Murder

Juvenile Offenders

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

NOTE: SNPP does not apply to a sentence imposed on or after 1.1.2009 where the offender was under the age of 18 years at the time the offence was committed

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

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3.	**LOWE** (17y 4m) NSWCCA 19.2.1992	VG	MT 12y AT 3y 7m	AA MT 10y 3m AT 5y 4m	nil	assault intent GBH	Rammed victim's head into pole - no premeditation - vicious attack by large youth on smaller youth Blamed others until after conviction
4.	**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 Malicious 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
5.	**ZIDANSEK** (17y 11m) NSWCCA 31.8.1992	PG	MT 13y AT 7y	AD	minor BES	assault intent GBH	Sustained attack on homeless man with pipe – victim set alight.
6.	**VERNEY** (16) NSWCCA 23.3.1993	VG 2 x Murder	MT 13y AT 7y	AD	minor	shooting	Shot mother and baby sister - claim of mercy killing Diminished responsibility rejected.

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7.	**CRAIG** (16½) NSWSC 14.4.1993 Abadee J	VG Murder PG Kidnap Use weapon resist arrest	MT 7y 6m AT 6y		On bail and bond - priors include. kidnap and possess offensive weapon	stabbing intent GBH	Threatened girlfriend the stabbed male with knife when he sought to intervene - abducted pregnant girlfriend - used knife to resist arrest – spontaneous offence - affected by liquor Earlier attempt to PG rejected
8.	**FJD** (17y 1m) NSWSC 8.4.1994 Wood J	VG	MT 10y AT 8y		minor dishonesty, minor drug	stabbing intent GBH	Female - stabbed taxi driver in neck Disturbed and under stress, angry, and had desire to strike out at others – diminished responsibility rejected.
9.	**GIESELMANN** (15) NSWSC 3.11.1995 Studdert J NSWCCA 12.11.1996 NSWCCA 13.7.1998 **SHERWOOD** (17) NSWSC 3.11.1995 Studdert J NSWCCA 24.7.1998	VG VG	MT 12y 6m AT 5y 6m MT 12y 6m AT 5y 6m	Conviction AD Sentence AD Conviction AD	Nil assault and dishonesty	stabbing intent kill	Stabbing of female youth worker at youth refuge – robbery - savage attack - fourteen stab wounds. Although both involved equally in stabbing, G played a more primary role in planning. G: tragic background left her with no “moral control” and “an uncaring attitude”.
10.	**DAR** (16y 11m) NSWSC 29.9.1994 B-Parker J NSWCCA 8.11.1995	VG	MT 9y AT 6y	AD		stabbing	Deliberate stabbing of another youth at dance party with a knife

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11.	**GAC** (15) NSWSC 24.4.1996 Ireland J NSWCCA 1.4.1997 Co-offender: JOHNSON	VG Murder Rob with wounding	MT 6y AT 4y	Conviction AD		assault felony murder / common purpose	Group of young persons assaulted elderly vagrant in park.
12.	**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.
13.	**HAS** (17y 7m) NSWCCA 13.8.1998	PG	MT 12y AT 5y	AA MT 10y 6m AT 6y 6m	nil	stabbing intent kill	Stabbed and assaulted 69y acquaintance - no pre-meditation. Aboriginal youth - deprived childhood - suffering significant brain damage and alcohol abuse - good rehabilitation.
14.	**RT** (17) NSWSC 25.9.1998 Barr J Co-offenders: GRAFF LEAITUAALESI	PG Murder Rob in Co	MT 11y AT 6y	AD	no significant history	assault	Punched and kicked taxi driver in the head and body - stripped and whipped him with his belt - drove off in taxi - no reason for attack - equal culpability. Robbery of taxi driver nine days earlier - took taxi and money.

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15.	**MHN** (17y 10m at offence – 20 at sentence) NSWSC 29.10.1998 Kirby J Co-offender: TNT	PG	MT 16y AT 6y		Breached probation for AOABH – subsequent offences for violence	Cut throat with knife Intent kill	Part of group of four youths who took 17y male acquaintance to park area and assaulted causing serious injury –strangled, stabbed and throat cut – body dumped at building site – brutal crime – seeking to eliminate witness to earlier offence Vietnamese – suffering depression – Evidence of explosive temper Subsequently sentenced to concurrent sentence for manslaughter (*MHN* NSWSC 20.11.1998)
16.	**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 Total: 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.
17.	**ROBINSON** (17) [2000] NSWSC 972 Adams J [2002] NSWCCA 359	PG	45y NPP 35y	AA 45y NPP 27y		assault with bowling pin intent kill	Accompanied stranger home with intention to at least assault and rob - bashed victim with bowling pin then stabbed and mutilated body. Boasted of killing to friends - extremely dangerous and disturbed person.
18.	**KANE** (16 at offence - 26 at sentence) [2000] NSWSC 1061 Barr J [2001] NSWCCA 150	VG	10y 6m NPP 8y 8m	Crown AD	minor	suffocation intent kill	(1990) With co-offender bashed male school teacher in his home with baseball bat - victim suffocated after being tied up with plastic bag taped over head - believed co-offender had been raped by victim Retrial - return to prison particularly stressful

