steal, malicious damage	shooting	Shotgun robbery at private home

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

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3.	**LIVERMORE** (46) NSWSC Hunt CJ at CL 30.11.1992 NSWCCA 2.3.1995 Co-offender: JERRARD	VG	MT 12y 6m AT 4y 2m	Convict AD	lengthy - property offences, child sex assault, assault	assault	Bashed to death an old man after trying to steal his car. Sentence cumulative to existing sentence for sexual offences
4.	**JERRARD** (21) NSWSC 21.12.1992 Hunt CJ at CL Co-offender: LIVERMORE	PG	MT 9y AT 3y		Record for mal damage, assaults, BES, unlawful use of motor vehicles	Assault Intent GBH	Assaulted male occupant of house while stealing car – extraordinary injuries – left victim tied up Aboriginal male
5.	**RYAN** (29) NSWSC 7.5.1993 Abadee J (1995) 90 A Crim R 191	PG Murder Steal from dwelling Steal car	MT 14y AT 6y	AD		cut throat	Broke into neighbour's unit and cut his throat with a knife - later stole goods and car Had been drinking heavily.
6.	**O'BRIEN** (19) NSWCCA 10.6.1993	PG	MT 10y AT 6y	Crown AA MT 12y AT 6y	BES – stealing – AOABH - mal damage	shooting felony murder	Entered bedroom with loaded rifle and shot victim when challenged. Crown appeal - withdrew offer to assist
7.	**LORENZO** (33) NSWSC 26.11.1993 Dunford J NSWCCA 22.5.1995 [2001] NSWCCA 389	VG	MT 17y AT 5y 6m	Conviction AD Sentence AD	serious	assault / strangulation	Robbery and murder of female in her home Some assistance to authorities.

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8.	**RICHARDSON** (28) NSWSC 28.2.1994 Finlay J	PG (after voir dire)	MT 20y AT Life		lengthy - manslaughter, sexual assault on woman & young boys	assault / burning	Broke into house and raped 29y old female acquaintance in front of her young children, abducted her, bashed her with piece of wood then set fire to her body.
9.	**BROUGHTON** (29) NSWSC 30.5.1994 Smart J	PG	MT 14y AT 6y		extensive priors including gaol	stabbing	Broke into house believing it to be empty - stabbed 54y female occupant eight times Full admissions - on protection
10.	**PREVITERA** (1997) 94 A Crim R 76 NSWSC 27.5.1997 Hunt CJ at CL	PG	MT 20y AT 5y		long record, including bag snatch on elderly woman	strangulation	Strangled 81y female neighbour, then robbed her - motive for murder unclear.
11.	**LITTLE** (30) NSWSC - 17.10.1997 Hidden J	PG	MT 11y AT 5y		minor	stabbed intent kill	Broke into home of friend's neighbour and stabbed male occupant - no reason for violent outburst – returned some time later to set fire to flat with body inside. Aboriginal male - alcohol.
12.	**HOOKER** (17) [1999] NSWSC 896 Barr J	PG Murder Rob with violence Rob with violence	MT 7y AT 6y FT 3y MT 3y AT 2y <u>Total</u>: MT 10y AT 6y		drug related offences	stabbing	Went to flat to purchase heroin with six friends – victim stabbed in chest three times with knife found at flat. Prospects of rehabilitation.

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13.	**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 - D fired fatal shot at close range and greater culpability
14.	**HARRIS** (30) (2000) 111 A Crim R 415 [2000] NSWSC 285 Bell J (2000) 121 A Crim R 342 [2000] NSWCCA 469	PG 3 x Murder AR	40y NPP 25y	Crown AA Life	not serious	strangulation intent kill	Three killings committed in one month - strangled male suffering effects of stroke in victim's home - strangled intellectually disabled woman he befriended in her home - strangled male neighbour and disposed of body in country - second and third killings motivated by desire to kill –elderly, sick, or disadvantaged victims – betrayal of trust – two killings an exercise of power and to exact revenge on society
15.	**DARGIN** (24) [2000] NSWSC 710 Ireland J	PG	19y NPP 14y		long history of dishonesty and violence - on bail at time of offence	assault intent GBH	Bashed 72y female to death in her home - brutal sexual assault - initial motivation was robbery. Aboriginal male

