Murder

Robbery

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.	**McCABE** (19) NSWSC 14.10.1990 Abadee J NSWCCA 14.10.1991	PG	MT 15y AT 5y	AA MT 9y AT 7y	minor	stabbed	Repeatedly stabbed elderly neighbour while attempting to rob. Mother of young baby.
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.

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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
3.	**O'HELLO** (23) NSWSC 31.3.1992 Finlay J	VG Murder Enter dwelling armed with intent	MT 12y AT 4y		steal, malicious damage	shooting	Shotgun robbery at private home
4.	**MTD** (16y 8m) **S McAULIFFE** (17y 11m) **D McAULIFFE** (16y 10m) NSWSC 7.8.1992 Wood J (1993) 70 A Crim R 303 NSWCCA (1995) 69 ALJR 621 HCA	PG Murder Mal wounding VG Murder Rob/wound VG Murder Mal wound w/i GBH	MT 11y AT 8y MT 12y AT 8y MT 12y AT 8y	 Conviction AD Conviction AD	lengthy, including assault nil nil	assault / drowning common criminal enterprise to assault	Attacked two men with intent to rob at night in park – one man assaulted with hammer, punched and kick - one fell over the cliff in attempt to escape
5.	**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 including property offences, sex assault on young boys, assault	assault	Bashed to death an old man after trying to steal his car. Sentence cumulative to existing sentence for sexual offences

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6.	**JERRARD** (21) NSWSC 21.12.1992 Hunt CJ at CL Co-offender: LIVERMORE	PG	MT 9y AT 3y		Record for malicious 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
7.	**CATON** (18) **McDONALD** (19) NSWSC12.3.1993 Levine J (McDonald) NSWCCA 18.8.1994	VG Murder PG Rob in Co PG	MT 10y AT 5y MT 18y AT 6y	 AA MT 15y AT 7y	minor no violence but lengthy dishonesty.	shooting common purpose robbery intent kill	Intending to steal taxi told driver to get out and run - shot to prevent identification.
8.	**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.
9.	**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

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10.	**McGARRITY** (28) NSWSC 16.7.1993 Newman J NSWCCA 10.6.1994 **CLARK** (33) NSWSC 5.11.1993 Newman J	VG Murder Rob/wound	MT 12y AT 8y MT 10y AT 6y	AD	assault, drugs, driving.	assault intent GBH	Set upon victim to rob him.
11.	**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.
12.	**MORGAN** (22) (1993) 70 A Crim R 368	PG Murder BES AR	MT 14y AT 6y	AD	poor	assault intent GBH	Killed shop owner sleeping in shop to protect property - repeated bashing with wood
13.	**LIEW** (49) **LIM** (33) NSWCCA 24.12.1993	PG Murder VG Murder s.90A	MT 20y AT 6y MT 18y AT 6y	AD	Armed robbery in Malaysia Nil	shooting	Killing of Dr Chang – pulled over victim driving to work - Liew shot victim when he refused to give them money
14.	**MALONE** (30) NSWCCA 20.4.1994	VG	MT 15y AT 5y	Conviction AD	lengthy - BES, possess weapon, escape	assault / strangulation and drowning	Victim tortured for bank pin - thrown in lake with weights

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15.	**MILLS** (23) NSWSC 26.5.1994 Wood J NSWCCA 3.4.1995	VG	MT 16y AT 7y	AD	lengthy record	shooting felony murder	Shot customer during robbery of liquor store when owner not resisting and customer backing away - gun discharged in panic/excitement
16.	**FOWLER** (23) NSWSC 27.5.1994 Blanch J	VG	MT 8y AT 4y			strangulation common purpose robbery	During robbery of taxi driver co-offender strangled victim with cord of handset
17.	**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
18.	**WARNER** (41) NSWCCA 10.6.1994	VG Murder AR	MT 15y AT 5y	AD	lengthy – BES	shooting	Killing of school teacher during liquor shop robbery
19.	**SULLIVAN** (30) NSWSC 14.7.1994 Simpson J NSWCCA 22.8.1995	VG Murder AOABH	MT 10y 6m AT 3y 6m	Crown AD	record for violence and dishonesty	assault intent GBH	Killed 78y old during robbery. Aboriginal male - deprived background
20.	**PILLER** (20) NSWSC 6.7.1995 Dowd J **KRAMER** (23) NSWSC 29.11.1995 Dowd J	VG PG	MT 13y AT 5y MT 11y AT 4y		Nil Assault, dishonesty as a juvenile	Shooting Felony murder	Shooting of Pizza Hut employee during armed robbery with shotgun – K waited in car

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21.	**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".
22.	**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.
23.	**JB** (15y 11m) NSWSC 20.11.1997 Hunt CJ at CL **RJH** (17y 10m) NSWSC 25.11.1997 Hunt CJ at CL [1999] NSWCCA 93	PG PG	MT 11y AT 5y (20% assistance) MT 12y AT 6y	AD AD	appalling, including violence bad record, including violence	assault felony murder	Cousins robbed commuter walking home from train station - struck head with rock. H less culpable.

