

Kidnapping

s 332 Criminal Code

From 1 January 2014

Transitional Sentencing Provisions: This table is divided into thirds based on the three relevant periods of Sentencing Provisions:

- Post-transitional provisions period
- Transitional provisions period
- Pre-transitional provisions period

These periods are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.

Glossary:

imp	imprisonment
susp	suspended
conc	concurrent
cum	cumulative
PG	plead guilty
agg	aggravated
burg	burglary
sex pen	sexual penetration without consent
AOBH	assault occasioning bodily harm
GBH	grievous bodily harm
dep lib	deprivation of liberty
att	attempted
TES	total effective sentence
SIO	suspended imprisonment order
CBO	community based order

No.	Case	Antecedents	Summary/Facts	Sentence	Appeal
1.	<p><i>Mansour v The State of Western Australia</i></p> <p>[2015] WASCA 175</p> <p>Delivered on 01/09/2015</p>	<p>39 yrs at time offending.</p> <p>Convicted after trial.</p> <p>Criminal history, including drug and weapon offences.</p> <p>Migrated to Australia from Lebanon.</p> <p>Left school at age 13; constant employment.</p> <p>Married with five children; supportive wife.</p> <p>Co-offender Serji Mansour was convicted after trial of one ct of kidnapping and one ct of GBH with intent and was sentenced to TES 11 yrs imp.</p> <p>Co-offender Andy Mannah was convicted after trial of one ct of kidnapping and one ct of GBH with intent and was sentenced to TES 11 yrs imp.</p> <p>Co-offender Niraj Singh was convicted after trial of one ct of kidnapping and one ct of GBH with intent and was sentenced to TES 9.5 yrs imp.</p>	<p>Ct 1: Kidnapping. Ct 2: GBH with intent.</p> <p>The victim owed a significant drug debt to the appellant. The weeks preceding the offence the appellant sent the victim threatening text messages, including threats of serious harm. The appellant arranged three co-offenders to accompany him from Sydney to Perth to enforce the victim's debt.</p> <p>The appellant arranged for the victim to be at the house on the night of the offence. The appellant and his co-offenders entered the house and ambushed the victim, detained him against his will and assaulted him savagely, for approx. six hours. The assault involved basically torture. The assaults were deliberately carried out to cause the victim significant pain and degradation, which lead to life threatening injuries. Two children aged 18 mths and 11 yrs were present at the house and could hear noises.</p> <p>After the assault the appellant returned to Sydney. Two co-offenders remained in Perth and placed the victim into a car and dumped him behind bins at Centenary Park.</p> <p>The victim suffered burns to 14% of his body, multiple traumas including severe traumatic brain injury, bilateral orbital fractures, haemorrhages, deep wounds to his</p>	<p>Ct 1: 4 yrs imp (cum). Ct 2: 8 years imp (cum).</p> <p>TES 12 yrs imp.</p> <p>EFP.</p> <p>No remorse.</p> <p>The trial judge found the appellant was the principal offender.</p> <p>Trial judge found that the appellant set up the offending conduct in respect of ct 1 in an 'organised, calculated and cold manner'; the appellant's culpability in respect of ct 1 was more serious than that of his co-offenders; the offending in respect of ct 2 was a joint criminal enterprise.</p> <p>Trial judge found the co-offenders Serji Mansour and Andy Mannah – culpability was less than that of the appellant.</p> <p>Trial judge found the co-</p>	<p>Dismissed – on papers.</p> <p>At [42] ... the significant distinguishing feature, for sentencing purposes... was the appellant's role as the principal offender... the appellant made contact with his co-offenders and recruited them to be a part of the joint criminal enterprise... the purpose of the offending was to endeavour to recover the significant debt owed by the victim to the appellant. The appellant harassed and threatened the victim before travelling to Perth... the appellant was significantly more culpable than his co-offenders.</p>

			hands, lacerations to his upper back and multiple bruises. The victim was unconscious and was put into an induced coma.	offender Niraj Singh – culpability greater than Mansour and Mannah.	
<i>Transitional Provisions Repealed (14/01/2009)</i>					
<i>Transitional Provisions Enacted (31/08/2003)</i>					

Office of the Director of Public Prosecutions