

Attempt Murder

ss.27-30 (NSW) *Crimes Act*

s 27 Administers to, or causes to be taken by, any person any poison, or other destructive thing, or by any means wounds, or causes GBH to any person with intent to murder

s 28 Set fire to any vessel, or any chattel therein, or any part of her tackle apparel or furniture, or casts away or destroys any vessel, or by explosion of gunpowder, or other explosive substance, destroys, or damages any building, or places or throws, any matter or thing upon or across a railway, or removes, or displaces any sleeper, or other things belonging to a railway, with intent to murder

s 29 Attempts to administer to, or cause to be taken by, any person any poison, or other destructive thing, or shoots at, or in any manner attempts to discharge any kind of loaded arms at any person, or attempts to drown, suffocate or strangle any person with intent to murder

s 30 By any means other than those specified in sections 27 to 29 both inclusive, attempts to commit murder

Maximum Penalty: 25 years

Standard Non-Parole Period: 10 years (offences committed on or after 1.2.2003)

CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	ATTEMPT TYPE	FACTS
Sindoni (44) NSWCCA 27.4.1993	s.27	VG	MT 6y AT 2y	AD	Nil	shotgun	Shot brother-in-law a number of times when found out he had hit offender's wife. Married with children – hardworking - offence out of character
Tarrant (18) NSWCCA 11.5.1993	s.29 - attempt strangle Sched: Sexual int w/o consent	PG	MT 1y 6m AT 3y 6m	Crown AA MT 3y 6m AT 3y 6m	nil	strangulation	Abducted female - drove to isolated area - squeezed victim's throat until unconscious - left victim believing her to be dead - surrendered to police.

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Roberts (40) NSWCCA 8.3.1994	s.27	PG	MT 5y AT 4y	AD	Nil	stabbing	Stabbed sleeping wife repeatedly. Disturbed and violent family background – emotionally disturbed.
Cool (25) NSWCCA 2.6.1994	s.27 Sched: 4 offences	VG	MT 7y AT 3y	AD	manufacture amphetamine, obtain benefit by deception	stabbing	Stabbed sleeping stranger in neck from behind on a train - knife penetrated 5cm, narrowly missing the jugular vein. Alcohol and drug addiction.
Glencourse (27) NSWCCA 21.4.1995	s.27	VG	MT 8y AT 2y 8m	AA MT 7y AT 3y 8m	nil	stabbing	Stabbed girlfriend repeatedly after she rejected sexual advances, then stabbed himself. History of some violence between them - prior good character - drug problems.
Alvaro (52) NSWCCA 30.11.1995	s.27	VG	MT 7y 6m AT 2y 6m	AD	Criminal record – time spent in gaol	shooting	Victim invited to offender's shop and shot by co- offender.
Papalia (20) NSWCCA 18.7.1996	s.27 SMV	PG	MT 9y AT 4y FT 1y (concurrent)	AD	assault, armed rob in company, armed rob	shooting	Hired to kill victim who was having affair with wife of another man - shot victim in stomach and back leaving him a paraplegic – worst type Youth – assistance - protective custody.
Sinclair (27) NSWCCA 4.3.1998	s.27	PG	MT 5y AT 2y	AD	nil	stabbing	Ejected from pub after argument with victim – obtained knife from home and returned to pub – stabbed victim twice in stomach. Intoxicated - binge drinking problem - took counselling at own initiative in gaol to address problem - chronic fatigue syndrome at 18.
Thew NSWCCA 25.8.1998	2 x s.27	PG	MT 2y 9m AT 3y	Crown AA MT 5y AT 4y	nil relevant	poison	Attempted to poison himself and two daughters (14m and 8y) in motor vehicle with carbon monoxide. Depression - remorse.
McCaffrey Rowsell [1999] NSWCCA 363	s.27	PG	MT 9y AT 6y	AA MT 7y AT 6y	not stated	stabbing / assault	Picked up 17y schoolboy hitchhiking - v beaten and tied up - taken to bush in car boot, stabbed in back of neck and pushed down embankment - thought victim had died Under influence of alcohol and drugs.