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24.	**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.
25.	**ZAMMIT** (1999) 107 A Crim R 489 [1999] NSWCCA 65	VG Murder AR	MT 18y AT 6y FT 10y	Conviction AD		shooting intent GBH	Female shot taking money from service station in car with her son – offender leaned into car and demanded money – victim resisted and shot in cheek.
26.	**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
27.	**PETRINOVIC** (39) [1999] NSWSC 1131 G James J [2001] NSWCCA 118	PG	MT 20y AT 7y	AD	in gaol most of adult life - multiple AR	shooting felony murder	Shot customer in struggle during robbery of bottle shop.
28.	**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.

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29.	**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.
30.	**TON** (21) [2000] NSWSC 1023 Adams J	PG (20%)	22y NPP 14y			Stabbing Intent GBH	Stabbed male with pocket knife attempting to apprehend offender after robbery of young female in street - offender mistakenly thought victim was a police officer.
31.	**MCNELLEE** **TUCKER** (33) **DALLEY** (16) [2000] NSWSC 1154 Bell J (Dalley) (2002) 132 A Crim R 169 [2002] NSWCCA 284 Co-offender: BREWER	PG (25%) VG VG	14y NPP 10y 6m 13y NPP 9y 10y NPP 6y	Conviction AD	minor nil nil	stabbing common purpose robbery	Offenders involved in common purpose to rob victim of cannabis while armed with knives, mattock handle and machete - victim stabbed 21 times by fourth offender - all offenders played subsidiary role Good prospects of rehabilitation.
32.	**BOWEN** (33) NSWSC 15.12.2000 Howie J	PG	18y NPP 13y 6m		minor criminal record - two assault offence related to mental condition	assault intent to kill	Beat caravan park manager to death with wooden baton and fire tongs in own home - requested money from victim and when met with resistance reacted with a frenzied attack - not premeditated to any significant extent. Effected by deteriorating mental state at time - depression - aggravated by drugs and alcohol
33.	**ROBINSON** [2001] NSWCCA 180	PG Murder 10 x AR	MT 15y AT 5y	AD		shooting limited intent to kill	Carefully planned armed robbery of computer store - shot manager during struggle.

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34.	**PHUNG** (17) [2001] NSWSC 357 Wood CJ at CL	PG (25%) Murder s.97(2) Sched: 3 offences	13y NPP 8y FT 3y <u>Total</u>: 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.
35.	**WRIGHT** (25) [2001] NSWSC 1050 Adams J	PG Murder Sched: Agg rob	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
36.	**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
37.	**SYMSS** (24) [2001] NSWSC 1037 Howie J [2003] NSWCCA 77	VG Murder Rob with wounding LMV	22y NPP 16y 6m FT 5y FT 2y (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
38.	**COLLISSON** (31) [2002] NSWSC 229 Whealy J (2003) 139 A Crim R 389 [2003] NSWCCA 212	VG	24y NPP 18y	Conviction AD	no history involving violence	shooting intent to kill	Shot young male stranger enjoying evening with girlfriend in park - 4-5 shots - robbery gone wrong

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39.	**CHAN** (19) [2002] NSWSC 544 Ireland AJ	VG	14y NPP 9y		nil	shooting	Shot service station operator in chest after victim had verbal exchange with offender's friend Substantial impairment defence rejected - suffering Tourette's syndrome, obsessive compulsive disorder and schizophrenic psychosis - also aggressive and given to acting impulsively and recklessly - capacity to control self substantially impaired but not so as to reduced offence to manslaughter Native of Hong Kong - family support - delay - prospects of rehabilitation
40.	**HOLTON** (25) [2002] NSWSC 775 Davidson AJ [2004] NSWCCA 214	VG Sched: 5 lesser offences	16y NPP 12y	Crown AD	extensive, although nothing as serious	driving reckless indifference	While driving stolen vehicle passenger committed bag snatch - subsequently became involved in high speed police pursuit - struck police officer attempting to stop car by placing road spikes and stick on road Troubled childhood - sexually assaulted – remorse
41.	**LAMB** (22) **THURSTON** (25) [2002] NSWSC 1025 Dunford J (Thurston) [2004] NSWCCA 98	VG VG	18y NPP 13y 6m 17y NPP 12y 9m	AD	lengthy history for violence lengthy history for violence	assault	Step brothers attacked male in park intending to steal wine and cash - savage kicking and stomping - L slightly more culpable Aboriginal male - deprived background - extensive history of drug and alcohol abuse
42.	**LO** (22) [2003] NSWSC 582 Adams J Co-accused: NG LEW	PG (combined 40%) Sched: Att AR	18y NPP 13y 6m		Breached bond for drug offences	Shooting Accessory	During attempted robbery of tavern manager shot in head by co-offender to prevent identification – offender did not foresee or intend death but intentionally assisted Assistance given against co-offender