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16.	**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.
17.	**WRIGHT** (25) [2001] NSWSC 1050 Adams J	PG Sched: Aggravated Rob with Wounding	22y NPP 15y 6m			Stabbing Intent to kill	Stabbed middle aged woman in own home - broke into home intending to rob victim - killed victim to prevent identification - previously worked for victim and husband - premeditated, cowardly and brutal attack. Troubled childhood - some prospects of rehabilitation - relative immaturity
18.	**WHITFIELD** (17) [2001] NSWSC 876 Adams J [2002] NSWCCA 501	VG	20y NPP 13y	Conviction and sentence AD	lengthy criminal record	stabbing intent GBH	Went armed with knives to victim's house with three others to commit robbery - stabbed victim three times probably in panic to escape. Disturbed and troubled childhood displaying early signs of behavioural difficulties – Aboriginal youth
19.	**SYMSS** (24) [2001] NSWSC 1037 Howie J [2003] NSWCCA 77	VG Murder Rob w/ wounding LMV	22y NPP 16y 6m FT 5y FT 2y (all concurrent)	Conviction AD	priors including armed robbery	suffocation intent to kill	Suffocated 73y female in own home during robbery - attempted to stab victim in neck No remorse

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20.	**SLD** (13y 10m) [2002] NSWSC 758 Wood CJ at CL (2003) 142 A Crim R 503 [2003] NSWCCA 310	PG	20y NPP 10y	AD		stabbing intent to kill	Broke into neighbouring home at night and abducted 3y sleeping girl - removed clothes and stabbed her in chest once - discarded body in long grass - misled police during inquiries - callous and cold-blooded killing - motive unclear Seriously affected by background of upheaval, abuse and lack of emotional support - intellectual and speech disability and dysmorphic appearance - sexually abused by half-brother - disturbed individual - history of aggressive and unacceptable behaviour - significant level of future dangerousness, although difficult to assess at this stage
21.	**STONE** (31 at offence / 44 at sentence) (2004) 144 A Crim R 568 [2004] NSWSC 224 Grove J	PG	21y NPP 15y 9m		Lengthy – breached parole – dealt with for attempt to commit similar offence 5 years later	Strangulation	(1990) Broke into home during day attempting to escape pursuit – intoxicated and drug affected – formed intent to commit sexual assault – stripped female occupant and tied her to bed – strangled with football sock – gratuitous violence - 5 years later threatened 26y daughter of de facto with similar violence – subsequent DNA match to murder Deprived childhood as ward of state – serious health problems – future dangerousness – more lenient sentence pattern for murder at time of offence
22.	**LOEBER** (33) [2004] NSWSC 293 Wood CJ at CL	PG (combined 25%)	18y NPP 13y		No relevant priors	Stabbing	Broke into home of female friend and stabbed her over 40 times – disguised with pillowcase upon entering house – no memory of offence - use of knife and attack in complainant's home aggravating features Prior good character
23.	**EM** (19) [2005] NSWSC 212 James J	VG: Murder s 97(2) s 93G(1)(c) PG 5 x s 97(2)	25y NPP 16y FT 10y FT 2y FT 12y <u>Total</u>: 36y NPP 27y	AD	Driving offences	Shooting Constructive murder	Home invasion with co-offender – 5 occupants forced to lie on floor – victim shot and killed in struggle – victim's wife shot in thumb – 10 days later, similar offence with 2 co-offenders - robbery completed and 5 occupants left tied up in house Cambodian – poly substance abuse – mood disorder

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24.	**QUILL (a pseudonym)** (36) [2005] NSWCCA 4	VG 2 x Murder 3 x Attempt murder	Life 18y	AD	Minor	Shooting / Stabbing / Strangulation Intent to kill	Entered home to collect debt – tied up adults – shot male (x4) – shot (x4), stabbed (x23) and strangled female – shot one child in head twice – both victims heavily affected by heroin - specific and deliberate attempts made to destroy bodies - set fire to house to kill three children to avoid detection
25.	**HILLSLEY** (53) [2005] NSWSC 652 Hidden J (2006) 164 A Crim R 252 [2006] NSWCCA 312	PG (25%) Murder 4 x Agg sexual ass Kidnapping	16y NPP 12y <u>Total</u>: 30y NPP 25y	Crown AA Life	Paedophile offences	Hammer Intent to inflict GBH	**SNPP 20 years** Broke into house of male acquaintance and killed sleeping victim – earlier argument over money - sexually abused victim's 10y step-daughter and abducted her 'as payback' – sexually abused her a few days earlier – offences part of single act of terrible vengeance Unfortunate upbringing – irresistible impulses for young girls – risk to community –gambling problem – escaped from custody though at large for only one day
26.	**WHITE** (34) [2005] NSWSC 667 Studdert J	PG (10%) Sched: 5 Break and enter offences	24y NPP 18y		Dishonesty and violence – breached bail	Assault / asphyxiation Reckless indifference	**SNPP 20 years** Broke into home of 82y widow – victim assaulted, bound and gagged – believed victim would die if not found Aboriginal male - disrupted childhood and drug addiction
27.	**CB** (22) **IM** (23) [2006] NSWSC 261 Buddin J	PG (See facts) Murder s.33 Sched: 3 offences PG (See facts) Murder s.33 Sched: 2 offences	18y NPP 13y FT 7y <u>Total</u> 20y NPP 15y 21y 6m NPP 15y 6m FT 8y <u>Total</u> 24y NPP 18y		Priors for violence Priors for violence – breached conditional liberty	Assault Intent GBH	**SNPP 20 years** Two offenders assaulted male acquaintance in own unit – planned attempt to rob – victim suffered brain damage – fatal assault on second male who arrived unexpectedly at unit CB – history of sexual assault resulting in drug addiction – suffering drug induced psychotic illness – assistance in relation to perpetrator of sexual assault IM – disturbed childhood – sexually assaulted resulting in drug addiction Discount for guilty plea at or slightly above mid-point of range – CB combined discount – not specified – at least 15% for future assistance