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19.	**DALLEY** (16) [2000] NSWSC 1154 Bell J (2002) 132 A Crim R 169 [2002] NSWCCA 284 Co-offender: McNELLEE TUCKER BREWER	VG	10y NPP 6y	Conviction AD	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.
20.	**O'GRADY** (16y 9m) [2000] NSWSC 1255 Hulme J	VG	15y NPP 10y		no significant record	shooting	Led 15y male acquaintance into bush area and shot with rifle and silencer 9 times - voluntarily surrendered to police - no rational explanation for offence. Displayed genuine remorse and shame - long history of drug abuse - desensitised to violence but no actual history of violence - impulsive - degree of depersonalisation at time of offence - general deterrence limited value
21.	**PHUNG** (17) [2001] NSWSC 357 Wood CJ at CL	PG (25%) Murder s.97(2) Sched: 3 offences	13y NPP 8y FT 3y Total: 14y NPP 9y		some prior and subsequent offences	shooting felony murder	With co-offender robbed two males at entertainment arcade of various personal property - used .32 calibre weapon wrapped in towel – shooting occurred during second robbery committed five hours later – shot male attempting to aid victim of robbery in chest Deprived childhood resulting in living on streets and drug addiction at early age - no contact with any family - good rehabilitation since custody.
22.	**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

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23.	**TRAN** (16 at offence / 22 at sentence) [2002] NSWSC 394 Sully J Co-offenders: PHAM NGUYEN	PG Murder Unlawfully imprison	14y NPP 9y FT 12m (concurrent)		no criminal history	shooting intent to kill	(1996) Involved in gang - agreed to shoot victim for older friend - took victim to oval at night and shot him four times - degree of coercion and manipulation Subsequently assaulted and moved interstate with girlfriend and baby daughter - established new life - 4 year delay - excellent work record - good prospects of rehabilitation - genuine remorse - assistance - protective custody
24.	**TNT** (16 at offence / 22 at sentence) [2002] NSWSC 537 Hidden J Co-offender: MHN	PG (combined 50%)	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
25.	**PHAM** (17) [2002] NSWSC 567 Hulme J [2005] NSWCCA 9	VG	25y NPP 20y	AA 20y NPP 16y	record not serious but displayed contempt for law	shooting	Shot drug dealer in car three times - motive unclear - not satisfied offender entered car with weapons - satisfied offender and friend agreed to kill if circumstances warranted course - cold-blooded execution of business associate
26.	**MTN** (17) [2002] NSWSC 1160 O'Keefe J	VG Murder PG Mal wound Affray	16y 6m NPP 11y FT 3y FT 12m Total: 17y 6m NPP 12y		not relevant	stabbing intent GBH	(1997) Gang attack on 2 victims outside amusement centre - mistakenly believed victim belonged to gang responsible for assault on friend – one victim stabbed in shoulder - second victim stabbed in heart - leader of attack Remorse - married with one child - borderline intelligence - good prospects of rehabilitation - disturbed background

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27.	**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
28.	**SJB** (15) [2002] NSWSC 1042 Wood CJ at CL Co-offender: MCLEAN	PG (25%)	15y NPP 10y		nil	stabbing intent to kill	McL angered by sexual affair between SJB (female) and victim -agreed to stab victim - multiple stab wounds in car - equal involvement in killing Both suffered limited intellectual resources, impulsiveness and ADHD - offence out of character - offenders involved in destructive relationship
29.	**NGUYEN** (17 at offence) [2002] NSWSC 1261 Sully J Co-offender: PHAM TRAN	VG	17y 38w NPP 11y 38w (cumulative to existing sentences – see facts)		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 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
30.	**M.A.** (17) [2003] NSWSC 978 Shaw J (2004) 145 A Crim R 434 [2004] NSWCCA 92	PG (reduced to 15% on appeal)	13y 6m NPP 8y 6m	Crown AA 16y NPP 11y	Nil	Shooting Reckless indifference	During altercation with 18y male on street shot victim in chest at close range – unplanned and unpremeditated