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Manna (23) [1999] NSWCCA 314	s.27	PG	MT 15y AT 5y	AD	includes possess shortened firearm	shooting	Attacked victim at supply truck, shooting him in face, chest and arms five times. Abuser of illegal drugs including steroids.
AM [2001] NSWCCA 80	s.27 Use offensive weapon to commit assault	PG (35% plea and assist)	11y 8m NPP 7y 6y (concurrent)	AD		stabbing	Agreed to be involved in murder for \$10,000 – role was to subdue wife while husband killed – co-offender's cut throat of male victim and stabbed him in chest – attack not fatal – principle in second degree - held female victim's head while co-offender pulled cable tie around her neck – attack observed by young children
Macadam-Kellie [2001] NSWCCA 170	s.27	PG (15% on appeal)	16y NPP 12y	AA 15y NPP 11y	nil - breach of apprehended violence order.	stabbing	Stabbed wife several times with bread knife outside Family Court - element of pre-meditation Depressive illness.
Rae [2001] NSWCCA 545	s.27 Sched: AOABH	PG	19y 8m NPP 14y 9m	AD	nil	fire	Threw petrol over former girlfriend and set her alight - burns to 93% of her body - neighbour trying to assist received burns to 10% of body (Schedule offence) - worst case Intelligent and accomplished.
Quach (42) [2002] NSWCCA 173	s.27	VG	9y NPP 5y	AD	nil	assault with bottle	Attack on wife - hit her on head with bottle repeatedly, tied legs and gagged mouth – victim lost blood and consciousness for some time.
Doan (18) [2003] NSWSC 345 Hidden J	s.27	PG	7y NPP 3y 6m		serious post offence record	assault	With group of male youths took 18y schoolboy from coffee shop – victim assaulted and offender held legs during attempt strangulation - victim subsequently stabbed to death by co-offender - limited role - scared of co-offenders Vietnamese with disturbed and difficult background - some hope for rehabilitation
Bell [2005] NSWCCA 81	s.29	PG	4y NPP 2y 6m	AD	Prior assault on ex-wife	strangulation	During argument with de facto wife attempted to strangle her – desisted when 11y son intervened – telephone police and admitted intent

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Zegura (24) [2006] NSWCCA 230	s.27 Mal destroy by fire Sched: Cruelty to animal	PG	8y 6my NPP 6y FT 18m <u>Total:</u> 9y NPP 6y 6m	Crown AA 8y 6my NPP 6y 4y NPP 2y <u>Total:</u> 9y 6m NPP 7y 6m	AR - BES	stabbing	SNPP – 10 years Stabbed ex-girlfriend at her home – serious injury to hand – angered at estrangement – five hour siege – continued to threaten to kill victim – stabbed family dog – set fire to house during siege
Farmer (36) [2008] NSWSC 581 Hall J	s.27 s.86(1)(b) detain with intent s.198 mal damage by fire	VG	18y 6m NPP 14y 7y 3m NPP 5y 6m 16y NPP 12y <u>Total:</u> 24y 6m NPP 20y		Priors for violence – breached parole	Assault / fire	SNPP – 10 years Broke into home during day – struggled with female occupant in bedroom – detained and sexually interfered with complainant – complainant taken to garage and severely assaulted with fibro-cutters – doused complainant and house with petrol – set fire to house using electric toaster and gas oven – motivated by desire to avoid apprehension
Park (2010) 202 A Crim R 133 [2010] NSWCCA 151	s.28 Mal damage by fire	VG	18y NPP 12y 2y NPP 16m	AD	nil	Fire	SNPP – 10 years Angered by wife's request for divorce – locked wife in bedroom with offender and splashed paint thinner over bedroom and victim – set fire to thinner – above mid-range but below high range
Little [2010] NSWCCA 210	s.27 3 x s.58 assault prison officer	PG	20y 6m NPP 15y 3m FT 6m (concurrent)	AD		Assault	SNPP – 10 years Attacked prison officer while being escorted through prison complex – punched, kicked and stomped on unconscious victim causing long-term physical and neurological damage – threatened and abused three other prison officers