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28.	**APPS** [2006] NSWCCA 290	PG (25%) Sched: BE&S	27y NPP 20y 9m	AA 18y NPP 13y 6m	Dishonesty, possess knives, assault	Shooting Intent to kill	**SNPP 20 years** Acquainted with victim – broke into nearby farm stealing four guns – shot victim at victim's home. Personality disorder
29.	**STEER** (40) [2006] NSWSC 1198 Whealy J (2008) 191 A Crim R 435 [2008] NSWCCA 295	VG Murder AR	29y 4m NPP 22y FT 4y Total 31y 4m NPP 24y	AD	Lengthy	Stabbing Intent to kill	**SNPP 20 years** Broke into home and stabbed male occupant in neck – set fire to house with body inside – angered at relationship between deceased and ex-girlfriend – above mid-range offences – intent formed after entry to house – on separate occasion robbed bank Single parent with 4 children
30.	**JOHNSON** (53) [2007] NSWSC 274 Whealy J [2010] NSWCCA 86	VG 2 x Murder Dishonesty offences	Life	Conviction AD	Minor traffic	Strangulation Intent to kill	**SNPP 20 years** Tied up and strangled retired couple in their own home – trusted handyman – stole money from bank accounts – financial difficulties – well planned offence - cold, calculated killings with element of mental torture, fear and distress
31.	**DAVIS** (26) [2008] NSWSC 55 Mathews AJ [2015] NSWCCA 90	VG	24y NPP 18y	AA 22y NPP 16y 6m	Lengthy – mal wounding under similar circumstances	Stabbing Intent GBH	**SNPP 20 years** Broke into apartment to steal property – stabbed male occupant in attempt to escape – victim died 3 days later from heart failure Disturbed and abusive childhood
32.	**WILSON** (32) [2008] NSWSC 238 Howie J [2015] NSWCCA 128	VG	26y 6m NPP 20y	AA 21y 4m NPP 16y	Minor	Shooting Intent to kill	**SNPP 20 years** Attempted armed robbery on co-offender's flatmate – flatmate recently obtained large amount of money from armed robbery – also a drug dealer - shot victim in head at close range – lost temper – killing not planned Aboriginal male - violent and deprived childhood Co-offenders Fraser and Spencer dealt with for manslaughter [2007] NSWSC 1449

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33.	**PEARCE** (25) [2008] NSWSC 1434 Latham J	PG (no discount)	20y NPP 15y		Lengthy – no major violence	Stabbing Intent to kill	**SNPP 20 years** Arrived at friend's unit armed with knife - became involved in fight with male victim and stabbed in back – spontaneous offence – no assistance to victim – paranoid and highly aroused state from amphetamines – slightly below mid-range Appalling childhood marked by domestic violence – both parents heroin addicts – no education – early drug abuse
34.	**MCGUREN** [2010] NSWSC 744 Fullerton J	PG	34y NPP 25y 6m		Lengthy. - attempt strangle, AOABH, breach AVO	Shooting and assault Intent to kill	**SNPP 20 years** Broke into home of ex-partner's new partner – shot victim in neck – bashed victim in head with rifle butt number of times causing death - premeditated – upper end of upper range of objective seriousness Tendency to uncontrolled violence.
35.	**DENNISON** (28) [2010] NSWSC 780 Fullerton J	PG (20%) Murder 8 x s.61J 2 x s.61K(b) 4 x s.86(1)(b) s.35(2) s.113(2) 2 x s.97(1) Sched: 8 offences	18y NPP 11y <u>Total</u>: 28y NPP 21y		AOABH, possess knife, driving, resist police.	Fall No intent to kill	**SNPP 20 years** Followed four persons into security apartment – threatened with knife – forced sexual acts with three victims – murder victim escaped through balcony door and fell from balcony - died from injuries – another victim also sustained serious injuries after falling from balcony - lower end of mid-range – no intent to kill Aboriginal male – troubled background. drug dependent ("ice") - capacity for exercising judgment was probably severely compromised by being in the grips of "ice" on the day of offence
36.	**DB** (16) [2010] NSWSC 812 Barr AJ	PG Murder Wound w/I murder Sched Assault	20y NPP 12y FT 12y <u>Total</u>: 24y NPP 16y		nil	Stabbing Intent to kill	Broke into home of ex-girlfriend armed with carving knife at night – fatally stabbed father of ex-girlfriend in confrontation – stabbed mother in bedroom then pursued her outside and stabbed in back and continued to stab – taunted ex-girlfriend about killings, pushed her up against wall, slapped her face and forcefully kissed her on lips – disabled telephones Vindictively jealous and made numerous threats against various people before incident – otherwise prior good character – no mental illness – remarkable progress in gaol