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43.	**NG** (28) [2003] NSWSC 781 Adams J [2011] NSWCCA 227 Co-accused: LO LEW	VG Murder s.97(2) Agg Rob	35y NPP 25y 9m FT 7y <u>Total</u>: 37y NPP 27y 9m	AA 30y NPP 22y 6m FT 7y <u>Total</u>: 31y NPP 23y 6m	Nil relevant	Shooting Accessory	Involved in robbery of Tavern – manager deliberately shot in head to prevent identification – not satisfied who fired shot
44.	**MEHAJER** (23) **JACOBS** (21) [2003] NSWSC 885 Studdert J (2004) 151 A Crim R 452 [2004] NSWCCA 462	VG Murder Rob in Co Agg Rob in Co VG Murder Rob in Co Agg Rob in Co	18y NPP 13y 6m FT 4y FT 5y <u>Total</u>: 18y 6m NPP 14y 16y 6m NPP 12y 6m FT 4y FT 5y <u>Total</u>: 17y NPP 13y	AD	Nil prior – minor subsequent offence Minor prior offence	Assault Felony murder Accessory	Robbery of takeaway shop – one man threatened by M with knife and assaulted – owner kicked in head and subsequently died – unclear who caused death – M ringleader M – prior good character – good prospects of rehabilitation J – extremely harsh upbringing – favourable prospects of rehabilitation

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45.	**WIGNEY** (36) [2003] NSWSC 1136 Adams J [2004] NSWCCA 171 Co-offender: SMALE	PG (combined 35%) Murder AR Sched: 5 serious and unrelated off	13y 8m NPP 8y 6m 6y NPP 4y 6m <u>Total</u>: 16y 8m NPP 11y 6m	Crown AA 16y 3m NPP 12y 2m 6y NPP 4y 6m <u>Total</u>: 20y 9m NPP 16y 8m	Lengthy although less serious – breached parole	Shooting Felony murder	Robbed club using firearms – struggled with pursuing manager and shot him in chest Assistance against co-offender – genuine remorse – long history of drug abuse On appeal found error in finding reflexive discharge of weapon
46.	**LEW** [2004] NSWCCA 320 Co-offenders: NG LO	VG Murder PG Acc before fact attempt armed robbery	14y NPP 11y FT 5y	AA 14y NPP 10y FT 5y <u>Total</u>: 14y NPP 11y	AOABH.	Shooting Accessory before fact	Planned with co-offenders to rob tavern where offender worked - co-offenders armed with metal pole, knife and gun, entered tavern, struck victim on back of head with metal pole - victim struggled and killed by knife wound to throat and bullet wound to head - co-offenders stole $50K – offender aware of metal pole only - tried to convince co-offender not to proceed - attempted to withdraw from involvement but did nothing of significance to prevent robbery – did not notify victim of what was to occur. Abuse of position of trust – motivated by financial pressures – gambling debt On appeal related conviction for accessory before the fact to armed robbery quashed
47.	**WILSON** (18) [2004] NSWSC 597 Simpson J (2005) 152 A Crim R 257 [2005] NSWCCA 112	PG (25%)	12y NPP 8y	Crown AA 15y NPP 11y	Nil	Stabbing Intent GBH	Stabbed taxi driver in remote area during argument over fare – no premeditated intent to rob – burned taxi and stole money Originally found unfit to plead and sentenced after special hearing – dysfunctional childhood – low intelligence and depression – successful efforts at rehabilitation