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McLaren (55) [2011] NSWDC 115 Berman SC DCJ [2012] NSWCCA 284	s.30	PG (25%)	8y NPP 5y	AA 5y NPP 3y	nil	Placed victim in perilous position in bed	SNPP – 10 years Male carer attempted to kill male patient suffering from motor neurone disease – sought to escape from responsibilities of constant care – lowered bed hoping victim would suffocate – ignored suffering of victim for many hours – slightly below mid-range Suffered mental illness for many years – new evidence on appeal of severely impaired mental state at time of offending
Windle (21) [2012] NSWCCA 222	s.29	PG (25% on appeal)	7y NPP 2y 6m	Crown AA 5y 4m NPP 4y	No details provided.	strangulation	SNPP – 10 years Attacked fellow inmate in gaol - attempted to strangle victim in showers using sock – victim fell unconscious to floor – no explanation – impulsive, not planned – voluntary disclosure of intention to kill Mental illness.
Devaney [2012] NSWCCA 285	s.29 2 x unauth possess proh firearm Unauth poss firearm	PG (15%)	14y NPP 10y 1m 3y 4m NPP 2y 6m (each) FT 2y <u>Total</u> 15y 3m NPP 11y 4m	AA 12y NPP 8y 3y 4m NPP 2y 6m (each) FT 2y <u>Total</u> 13y 3m NPP 9y 3m	includes violence and firearms and breach of AVO	shooting	SNPP – 10 years Walked into gym and shot former girlfriend three times striking her twice in abdomen – found in possession of ammunition, knife and three prohibited pistols – pre-meditated offences in public place – domestic violence offence – slightly above mid-range Suffering paranoid schizophrenia – violent danger to community Note: sentence accumulated to existing sentence – total period of imprisonment at first instance was 15y 6y NPP 11y 7m as indicated at [8] in judgment
Cvetkovic [2013] NSWCCA 66	s.27	VG	17y 4m NPP 13y	AD		Stabbing	SNPP – 10 years Stabbed former wife with gyprock saw several times – could not accept relationship had ended – relationship had history of domestic violence and death threats - high range objective seriousness.

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Williams [2013] NSWCCA 168	s.27 Sched: s.195(1)(b)	PG (45% plea and assist)	10y NPP 7y	AD	BES, obtain money by deception	Stabbing	SNPP – 10 years Offence occurred in 2008 – ‘contract killing’ – manager of caravan park where offender employer approached offender about killing her former partner – initially refused – after manager persisted feared losing job and house – manipulated third person to kill victim by falsely telling him victim was a paedophile – victim stabbed numerous times by co-offender – motivated by financial reward – planning – organisation – between mid-range to top of range objective seriousness Remorse
George (30) [2013] NSWCCA 263	s.27	PG (18%)	15y 2m NPP 11y 5m	AD		shooting	SNPP – 10 years Shot 24y girlfriend in head causing long-lasting and debilitating injuries Abusive and violent upbringing - schizophrenia
Jennar [2014] NSWCCA 331	s.29 s.97(1) s.97(2) s.97(2) s.97(2) Sched: Proceeds of crime	VG PG (15%) VG VG PG (15%)	<u>Indicative</u> 14y NPP 10y 4y 6m 6y 7y 5y <u>Agg</u> 16y NPP 12y	Crown AD	Extensive – breached conditional liberty	shooting	SNPP – 10 years With co-offenders involved in armed robberies of post office, building society and hotels – armed with semi-automatic pistol, rifle and sawn-off shotgun – during one robbery recognised by patron and encouraged co-offender to shoot him – victim shot in abdomen – offences planned but not sophisticated – female employees threatened – attempt murder gratuitously cruel and of high moral culpability Parents drugs addicts in and out of gaol – early drug additions – some remorse
DS [2014] NSWDC 7 Haesler SC DCJ	s.27	PG (25%)	10y 6m NPP 6y 6m			stabbing	SNPP – 10 years Formulated plan to kill ex-husband of current partner – believed partner’s allegation that victim had sexually abused daughter – after victim dropped children off at childcare deliberately collided with victim’s car then stabbed him 4 times – above mid-range Bi polar disorder