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31.	**JSK** (16y) [2004] NSWSC 470 Buddin J Co-offender: MAH	PG	11y NPP 7y		Nil	Assault Intent to kill	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
32.	**TJA** (17) [2004] NSWSC 1308 Howie J Co-offender WILLARD WILKINSON	PG	22y 6m NPP 16y 6m		Nil for violence – breached bail and bond	Shooting Intent to kill	**SNPP 20 years** Involved in killing of male on behalf of wife - shooter – victim shot in back of head while asleep on lounge – premeditated offence for financial reward – seeking to impress older girlfriend Remorse – severely deprived childhood resulting in early drug abuse
33.	**MS** (17) [2004] NSWSC 730 Dunford J	VG	17y NPP 11y		Lengthy record including common assault and mal wounding	Strangulation Intent to kill	Killed 15y girlfriend by strangling her with shoelaces – relationship marked by violence towards victim Aboriginal youth – physically abused and dislocated throughout childhood – alcohol and drug addiction – good prospects of rehabilitation
34.	**AB** (17) [2005] NSWSC 521 Adams J (2005) 156 A Crim R 577 [2005] NSWCCA 360	PG (15%) Murder Mal inflict GBH	14y NPP 9y 6m 5y 6m NPP 2y 10m (concurrent)	Crown AA 14y NPP 9y 6m 5y 6m NPP 2y 10m Total: 15y NPP 10y	Not stated	Shooting Intent to kill	**SNPP 20 years** Argument initiated by co-offender with group of men on street - AB came to assistance, shooting two of them - one killed – one permanently injured – intoxicated – impulsive act Aboriginal youth - family does not identify as such – heavy drug and alcohol use from early age, encouraged and facilitated by father – remorse – good prospects for rehabilitation – 20 month old daughter
35.	**MAH** (17y 10m - 22 at sentence) [2005] NSWSC 871 Hislop J [2006] NSWCCA 226 Co-offender: JSK	VG	22y NPP 16y 6m	Crown AD AD	1 x neg driving	Assault Intent to kill	Fatal assault on 17y friend - principal - friend taken to remote area and body buried – pre-meditation Good employment history – supportive family – denies all involvement

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36.	**A** (16) [2006] NSWSC 1035 Buddin J Co-offender: HOURI	PG (combined discount – not specified	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
37.	**MB** (16) [2006] NSWSC 1164 Howie J [2013] NSWCCA 254	VG	22y NPP 15y 6m	AA 17y 6m NPP 12y 6m	Nil	Assault / stabbing Intent GBH	**SNPP 20 years** Unprovoked confrontation on street between group of intoxicated youths and two intoxicated males – fist fight between offender and victim – stabbed victim in neck with broken bottle – unplanned offence – midrange seriousness Born in PNG – positive evidence of rehabilitation – youth
38.	**SSA** (17) [2007] NSWSC 1202 Hidden J	VG	18y NPP 13y		Brief	Stabbing Intent GBH	**SNPP 20 years** Stabbed young stranger during fight in amusement arcade – in company – carrying knives for protection – single stab to chest – spontaneous offence Disturbed childhood – Philippino – became involved in gang culture and early drug abuse – evidence of rehabilitation and remorse Co-offender dealt with for manslaughter – SIOSE
39.	**DL** (16) [2008] NSWSC 1199 Hulme J [2017] NSWCCA 58 [2018] HCA 32 [2018] NSWCCA 302	VG	22y NPP 17y	AD Sentence AA Re-sentence 18y NPP 13y	Nil	Stabbing Intent GBH	**SNPP 25 years** Stabbed 15y school girl walking home from school 48 times – frenzied killing – no explanation for attack – irrational – premeditation not established – intent to kill not established – uncharacteristic – possible psychotic episode – little below mid-range Suffering anxiety and depression – declined to discuss offence claiming innocence
40.	**BH** (17) [2009] NSWSC 358 Hidden J	PG (25%)	17y NPP 13y		Disturbing record – includes AR and Rob in Co – breached probation	Assault Felony murder	Assaulted 23y homeless male with garden stake outside Town Hall – intended to rob victim of poker winnings – below mid-range Troubled childhood – sexual abuse – early substance abuse – remorse – gaining insight – reasonable prospects of rehabilitation