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48.	**ASLETT** (33) [2004] NSWSC 1228 Wood CJ at CL [2006] NSWCCA 360	PG Murder 2 x s.61JA 8 x s.97(2) 2 x s.97(1) Sp agg kidnap Agg car jacking Att obtain by deception 3 x LMV Sched: 9 offences	Life Total other offences: 36y NPP 28y	AA 28y NPP 22y Total other offences: 36y NPP 28y Total: 42y NPP 36y	Lengthy and disturbing – almost continuous custody since 11 years old – recently sentenced for brutal home invasion and sexual assault on 16y female occupant	Gunshot Felony murder	**SNPP 20 years** Murder involved attempt robbery of male proprietor of pharmacy – struggled with victim in car, took out loaded gun to threaten and gun discharged - other offences committed over 3 months – stole car with female occupant using knife and gun – sexually assaulted complainant twice – robberies of various retail premises using guns and knives Drug abuse – some remorse - finding of dangerousness – psychological profile suggests no hope of rehabilitation On appeal: error to use other offences to justify life sentence for murder that alone does not warrant life sentence
49.	**DEHAYBI** (20) [2005] NSWSC 128 Levine J (2006) 160 A Crim R 392 [2006] NSWCCA 31	VG Murder s.33 AR	24y NPP 18y 12y NPP 9y FT 6y Total: 26y NPP 20y	AD / Crown AD	Breached bond for dishonesty offences	Stabbing Intent GBH	**SNPP 20 years** With brother pre-planned armed robbery of family attempting to sell engagement ring – during struggle fatally stabbed adult son and stabbed father in chest
50.	**EM** (19) [2005] NSWSC 212 James J [2006] NSWCCA 336	VG: Murder s 97(2) s 93G(1)(c) PG 5 x s 97(2)	25y NPP 16y FT 10y FT 2y FT 12y Total: 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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51.	**ADANGUIDI** [2005] NSWSC 519 Barr J (2006) 167 A Crim R 295 [2006] NSWCCA 404	VG 3 x Murder	Life	AD	Dishonesty offence	Shooting / Assault Intent to kill	**SNPP 20 years** Threatened and detained male friend over several hours with intent to rob – subsequently shot dead friend's son and daughter - tortured and bashed to death friend's wife - careful planning Some degree of mental illness although not mitigating criminality
52.	**SMALE** (47) [2005] NSWSC 903 Patten AJ [2005] NSWSC 923 Patten AJ [2007] NSWCCA 328 Co-offender: WIGNEY	VG Murder PG s.97(2)	18y NPP 13y 6m 13y NPP 9y 9m (concurrent)	AD	Extensive record – breached suspended sentence	Shooting Felony murder	Male shot by co-offender during armed robbery of tavern – not involved in shooting Remorse – drug addiction
53.	**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: Larceny LMV	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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54.	**SILVANO** (26) [2006] NSWSC 832 Hulme J (2008) 184 A Crim R 593 [2008] NSWCCA 118	VG Murder s.97(2) s.33	21y 4m NPP 16y 9y 4m NPP 7y 5y 4m NPP 4y Total: 22y 4m NPP 17y	AD	Priors – no incarceration	Shooting Felony murder	**SNPP 20 years** With girlfriend attempted to rob male stranger at night with loaded shotgun – girlfriend accidentally shot – fired at male hitting him in shoulder – just below mid-range Raped and assaulted in custody – protective custody – remorse and grief – father of young child
55.	**A** (16) [2006] NSWSC 1035 Buddin J Co-offender: HOURI	PG	12y 8m NPP 9y 6m		Priors	Stabbing Felony murder	**SNPP 20 years** Involved in armed robbery of service station – after robbery co-offender suddenly and without provocation stabbed operator four times Remorse – prospects of rehabilitation – discount for assistance – protective custody
56.	**HOHAIA** (18) **ABDULKADER** (21) [2006] NSWSC 866 Kirby J (Hohaia) [2015] NSWCCA 91	VG Murder Rob in Co AOABH VG Murder Rob in Co	24y NPP 18y FT 18m FT 9m (concurrent) 21y NPP 15y 9m FT 18m (concurrent)	AA 24y NPP 18y FT 18m FT 9m (concurrent)	Priors – no violence Significant record	Assault Intent GBH	**SNPP 20 years** Sustained assault on male acquaintance over several hours – victim assaulted by H in home of H's mother – victim robbed of mobile phone and wallet, forced to reveal PIN and taken to ATM to obtain money – subjected to further assault by both offenders and left for dead – H principal offender – A lesser offender but involved in second, fatal assault on victim - no clear motive H - also sentenced for assault on male in company with friend three months earlier – sustained attack with no motive - disrupted childhood with early drug abuse A – early drug abuse

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57.	**BROWN** [2006] NSWCCA 395 Co-offender HUDD	VG Murder 2 x Agg AR s.33 AOABH in Co	20y NPP 15y 8y NPP 6y 3y NPP 2y 3m 2y 6m NPP 1y 10m <u>Total</u>: 21y 10m NPP 16y 10m	AD	Lengthy	Shooting Felony murder – accessorial liability	Two offenders involved in planned armed robbery of electrical store – three employees tied up – one employee hit on head with gun and one with vacuum cleaner – third employee shot dead by co-offender in pursuit Lesser offender
58.	**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
59.	**NGUYEN** (20) [2007] NSWSC 389 Whealy J	PG (25%)	18y NPP 13y 6m		Criminal record for lesser offences – breached parole	Stabbing Felony murder	**SNPP 20 years** Stabbed shop owner during attempted robbery of newsagency – repeated stabbing - below mid-range – spontaneous and unplanned killing Long history of drug addiction
60.	**HOURI** (19) [2007] NSWSC 615 Buddin J Co-offender: A	PG Sched: 3 x BES	18y NPP 12y 6m		Nil relevant	Stabbing Felony murder / intent GBH	**SNPP 20 years** Stabbed console operator during armed robbery of service station – unprovoked attack on co-operating victim – use of weapon – in company – vulnerable victim – mid range offence Troubled childhood with heavy drug and alcohol addiction – reasonable prospects of rehabilitation – serious physical disability resulting from shooting subsequent to offence - depression
61.	**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