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37.	**ATAI** (18) [2011] NSWSC 1617 Grove J [2014] NSWCCA 210	VG	24y NPP 18y	AD	Custodial record	Shooting Recklessness	**SNPP 20 years** Approached house with group of men – fired shots into front window of house killing occupant after being advised had wrong house – motive for approach to house and shooting unclear Afghani refugee with links to bikie gang
38.	**COTTERILL** [2012] NSWSC 89 McCallum J	PG (15%) Murder Escape	22y NPP 16y FT 6m Total: 22y NPP 16y 6m		Offences of violence	Stabbing Intent to kill	**SNPP 20 years** Stabbed 19y female in her own home during day– prolonged attack - 27 stab wounds – confronted by victim after entering house with intention to steal – not premeditated Escaped from prison van several days after arrest by faking self-harm – ran six metres before shot in pelvic region and leg Dysfunctional childhood – severely disturbed as child and adolescent – violent and poor impulse control
39.	**SHAMOUN** (24) [2012] NSWSC 716 Bellew J [2015] NSWCCA 246	VG Murder Mal wound	27y NPP 20y 12m NPP 9m Total: 27y NPP 20y 3m	AD	Nil significant	Stabbing Intent GBH	**SNPP 20 years** Broke into home at night and assaulted male victim in bed – wife injured in escape – victim stabbed in struggle – offence committed in response to request by co-offender to inflict serious injury on victim because of falling out over employment – not satisfied act committed for reward Iraqi – suffering brain injury
40.	**AMOS** (20) [2012] NSWSC 1021 Hall J [2014] NSWCCA 302	VG	28y NPP 21y	Conviction AD	Nil	Shooting Intent to kill	**SNPP 20 years** Involved in armed robbery with co-offender of male drug dealer who owed money – formed intent to kill and shot victim eight times – returned to house with co-offender and stole property – victim shot in own home – only robbery planned – high level of culpability – committed for financial gain Deprived and neglected childhood

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	NATUBA (19)	PG (50%) Murder AR Sched: Robbery	14y NPP 10y 5y NPP 3y 9m <u>Total</u>: 15y NPP 11y		Agg robbery – breached 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
41.	**TAMAPUA** (20) [2012] NSWSC 1569 Johnson J Co-Offenders: MA BYQUAR RAMOS KHOURY KARIMI MIR	PG (50%) Murder Sp Agg BES Poss Firearm Poss weapon Sched: 3 x Robbery	14y NPP 10y 4y NPP 3y 3y NPP 2y FT 2y <u>Total</u>: 15y 6m NPP 11y 6m		Robbery, assault, breach AVO - on bond		

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42.	**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: Consp 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	

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43.	**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
44.	**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
45.	**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
46.	**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 Discount for guilty plea at bottom of range

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47.	**BELL** (27) [2013] NSWSC 1838 Hall J	PG (10%) Murder s97(2) s33(1)(a)	25y 4m NPP 19y 5y NPP 3y 9m 10y NPP 7y 6m Total: 27y NPP 21y 6m		Rob in co, AOABH, drugs	Shooting Constructive murder	**SNPP 20 years** Home invasion with co-offender to obtain money and drugs – armed with firearms – during struggle accidentally shot in face by co-offender – offender discharged his firearm killing male aged 17y – co-offender shot and injured second male - intent to inflict injury for purpose of effecting escape - did not form intent to shoot until very shortly before fatal shot fired Left school Year 8 – learning difficulties - long standing personal problems including drug use and anti-social personality characteristics - no link established between anti-social personality disorder and any abusive or deprived upbringing
48.	**KARIMI** (22) [2013] NSWSC 1761 Johnson J Co-offenders: KHOURY MIR NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder Conspiracy 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 Total: 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