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41.	**LR** (16) [2010] NSWSC 22 Howie J Co-offender: KR	PG (20%) Murder Assault w/l 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
42.	**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 <u>Total</u>: 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
43.	**MJR** (17) [2010] NSWSC 653 Johnson J	PG (15%)	16y 2m NPP 11y 1m			Shooting Intent to kill	Shot father whilst asleep at close range to back of head – no real evidence of abuse by father - bottom of middle range of objective seriousness Mental health - juvenile bipolar disorder and depression, affected judgment and contributed to commission of offence - recommendation offender be detained in Forensic Hospital for as long as reasonably possible
44.	**DB** (16) [2010] NSWSC 812 Barr AJ	PG Murder Wound w/l 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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45.	**MILAT** (17) [2012] NSWSC 634 Mathews AJ [2014] NSWCCA 29 Co-offender: KLEIN	PG (No discount)	43y NPP 30y	AD	Mid-range PCA	Axe Intent to kill	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
46.	**JK** (juvenile) [2012] NSWSC 710 Harrison J	PG (17.5%) Murder Attempted Agg BES Sched: 6 offences	15y NPP 10y FT 2y Total: 15y 9m NPP 10y 9m		Breached parole – record for dishonesty and car theft	Car Constructive murder	With group of young men stole cars – attempted to break into service station – attacked male victim and his adult son standing near car – stole car and drove out of service station – struck male victim on road who was attempting to escape on foot – no intent to run over or inflict harm – affected by alcohol Difficult and traumatic childhood – low intelligence – limited education - early drug and alcohol abuse – mental illness – Aboriginal youth
47.	**MA** (17) [2012] NSWSC 1527 Johnson J Co-Accused: BYQUAR RAMOS NATUBA TAMAPUA KHOURY KARIMI MIR	PG (25%) Murder Sp Agg BES AR Sched: Conspire rob AR	20y NPP 14y 5y 6m NPP 4y 5y 6m NPP 4y Total: 23y NPP 17y		on bond. Stalking, intimidation, assault w.i rob in co.	Joint criminal enterprise Wounded with meat cleaver / machete	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 - did not strike victim but present Remorse, rehabilitation, maturity

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48.	**AB** (17) [2013] NSWSC 1591 Adams J [2014] NSWCCA 339 Co-offender: LOVERIDGE	PG Murder s.112(2) Intimidate Sched: Use postal service to threaten harm	45y NPP 30y 7y 6m NPP 5y 6m FT 2y (concurrent)	AD	Lengthy and violent record – breached probation – violent record in custody	Stabbing Intent to kill	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 AB – severely deprived childhood including violence – limited education – drug and alcohol abuse – no discount for guilty plea for murder offence
49.	**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
50.	**SB** (16) **AE** (16) [2015] NSWSC 659 Hall J [2016] NSWCCA 228 (AE)	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.

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51.	**KATSIS** (17 at offence – 44 at sentence) [2015] NSWSC 1890 Fagan J [2018] NSWCCA 9	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
52.	**PO** (16 at offence, 19 at sentence) [2017] NSWSC 757 Fullerton J	VG	15y NPP 9y		Having knife in public place, assault w/ intent rob in company	Stabbing Intent GBH	Fight with male on street at night – stabbed victim in abdomen – engaged victim in physical fight by punching him first or physically challenging him to fight Youth – mental health – rehabilitation - remorse – special circumstances

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53.	**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 MV Sched: AOABH Agg enter dwelling to steal	15y 4m NPP 10y 9m 6y 4m Total: 18y 4m NPP 13y 9m 31y 6m NPP 23y 6m 11y 8m 12y 6m 9y Total: 35y 6m NPP 27y 6m	AA 13y 6m 3y Total: 14y 6m NPP 10m 20y 8m 7y 2m 7y 2m 4y Total: 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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54.	**DPD** (17y 6m) [2023] NSWSC 477 Wright J [2025] NSWCCA 77 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	AA 13y 7m NPP 9y	On conditional liberty.	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 CCA: Appeal allowed on parity ground.
55.	**EE** (17) [2023] NSWSC 104 Wright J Co-offenders: DPD SHILLINGSWORTH (adult) 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
56.	**KS (No.1)** (16) [2023] NSWSC 696 Yehia J [2024] NSWCCA 147	PG (25%) Murder GBH with intent cause GBH	14y 3m 7y 6m Aggregate 16y NPP 11y	AD	Nil	Stabbing Intent GBH	Single stabbing of 16y male deceased – multiple stabbing of second 16y male victim - ongoing arguments – deceased and second victim approached offender's home yelling abuse – offender took knife and met with victims outside where stabbings took place. Lack of planning and premeditation – intent to cause GBH. Mental health issues - prospects of rehabilitation very good - family support.

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
57.	**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
58.	**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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
59.	**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
60.	**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

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