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62.	**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
63.	**WEBB** (39) [2008] NSWSC 1351 Howie J	PG (15%) Murder Carried in stolen conveyance	22y NPP 16y 6m FT 18m (concurrent)		Bad record – breached bonds	Stabbing Felony murder	**SNPP 20 years** Stabbed employee while struggling during armed robbery of restaurant with co-offender – entered restaurant armed with club-lock – picked up knife in kitchen – unplanned killing – just below mid-range Drug abuse – low intellectual functioning
64.	**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	**SNPP 20 years** 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
65.	**RAAD** (41 at offence – 49 at sentence) [2009] NSWSC 830 Rothman J [2011] NSWCCA 138	PG (25%) Armed robbery	14y NPP 10y 6m FT 5y (concurrent)	AA 12y NPP 9y FT 5y	Lengthy record	Shooting Felony murder	(2001) - Robbed and killed security guard – shot during struggle – killing not deliberate –elements of planning for robbery Voluntarily surrendered to police 6.5y later – significant Ellis discount – would not have been charged without admission – profound remorse - dysfunctional childhood resulting in life on streets and drug addiction – significant transformation and rehabilitation
66.	**LR** (16) [2010] NSWSC 22 Howie J Co-offender: KR	PG (20%) Murder Assault w/I to rob in co	14y 3m NPP 10y 6m FT 6m		nil	Assault Intent GBH	Agreed with co-offender to find person to rob - assaulted male stranger and stole mobile phone – assault initiated by co-offender who stomped on head of victim – offender joined assault and kicked victim once to head - assaulted male bike rider with intent to rob shortly before killing Aboriginal youth – some evidence of rehabilitation in custody and remorse

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
67.	**KR** (17) [2010] NSWSC 188 Howie J [2012] NSWCCA 32 Co-offender: LR	PG (15%) Murder 2 x Ass w/i Rob	18y 9m NPP 12y 12m / 6m Total: 19y 6m NPP 12y 9m	AD	nil	Assault Intent GBH	Agreed with co-offender to rob someone – kicked male victim to death in driveway of house – assault included stomping on head – subsequently attempted to rob cyclist - pushed female from behind, punched her twice to head and kicked in cheekbone Aboriginal youth – drug and alcohol abuse - remorse
68.	**THOMPSON** [2011] NSWSC 1130 Rothman J	PG (discount at highest level)	20y NPP 14y		Nil relevant	Shooting Felony murder	**SNPP 20 years** Shot dead drug dealer during robbery – arranged meeting in secluded area armed with loaded and shortened shotgun – planned robbery – stole drugs, money and mobile phone – disposed of body and gun. Drug addiction
69.	**COTTERILL** [2012] NSWSC 89 McCallum J	PG (15%) Escape	22y NPP 16y 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
70.	**JK** (juvenile) [2012] NSWSC 710 Harrison J	PG (17.5%) Murder Att 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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
71.	**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
72.	**BILLINGS** (37) [2012] NSWSC 1020 Barr AJ	VG Murder Agg AR Agg SMV Shoot w/l murder AR	Indicative 32y NPP 24 12y NPP 9y 4y NPP 3y 12y NPP 9y FT 4y Aggregate 40y NPP 30y		Lengthy – at liberty for only two years of past twelve	Shooting Intent to kill	**SNPP 20 years** Robbed male taxi driver walking along street in early hours of morning with sawn off rifle – shot warning shots into footpath then shot victim in buttock causing permanent injury – threatened male driver with shot gun – stole car – shot at police officer who was pursuing offender for suspected drug dealing – fatally shot unsuspecting male victim with intention of robbery in presence of co-offender – fired three shots from point blank range – robbed business using gun – intent to kill formed immediately prior to shooting - murder just short of worst case Dangerous offender
73.	**SMITH** [2012] NSWSC 1565 Rothman J	VG Murder Destroy dwelling by fire	14y NPP 10y FT 2y Total: 14y 6m NPP 10y 6m		Domestic violence – breached conditional liberty	Assault Extended joint criminal enterprise	**SNPP 20 years** Suggested known drug dealer to co-offenders as subject for robbery – victim viciously kicked and assaulted and run over by car - present during offence but not involved in assault - contemplated co-offenders could form intention to inflict GBH – no agreement to kill or inflict GBH – provided jerry can for co-offenders who returned to scene and set fire to home incinerating body - objective criminality in lowest possible category - no intention, initially, of obtaining financial gain - motives not totally clear, but most probably included revenge for victim's treatment of offender's mother Drug abuse – difficult upbringing including sexual abuse – mental health issues and probably brain damage – some assistance Three co-offenders pleaded guilty to manslaughter - McCulloch, Biffen and Biffen [2013] NSWSC 894

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
	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
74.	**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		

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
75.	**MA** (17)	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		on bond. Stalking, intimidation, assault w.i rob in co.	Joint criminal enterprise Wounded with meat cleaver / machete	**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. MA – did not strike victim but present - remorse, rehabilitation, maturity B – struck victim - drug / alcohol abuse - remorse R – outside house assisting – remorse, rehabilitation
	BYQUAR (18)	PG (25%) Murder AR Sched: AR	23y NPP 16y 8y NPP 6y <u>Total</u>: 25y NPP 18y		AOABH, Rob in co.		
	RAMOS (18) [2012] NSWSC 1527 Johnson J (Ramos) [2015] NSWCCA 313 Co-Accused: NATUBA TAMAPUA KHOURY KARIMI MIR	PG (25%) Murder Sp Agg BES AR Sched: Conspire rob AR	17y NPP 12y 4y NPP 3y 5y 6m NPP 4y <u>Total</u>: 19y NPP 14y	AA 14y 3m NPP 10y 4y NPP 3y 5y 6m NPP 4y <u>Total</u>: 16y 3m NPP 12y	Nil		