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49.	**KHOURY** (29) [2013] NSWSC 1761 Johnson J Co-offenders: KARIMI MIR NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder Consp AR Possess firearm s.112(3) Recruit to commit AR AR AR x 2 Conspiracy to 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
50.	**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 <u>Total</u>: 31y NPP 24y	AD	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

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51.	**KAYE** (33) [2013] NSWSC 1812 Price J	PG (12.5%) Murder	21y NPP 14y 6m		AOABH, resist police, steal mv	Stabbing / assault Intent GBH	**SNPP 20 years** Entered home of elderly male stranger living alone - armed self with 2 steak knives - stabbed victim in neck and assaulted him – cause of death was combined effects of blunt force injury and pre-existing medical conditions - injuries inflicted by offender a substantial cause of death - stole various items Alcohol abuse – difficult upbringing – rehabilitation prospects remain uncertain – long term need for psychiatric and alcohol counselling
52.	**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
53.	**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

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54.	**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 - difficult background including domestic violence E McKellar very low intellectual functioning B McKellar suffering brain damage from accident
55.	**TIRAKI** (21) [2014] NSWSC 1764 Schmidt J	VG	28y NPP 20y			Shot Intent kill	**SNPP 20 years** Shot victim at close range in chest at night through window – joint criminal enterprise to commit robbery at victim's home – planned offence – gun loaded – firearm discharged deliberately not in panic – above mid-range objective seriousness Mental health issue – drug abuse Co-offender Tabbah sentence for manslaughter

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56.	**KENNEDY** (18) [2015] NSWSC 327 Wilson J [2016] NSWCCA 114 Co-offenders: SMITH SMITH	PG (5% on appeal)	21y NPP 15y 9m	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
57.	**FARROW (No.3)** [2015] NSWSC 323 Rothman J	VG	22y NPP 15y			Stabbing	**SNPP 20 years** Purchased drugs from victim – relationship soured – broke into victim's unit, stabbed victim and stole drugs, money and jewellery – put body in car boot with intention of burying - above mid-range - planned offence – significant number of knife wounds. Significant psychoses - paranoia, schizophrenia and drug induced psychoses
58.	**MAAKA** (18) [2015] NSWSC 358 RA Hulme J	PG (20%) Sched: 16 offences	20y NPP 15y		BES, AOABH, Larceny	Assault Intent GBH	**SNPP 20 years** Severe and violent attack upon 53y male homeowner during break in– struck victim and smashed drawer on victim's head - unbridled, gratuitous and extreme violence – acted with 2 co-offenders - affected by drugs - not planned or premeditated Disrupted upbringing – drug abuse
59.	**KELSALL** (20) [2015] NSWSC 480 RA Hulme J [2017] NSWCCA 240	VG Murder Indecent assault	40y NPP 30y FT 1y Total: 40y 3m NPP 30y 3m	AD	nil	Stabbing Intent to kill	**SNPP 20 years** Followed male stranger home late at night – entered through unlocked door – found male stranger in bedroom asleep or intoxicated – touched penis and stabbed multiple times (more than 20 wounds) – no motive although had previously reported thoughts of killing random stranger No remorse – questionable prospects of rehabilitation
60.	**KATSIS** (17 – 44 at sentence) [2015] NSWSC 1890 Fagan J	VG Murder s.61D(1)	20y NPP 15y FT 6y (concurrent)	AD	Subsequent record for petty offences involving dishonesty and assault	Strangulation Intent to kill	(1988) – forced entry into neighbouring unit – sexually assaulted and strangled 66y female occupant - set fire to contents of unit Abusing drugs and alcohol at time of offence – subsequent 27y demonstrates no risk of re-offending

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61.	**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
62.	**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 - deprived childhood K – Maori – assaulted in gaol because gave evidence on sentence and in protection – fearful for life – facilitated trial

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63.	**SINCLAIR** **(a pseudonym)** (22) [2017] NSWSC 686 RA Hulme JA [2020] NSWCCA 108 Co-offender: EVANS	PG (15% plea and assist) Murder s.112(3) PG (35% assist and plea) s.112(3) 2 x s.86(2) s.86(2)	<u>Indicative</u>: 30y NPP 22y 6m 13y 6m NPP 10y 12y NPP 9y 8y 6m 9y <u>Aggregate</u> 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
64.	**EVANS** [2017] NSWSC 1440 RA Hulme J	PG (25% plea and assist) Sched: 2 offences	24y NPP 18y		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

