

SUPREME COURT OF QUEENSLAND

CITATION: *R v Sica* [2012] QSC 184

PARTIES: **R**
V
SICA, Massimo

FILE NO/S: BS68/11

DIVISION: Trial

PROCEEDING: Sentence

ORIGINATING COURT: Brisbane

DELIVERED ON: 5 July 2012

DELIVERED AT: Brisbane

HEARING DATE: 5 July 2012

JUDGE: Byrne SJA

ORDER: **As per sentencing remarks.**

CATCHWORDS: CRIMINAL LAW – SENTENCE – SENTENCING ORDERS – CUSTODIAL SENTENCE – LIFE SENTENCE – GENERALLY – where accused convicted of three counts of murder – where accused on parole when committed the murders –where a non-parole period of 35 years was imposed for the three counts of murder

COUNSEL: B Campbell for the DPP
S Di Carlo for the defendant

SOLICITORS: Director of Public Prosecutions for the applicant
Legal Aid Queensland for the respondent

- [1] Massimo Sica,
- [2] In the middle of the night of Easter Sunday 2003, you went to the home of the Singh family.
- [3] Neelma Singh was expecting you.
- [4] Her brother, Kunal, aged 18, and sister, Sidhi, just 12 years old, were also in the house, probably asleep.
- [5] Something happened in Neelma’s bedroom between the two of you.

- [6] Enraged by jealousy most likely, you strangled Neelma with both hands, using sustained pressure for about a minute, intending to kill her.
- [7] To ensure that Kunal and Sidhi would not tell that you had murdered Neelma, you murdered them too.
- [8] You struck their heads with the tines of a garden fork, inflicting multiple blows with severe force.
- [9] Neelma was probably dead when you struck, and disfigured, her face with the garden fork.
- [10] You put your victims into the spa bath in the master bedroom ensuite.
- [11] Your savage attack on Kunal had rendered him unconscious. He drowned after you filled the bath with water and covered the three bodies with bedding.
- [12] These are brutal, horrific crimes – in the worst categories of murder.
- [13] You set about covering your tracks.
- [14] You cleaned up to some extent, using bleach.
- [15] You implemented other measures to deceive the police.
- [16] The deception you practised included using your own children, taking them to the house on the Tuesday afternoon, when you pretended to discover the bodies.
- [17] You are manipulative and deceitful; and the pretences continued.
- [18] A couple of examples may be mentioned.
- [19] You feigned distress in making 000 calls and later that Tuesday during an interview with the police.
- [20] Much the same thing happened when, during a walk-through of the house on Anzac Day, you presented yourself as overwhelmed by grief.
- [21] And you lied – often: in particular, when you asserted that you were at your own home that Easter Sunday night.
- [22] You were 33 years old at the time, on parole, with a criminal history that includes serious offences.
- [23] You have no remorse whatsoever. Your only anxiety is for self-preservation.
- [24] Illustrative of the absence of any remorse is this; since the killings, by your deliberate conduct, you have consciously added to the agony of the Singh family; as examples, you had it insinuated that Mr Singh may have instigated the killings, which is despicable; and, at the committal and at trial, your defence raised publicly matters of private concern with, obviously, a significant potential to humiliate Mr and Mrs Singh and Mrs Pathik; matters that, as you well knew, had nothing to do with the murders. Such misconduct tends against leniency.

- [25] The murders have had devastating consequences for the Singh family.
- [26] The victim impact statements of Mr and Mrs Singh and the surviving sibling, Mrs Pathik, reveal the awful miseries that they have experienced in the last nine years, and point to the suffering that they will endure for the rest of their lives.
- [27] I have had regard to the factors specified in s.9 of the *Penalties and Sentences Act* 1992, including those listed in sub-section (4), in deciding on the minimum non-parole period.
- [28] I have also taken into account totality considerations, which require the Court to examine the overall behaviour involved in the three murders in deciding on a just, appropriate non-parole period. Totality considerations operate as an ameliorating factor.
- [29] Still, your offending is so very grave that it must be met with condign punishment.
- [30] Massimo Sica,
- [31] You are sentenced:
- for the murder of Neelma Singh, to imprisonment for life;
 - for the murder of Kunal Singh, to imprisonment for life;
 - for the murder of Sidhi Singh, to imprisonment for life.
- [32] Pursuant to s.159A(3) of the *Penalties and Sentences Act* 1992, I declare the 1,299 days spent in pre-sentence custody from 29 October 2008 until 13 November 2008, and from 30 December 2008 until today to be imprisonment already served under each of those sentences.
- [33] Pursuant to s.305(2) of the *Criminal Code*, it is ordered that you must not be released from imprisonment until you have served a minimum of 35 years imprisonment, unless released sooner under exceptional circumstances parole under the *Corrective Services Act* 2006.