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
76.	**HUDD** [2013] NSWCCA 57 Co-offender: BROWN	VG Murder 2 x AR s.33 Agg AOABH	27y NPP 20y 3m 10y NPP 7y 6m 5y NPP 3y 9m 2y NPP 18m <u>Total</u>: 28y 6m NPP 21y 9m	AD		Shooting Felony Murder	Two offenders involved in planned armed robbery of electrical store – three employees tied up – one employee shot dead by offender in pursuit Fresh evidence as to ill health
77.	**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
78.	**SMITH** (26) [2013] NSWSC 1723 Barr AJ Co-offenders: SMITH KENNEDY	PG Murder 2 x AR	20y NPP 14y 8y NPP 6y <u>Total</u>: 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 plea at bottom of range

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
79.	**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
80.	**KARIMI** (22) [2013] NSWSC 1761 Johnson J Co-offenders: KHOURY MIR NATUBA TAMAPUA MA BYQUAR RAMOS	VG Murder Consp AR s.112(3) 2 x AR Consp 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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
81.	**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
82.	**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 Appeal against armed robbery sentences only	Minor	Assault with meat cleavers Joint criminal enterprise Intent to kill	**SNPP 20 years** Home invasions committed over three-day period by young males armed with meat cleavers linked to drug dealing - occupant at one home seriously injured - occupant of another house killed with meat cleaver while resisting offenders – planned to engage subsequent fight to death Mir – foot soldiers - Afghani

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
83.	**KAYE** (33) [2013] NSWSC 1812 Price J	PG (12.5%)	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
84.	**ISHERWOOD** (30) [2013] NSWSC 1868 Latham J	PG (15%)	17y NPP 11y		Drugs, assault – breached conditional liberty	Assault Constructive murder	**SNPP 20 years** Assault and rob on 76y homeless man on train - co-offender found guilty of manslaughter - offender played principal role – victim punched and smashed over head with broken pane of glass – died of head injury - just below middle range Relative youth - first time in custody
85.	**FILIHIA** (22) [2013] NSWSC 1871 Adamson J	PG (35% comb) Murder s.98	14y 3m NPP 10y 8m 6y 6m NPP 4y 10m (concurrent)		Record – breached conditional liberty	Stabbing Intent GBH	**SNPP 20 years** Fatal stabbing of male receptionist during robbery of brothel – single stab wound – robbery planned by co-offender – stabbed victim in panic Genuine remorse – needed cash for drug addiction – good prospects of rehabilitation
86.	**PANETTA** (29) [2014] NSWSC 27 Davies J	PG (10%)	17y NPP 12y 9m		minor	Assault Intent GBH	**SNPP 20 years** Told by girlfriend that victim was a 'bad man' but police unable to obtain evidence against him – killed victim with a hammer during attempted kidnapping and robbery – disposed of body – spontaneous killing – a little below mid-range Voluntary confession to murder due to stress – no prospect that murder or body would have been detected – unaware victim was ex-husband of girlfriend - low intelligence and serious personality disorders – vulnerable and gullible

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
87.	**SAFAR** [2014] NSWSC 376 Rothman J Co-offender: JUBRAEEL	PG (12.5%)	15y 9m NPP 11y		No history of violence of dishonesty	Joint criminal enterprise Shooting	**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
88.	**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
89.	**HALLOUN** (35) [2014] NSWSC 1705 McCallum J	VG	24y NPP 17y		Nil	Assault	**SNPP 20 years** Attack on vulnerable woman in her own home – trying to steal money – working as a concreter for victim and family at her home - no intent to kill Extra-curial punishment from assault in prison – supportive family – special circumstances

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
90.	**KENNEDY** (18) [2015] NSWSC 327 Wilson J [2016] NSWCCA 114 Co-offenders: SMITH SMITH	PG (5% on appeal)	21y NPP 15y 9m	Sentence AA 20y NPP 15y	Not as serious as co-offenders	Assault Joint criminal enterprise / intent GBH	**SNPP 20 years** Three men broke into home of 75y male occupant – victim severely assaulted in attempt to obtain access to safe – left for nearly a day – moral culpability high but lower than co-offenders Drug addicted – Aboriginal male – exposed to drugs early - low intelligence – poor schooling
91.	**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
92.	**DENT** (53) [2016] NSWSC 444 RA Hulme J [2017] NSWCCA 166	VG Murder Agg rob in co 3 x contempt	40y NPP 30y No penalty FT 1y / 6m Total: 42y NPP 32y	Conviction AD	Extensive record including murder as a 17y old – breached bail for drug offences	Assault Constructive murder	**SNPP 20 years** Joint plan between four offenders - victim lured by offender and co-offender to park for robbery – assaulted, clothing removed, hogtied and gaged with underpants by offender – dominant offender – intended GBH and did not care if died Contempt offences – assaulted co-offenders in dock – threatened judge – sacked counsel and refused to proceed with trial Institutionalised
93.	**PHAN** (30) [2016] NSWSC 483 Mathews AJ	VG Murder PG (20%) 4 x s.97(2)	Indicative: 14y NPP 10y 6y / 7y Aggregate: 20y NPP 14y		Lengthy record for minor offences	Shooting Accessory to constructive murder	**SNPP 20 years** Armed robbery of fruit shop – armed with hammer – co-offender armed with pistol – employee shot twice by co-offender while detaining offender – liable on basis foresaw gun being discharged but not being used to cause GBH or death – lower range - other armed robbery offences committed week before in company with co-offender Difficult childhood