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65.	**EVANS (No.3)** (25) [2017] NSWSC 1523 RA Hulme J Co-offender: SINCLAIR	VG Murder s.112(3) s.112(3) 2 x s.86(2)(a) s.86(3)	Indicative 42y NPP 31y 6m 18y NPP 13y 6m 20y NPP 15y 13y 14y Aggregate: 48y NPP 36y		Assault, AOABH, damage property	Assault intent to kill	**SNPP 20 years** Offences committed during series of home invasions with co-offenders in rural area – male murder victim attacked by offender while bound and defenceless – pick axe used to inflict severe blunt head injury – female occupant also assaulted causing serious injuries – murder well above mid-range One month earlier broke into home with co-offender and third offender at night – sleeping male occupant severely assaulted around head with pick handle causing serious and probably long-term injuries – all four occupants of house threatened and tied up with duct tape and rope Offences committed to obtain money for drug (ice) addiction - ADHD – drug use from young age.
66.	**PETRYK** (23) [2018] NSWSC 119 Wilson J	VG Murder s.97(2)	Indicative: 26y 8y Aggregate 26y NPP 19y 6m		Lengthy record – breached conditional liberty	Shooting Constructive murder	**SNPP 20 years** Broke into home with two co-offenders and shot male occupant during confrontation – threatened second, elderly occupant - intended to steal money and drugs targeting drug dealer - borrowed gun from friend prior to robbery – spontaneous shooting – robbery pre-meditated – mid-range seriousness
67.	**AFU** (23 at offence – 51 at sentence) [2018] NSWSC 1127 RA Hulme JA	VG	20y NPP 15y		significant record at time of offending	Stabbing intent to kill	(1990) paid $10,000 by co-offender to kill wife in staged break in – entered house through balcony left unlocked by co-offender and stabbed victim 23 times – high range – co-offender Caleo convicted of solicit to murder Born in Tonga – difficult childhood in poverty – substance abuser since teenage years – at time of offending immersed in criminal world – subsequently returned to Tonga, married and has six children – good prospects of rehabilitation – isolation from family
68.	**FLETCHER** (19) [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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69.	**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
70.	**CC** [2020] NSWSC 946 Harrison J [2021] NSWCCA 71	PG (20% combined with assistance)	40y NPP 30y	AD Crown AD	Record but no details	Shot Intent to kill	**SNPP 20 years** Contract killing – paid $20k by AM to shoot 15y male victim to avenge death of AM's nephew - AM provided gun – offender kicked open front door of victim's home where victim lived with his mother, her partner and other children – shot sleeping victim in head in bedroom - above right ear Aboriginal male - social and economic disadvantage - underlying paranoid schizophrenia - undertaking to give assistance On appeal: failure to specify discount for undertaking to give assistance did not invalidate sentence Crown appeal: despite breach of undertaking Crown able to use statement in judge alone trial and obtain utilitarian benefit
71.	**DUKAGJINI (No.2)** (30 at offence – 65 at sentence) [2021] NSWSC 1668 Fagan J [2023] NSWCCA 210	VG	20y NPP 13y	AD	Record for housebreaking – no other violence	Strangled and assaulted	(1986) Broke into residential house and surprised by female occupant – panicked and killed victim with electrical cord and piece of wood – killing aggravated by being in home of victim Albanian – no risk of violent re-offending – long period of no offending On appeal: no error in refusal to apply s.22A facilitation of justice discount

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72.	**GARVEY** (24)

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
73.	**BURNS (No.2)** (21) [2022] NSWSC 140 McCallum JA	PG (10%) Murder s.98	Indicative: 19y 9m 6y 9m Aggregate: 21y NPP 14y		Traffic offences only	Stabbing Intent GBH	**SNPP 20 years** Stabbed victim once in struggle in victim's house during attempted robbery for drugs – robbery of limited planning – stabbing intentional but fleeting and spontaneous intent based on desire to escape struggle – use of weapon aggravating factor – both offences below mid-range Prior good character – ***Bugmy*** factors applied – mental health issues – offence reflected immaturity and under-developed self-control – good prospects of rehabilitation – unlikely to re-offender – support of fiancé – harsh conditions in custody due to pandemic
74.	**COSKUN (No.5)** (28) [2022] NSWSC 1216 RA Hulme JA [2024] NSWCCA 67 Co-offender: BATAK	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
75.	**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

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76.	**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 20 years** 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
77.	**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 victim 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