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
94.	**HAINES** (31) **LEE** (37) [2016] NSWSC 1333 Harrison J	PG (20% - plea and assist) 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
95.	**MURDOCH** (30) [2016] NSWSC 1475 Mathews AJ	VG Murder Agg armed robbery	28y NPP 21y 8y <u>Total</u>: 30y NPP 22y 6m		Armed robbery, kidnapping, dishonesty.	Shooting At least intent GBH	**SNPP 20 years** With co-offender robbed store – offender shot store employee during robbery at close range - motive to enable co-offender to escape after he had been lawfully captured - robbed second victim of a sum of cash while armed with pistol - above midline of objective seriousness. Institutionalised - dysfunctional background – illiterate – drug abuse from young age - acquired brain disorder - substance abuse disorder - personality disorder
96.	**SWAN** (31) **KIMURA** (50) [2016] NSWSC 1819 N. Adams J	VG	26y 6m NPP 19y 6m 23y NPP 17y		Breached conditional liberty – assault offences Minor	Assault Intent GBH	**SNPP 20 years** Two males broke into unit and stole property – agreement reached in unit to assault elderly male occupant – victim assaulted by S – died of injuries 8mths later – just above mid-range – S more culpable than K – aggravating factors: in company – in victim's home – vulnerable victim – S armed with large knife S – Aboriginal male - derived childhood K – Maori – assaulted in gaol because gave evidence on sentence and in protection – fearful for life – facilitated trial

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
97.	**SINCLAIR** **(a pseudonym)** (22) [2017] NSWSC 686 RA Hulme J [2020] NSWCCA 108 Co-offender: EVANS	PG (15% plea and assist) Murder s.112(3) PG (35% comb) s.112(3) 2 x s.86(2) s.86(2)	Indicative: 30y NPP 22y 6m 13y 6m NPP 10y 12y NPP 9y 8y 6m 9y Aggregate 38y NPP 28y 6m	AD	Minor	Assault Accessory	**SNPP 20 years** Broke into home of co-offender's former employer at night planning to steal from occupants – forced male occupant to show them safe – co-offender bashed male occupant to death with pick handle – also assaulted female occupant causing serious injuries – offender did not intend death but aware co-offender violent and armed with weapon One month earlier broke into family home of offender's ex-girlfriend with co-offender and third offender at night – sleeping male occupant severely assaulted around head by co-offender with pick handle causing serious and probably long-term injuries – all four occupants of house threatened and tied up with duct tape and rope All offences well above mid-range in seriousness Young offender with long term drug addiction – genuine remorse – some good prospects of rehabilitation On appeal: finding of objective gravity open to sentencing judge
98.	**EVANS** [2017] NSWSC 1440 R A Hulme J	PG (25% plea and assist) Murder 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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
99.	**EVANS (No.3)** (25) [2017] NSWSC 1523 R A 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.
100.	**PETRYK** (23) [2018] NSWSC 119 Wilson J [2020] NSWCCA 157	VG Murder s.97(2)	Indicative: 26y 8y Aggregate 26y NPP 19y 6m	Conviction AD	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
101.	**HICKSON** (30 – 61 at sentence) [2020] NSWSC 340 Davies J	VG	22y NPP 15y		lengthy including violence – breached conditional liberty	Stabbed / assault Intent GBH	(1989) Stalked bookmaker for several months planning robbery – victim stabbed and assaulted in garage after returning from track at night with cash – offender stabbed victim in presence of second man – robbery that went wrong – objective seriousness increased by use of knife – above mid-range Delay – DNA match – physical and mental health issues Consideration of sentences at time of offence

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
102.	**DS** (15) **DM** (16) [2020] NSWSC 422 Bellew J [2022] NSWCCA 156	PG (10%) Murder Agg take and drive motor vehicle Sched: Agg enter dwelling to steal PG (10%) Murder AR with wounding Wound with intent GBH Agg take and drive MV Sched: 2 offences	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.
103.	**FLETCHER** (19 at offence / 21 at sentence) [2020] NSWSC 1478 RA Hulme J Co-Offender: 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

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT & SUMMARY
104.	**DION** (41) [2021] NSWSC 1043 Beech-Jones J	VG	25y NPP 18y 9m		Nil Australia – minor offences in USA	Assault Intent to kill	**SNPP 20 years** Lured drug dealer to car park with intent to use violence to steal drugs – during assault developed intent to kill and used weapon – victim died of head injuries – body dumped at side of road aggravating offence – attempted to cover up offence – mid-range Difficult childhood in Lebanon including sexual assault as a child – good character – unlikely to re-offend – prospects of rehabilitation – co-operation in trial process
105.	**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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106.	**GARVEY** (24) **JONES** (23) [2021] NSWSC 1147 RA Hulme J Co-offender: FLETCHER	PG (10%) Murder Steal from person Impersonate police VG Murder PG Steal from person Impersonate police Driving offence	28y 9m NPP 20y 3m 13m 9m Aggregate: 29y 3m NPP 20y 9m Total including existing sent: 34y 3m NPP 25y 9m 28y NPP 21y 6m 13m 9m 9m Aggregate: 28y 9m NPP 22y 3m		Lengthy – commenced at 11y – includes violence and robbery – breached parole and bail – shocking record of custodial breaches – existing sentence for dangerous driving causing death Lengthy – includes domestic violence, robbery and driving offences – breached bond and parole	Multiple incision wounds with machete during robbery Extended joint criminal enterprise (J)	**SNPP 20 years** Offenders attended home of 60y male victim impersonating police officers – grabbed victim's wallet containing $1000 – later that day recruited co-offender – returned to victim's house during night disguised and armed with baseball bat and machete – in confrontation with two of three male occupants victim cut multiple times with machete by G – fatal wound to upper arm – targeted home invasion for robbery – brutal assault – G primary offender – J involved in planning and aware of machete – more culpable than third offender – murder slightly above mid-range for J – more serious for G G – Aboriginal male – Bugmy principles applied – poor education – behavioural issues as a child – exposure to drug abuse and violence – foster care and homelessness – long history of personal substance abuse commencing at 11y – sexual abuse – never employed – possibly institutionalised – relevance of totality in light of existing sentence J – difficult childhood – drug user – mental health issue – some discount for assistance at trial

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107.	**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
108.	**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
109.	**SHILLINGSWORTH** (21) [2023] NSWSC 453 Wright J Co-offenders: 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

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110.	**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.
111.	**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
112.	**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

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113.	**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
114.	**ALLEN** (39) [2023] NSWSC 1495 Fagan J	VG	22y NPP 15y 9m		Lengthy including multiple offences of violence and subsequent offence of reckless wounding	Stabbing Intent GBH	**SNPP 20 years** Stabbed male victim once to chest during attempted robbery at door of victim's caravan – sought to rob victim of drugs or money – expected victim to resist so armed self with knife – co-offender waiting in car. Difficult childhood with exposure to violence, sexual abuse, early drug use, out of home care, poor education and neglect – significant substance abuse – mental health issues – no real indication of remorse

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115.	**CAGE** **LOWCOCK** [2024] NSWSC 718 Yehia J	VG Murder PG (5%) s.195(1)(b) VG Murder	21y NPP 14y 2y 3m <u>Total</u>: 21y 6m NPP 14y 6m 20y NPP 13y 3m		Lengthy – serious personal violence offences – on conditional liberty Lengthy – serious personal violence offences – on conditional liberty	Shooting Accessorial	**SNPP 20 years** Male victim fatally shot during attempted robbery – C arranged to meet victim to 'purchase' drugs and sourced firearm - agreement to rob while armed, foreseeing possibility victim would be shot with intent to inflict GBH – unable to identify shooter – plan to rob formulated by C on morning of shooting – L joined agreement shortly before meeting – relatively unsophisticated – committed in company with disregard for public safety – mid-range – C more serious role – C arranged for friend to destroy car being used by offenders C – Difficult childhood including physical and sexual abuse, substance abuse, out of home care, homelessness and educational interruption – institutionalised – ***<u>Bugmy</u>*** applied - drug user with mental health issues – some remorse – guarded prospects of rehabilitation – special circumstances L – profound childhood deprivation including physical and sexual abuse, substance abuse, mother's mental health, out of home care, homelessness and educational interruption – institutionalised – ***<u>Bugmy</u>*** applied - extensive drug user with mental health issues including suicide attempts – guarded prospects of rehabilitation – special circumstances
116.	**TAUFAHEMA** [2024] NSWSC 1419 McNaughton J Co-offender: NEHME	VG Murder s.97(1) PG (5%) s.113(2) s.112(2)	<u>Indicative</u> 22y NPP 15y 7m 5y 6m 4y 6m 5y 6m NPP 3y 10m <u>Aggregate</u> 23y NPP 16y 6m		Violence, offences involving use of weapons, armed rob, mal wound inflict GBH, firearms, assault police	Stabbed Accessorial	**SNPP 20 years** Not proven who responsible for fatal wound of male deceased during break enter / armed robbery – with co-offender N, entered deceased's home to rob for money, multiple stab wounds inflicted – aware N carried knife – anticipated resistance from occupants of home and possibility grievous bodily harm might be intentionally inflicted - motive need for money – recruited by N after co-offender P (female) provided robbery plan to N - co-offender R acted as lookout - limited planning; last minute venture – inside house for short time, 60-90 seconds. Drug addiction - traumatic childhood, abuse – remorse – guarded rehabilitation prospects - special circumstances. Co-offenders Price and Rahim convicted of manslaughter

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117.	**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
118.	**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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119.	**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
120.	**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

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121.	**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

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