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78.	**DOUGLASS (No.2)** (26 at offences – 32 at sentence) [2023] NSWSC 465 Ierace J	VG	26y NPP 19y 6m		Driving and firearms offences	Stabbed Intent to kill	**SNPP 20 years** With male partner broke into home of 69y victim to steal cash – stabbed victim twice during struggle – took cash and left victim to die – returned at least once in month before victim found to steal further cash – callous indifference to victim – aggravating factors included in company, vulnerable victim and in home of victim – not originator – mid-range Female – difficult childhood – *Bugmy* applied – PTSD – subsequent abusive relationships – moral culpability somewhat reduced – good prospects of rehabilitation – third trial
79.	**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
80.	**OWENS** [2018] NSWSC 1195 Schmidt J [2023] NSWCCA 198	PG (38% combined) Murder 2 x Possess stolen firearms Sched: 3 unrelated offences	Indicative 18y 7m NPP 13y 11m 4y 6m NPP 3y 4m Aggregate: 22y 6m NPP 16y 11m	AA Indicative 18y 7m NPP 13y 11m 3y 8m Aggregate: 21y 9m NPP 16y 3m	Record – breached conditional liberty	Stabbing	**SNPP 20 years** With female partner broke into home of 69y male to steal money – victim fatally stabbed in struggle – body undiscovered in house for one month – offender returned several times during month to steal total $60,000 – vulnerable victim killed in own home – in company – some planning – mid-range – other offences unrelated Ongoing mental health issues – remorse – assistance On appeal: erred in failure to apply discount to firearms offences

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81.	**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
82.	**TRAN** [2024] NSWSC 116 Lonergan J	PG (5%) Murder Enter house with intent to commit: s.111(1) AOABH: s.59 s.166 Certificate: Use carriage service to menace, harass and offend	Indicative: 24y NPP 18y 4y NPP 3y 2y NPP 18m Aggregate: 28y NPP 21y 6m (concurrent)		Limited – subsequent conviction for possession child abuse material	Stabbing Intent to kill	**SNPP 20 years** Met victim through massage parlour and erroneously came to believe she was his girlfriend – engaged in obsessive behaviour when she attempted to end contact – messaged and called victim, accessed her social media accounts and attended home uninvited on multiple occasions – broke into victim's unit and waited in bedroom with kitchen knife for her to return – stabbed victim multiple times to all parts of body – vicious and prolonged attack – failed to call for help – angry and jealous – stabbed victim's boyfriend in arm when he attempted to intervene - well above mid-range Pleaded guilty after defence relating to mental illness fell through – facilitated administration of justice – chronic schizophrenia not relevant to offending but taken into account in relation to deterrence and custodial conditions – remorse

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83.	**DASTAN** [2024] NSWSC 55 Harrison CJ at CL	VG Murder s.93T(1) Participate in crim group	21y NPP 15y 6m 18m (concurrent)			Shooting Intent to kill	**SNPP 20 years** Vigilante act of revenge for assault on brother – mistakenly believed victim responsible – attended home of victim and shot him four times – planned confrontation – recruited co-offenders – upset by assault on brother but failed to clarify circumstances of assault and response disproportionate – slightly above mid-range Extremely unfortunate childhood – violence, parental incarceration and exposure to substance abuse – took responsibility for younger brother – mental health issues and substance abuse – little or no prospect of re-offending in similar way – special circumstances

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

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85.	**AYLWARD** (18) [2024] NSWSC 923 Wilson J	PG (25%)	18y NPP 12y		nil	Stabbed Intent to kill	**SNPP 25 years** Offender entered home of 17y male acquaintance late at night and fatally stabbed victim asleep in bed – had been told by family member victim had physically hurt her on earlier occasion – 12 stab wounds to head and upper torso – savage attack - some element of planning Childhood marred by physical, sexual and drug abuse – youth, immaturity and PTSD – reduction in moral culpability under *Bugmy* – physical health conditions – remorse - out of character
86.	**TAUFAHEMA** [2024] NSWSC 1419 McNaughton J	VG Murder s.97(1) PG (5%) s.113(2) s.112(2)	<u>Indicative</u> 22y NPP 15y 7m 5y 6m 4y 6m 5y 6m NPP 3y 10m <u>Aggregate</u> 23y NPP 16y 6m		Violence, offences involving use of weapons, armed rob, mal wound inflict GBH, firearms, assault police	Stabbed Accessorial	**SNPP 20 years** Not proven who responsible for fatal wound of male deceased during break enter / armed robbery – with co-offender N, entered deceased's home to rob for money, multiple stab wounds inflicted – aware N carried knife – anticipated resistance from occupants of home and possibility grievous bodily harm might be intentionally inflicted - motive need for money – recruited by N after co-offender P (female) provided robbery plan to N - co-offender R acted as lookout - limited planning; last minute venture – inside house for short time, 60-90 seconds. Drug addiction - traumatic childhood, abuse – remorse – guarded rehabilitation prospects - special circumstances. Co-offenders Price and Rahim convicted of manslaughter

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
87.	**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
88.	**GILKES** (19) [2025] NSWSC 23 Hamill J Co-offender: STANLEY	PG (25%)	14y 3m NPP 9y 6m		Lengthy record including violence – offence committed while on parole	Shot Constructive murder	**SNPP 20 years** Attempted home invasion and robbery of drug dealer with two co-offenders in early hours of morning armed with shotgun – when light came on offender shot at front door from verandah at urging of co-offenders striking victim in leg – victim had approached front door inside house unbeknown to offender – victim died enroute to hospital – no intent to kill or inflict GBH or recklessness – had attempted robbery of same victim several weeks earlier – below mid-range Aboriginal male - background of profound neglect and deprivation – early exposure to violence and drug use – sexual abuse in juvenile detention – cognitive impairment and mental health issues – youth – institutionalised - protection of community – no remorse or prospects of rehabilitation Totality issue raised by delay in charging and sentences for earlier attempted robbery and custodial offences – slight reduction in sentence made instead of backdate

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89.	**YOUSEFF (No 4)** (19 at offence; 24 at sentence) [2025] NSWSC 125 McNaughton J	VG	23y 6m NPP 16y		Stalk/intimidate, agg BE	Shot Intent GBH	**SNPP 20 years** With co-offender, both disguised, entered flat of victim's girlfriend S - intention to intimidate S regarding outstanding drug debt of $1500 – victim ran toward offenders – Y shot victim in shoulder and thigh - no significant planning – did not attend premises intending to kill or cause GBH – intention to kill/cause GBH only formed at time victim disobeyed direction not to move – mid-range Refugee family background – *Bugmy* - traumatic upbringing – exposure to extreme domestic violence – PTSD, substance dependence disorder – family support - no remorse - special circumstances.
90.	**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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
91.	**WRIGLEY (No 7)** (40) [2025] NSWSC 981	VG Murder Steal motor vehicle Destroy vehicle by fire Steal tools	23y 9m NPP 16y 3m Indicative: 3y 3y 6m Aggregate: 4y 8m NPP 1y Total: 24y 9m NPP 16y 3m		BES, goods in custody, firearms, steal vehicle, housebreaking, destroy property, possess drugs	Assault Intent to kill	**SNPP 20 years** Knew male victim for only few weeks in work context – upset seeing victim behaving badly toward others – entry of rural premises and multiple application of blunt force using implement or implements to head of sleeping victim - moralistic explanation for extreme violence in context of tenuous relationship - expressed satisfaction having killed victim who morally deserved to die - theft and destruction of victim's vehicle by fire; theft of power tools. Childhood exposure to violence, sexual abuse - deficient executive functioning - partner's death, loss of custody of children, long-term use of alcohol and drugs: combination of factors facilitated slide into mental state in which act of extreme violence against person barely knew justifiable – Aboriginal male.
92.	**FACCHI** (26) [2026] NSWSC 154 McGuire J	PG (10%) Murder Assault	Indicative: 19y 9m NPP 12y 10m 9m Aggregate: 20y NPP 13y		On parole – drugs, firearms, police pursuits, theft, assault	Stabbing Intent GBH	**SNPP 25 years** Drinking all day with two male acquaintances – misheard comment from one male and responded by hitting him to head – later that night entered home of family of victim uninvited – during physical confrontation with 16y male struck victim to face and neck multiple times with broken bottle – did not plan attack – did not know victim – violent albeit brief attack on vulnerable victim – use of weapon aggravated offence to limited extent – committed in home of victim also aggravating factor – just below mid-range Childhood invoked *Bugmy* principles – included abuse, neglect, out of home care, homeless and introduction to early substance abuse – neurodevelopmental and personality disorders – reduction in moral culpability balanced by danger presented to community – limited remorse – special circumstances in risk of institutionalisation

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
93.	**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
94.	**PECKHAM** (36) [2026] NSWSC 888 Chen J	VG	24y NPP 17y 6m		Extensive history including violence offences – on bail for AOAHB offence	Stabbing Intent GBH	**SNPP 20 years** Fatally stabbed male acquaintance during confrontation in victim's bedroom late at night – entered victim's bedroom with co-offender, angry and looking for drugs – some degree of planning – mid-range offence – aggravating factors included committed in company and committed in home of victim No demonstrated remorse – difficult childhood justified *Bugmy* reduction in moral culpability – mental health issues – some reduction for s.22A facilitation of justice Co-offender sentenced for s.315 hinder investigation offences

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
95.	**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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