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Betts (35) [2015] NSWCCA 39	s.27 s.86(2)(b)	PG (10%)	16y NPP 11y	AD	Nil	stabbing	SNPP – 10 years Repeatedly stabbed ex-girlfriend and would not allow her to leave apartment - stated they should die together – victim suggested she should stab offender so she could escape – offender suffered substantial injuries - profound jealousy at break-up - sustained and determined attempt to kill - very serious example of its type – planned
Tregeagle (22) [2016] NSWCCA 106	s.27 3 x s.95(1) 2 x s.97(1) Att s.97(1)	PG (25%)	<u>Indicative</u> 12y NPP 8y 4y 6m – 6y 4y 6m – 4y 3y <u>Total:</u> 22y NPP 16y 6m	AD	nil significant	stabbing	SNPP – 10 years Robbed bottle shops, convenience store and video shop armed with knives – on one occasion used baseball bat to assault employee – stabbed employee of bottle shop in stomach multiple times when he resisted robbery – victims vulnerable – offences committed for financial gain
Shine (58) [2016] NSWCCA 149 ; (2016) 260 A Crim R 534	s.27	PG (25% on appeal)	12y NPP 7y 6m	AA 9y NPP 5y	Nil	stabbing	SNPP – 10 years Stabbed male in back and neck while victim asleep in bed – believed he was protecting victim's wife from harm – victim ran outside – offender obtained larger knife and slashed victim's face – victim suffered life threatening injuries. Psychotic illness which involved delusional beliefs and grossly disturbed capacity for logical thinking - affected ability to recognise actions wrong
Hitchcock (26) [2016] NSWCCA 226	s.27	PG (15% plea and assist on appeal)	12y NPP 8y	AA 9y NPP 5y	Minor	Stab	SNPP – 10 years Stabbed male 6 times in park in front of children – ex-partner of co-accused – significant degree of planning Significant cognitive functioning issues – easily manipulated by co-accused - some remorse

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Martin (24 at offence) [2017] NSWSC 1498 (Hamill J)	s.27 Accessory after fact to murder	PG (15%) (25%)	7y 6m NPP 2y 6m 3y 3m <u>Total:</u> 9y NPP 4y		nil	stabbing	SNPP – 10 years Female – husband took out insurance policy and made plans to kill father – offender ‘agreed to cover his arse’ – provided false alibi after husband stabbed father in his own home – non fatal injuries – husband subsequently killed father 2 months later with samurai sword - failed to disclose knowledge of husband’s involvement - actively misled police - partially motivated by possibility of financial gain - misguided loyalty – reluctance to leave children without father Abusive relationship - hardship to third parties – mother of young children
Hraichie (No.3) [2019] NSWSC 973 Johnson J	s.27 s.33(1)(b) Committing acts in preparation for a terrorist act: s 101.6 (Cth) Criminal Code <i>[Life]</i> Send letter containing threat to kill - s.31 <i>Crimes</i> <i>Act</i> (NSW) <i>[10y]</i>	PG (25%) (15%) (25%) (20%)	<u>Indicative:</u> 10y NPP 7y 6m <u>Indicative:</u> 14y NPP 10y 6m <u>Aggregate:</u> 10y NPP 15y 20y NPP 15y 6y 3m NPP 4y 7m <u>Total:</u> 34y NPP 29y		Lengthy as a juvenile and an adult – included violence – offences committed while in custody	stabbed, punched, choked, whipped with cable, carved letters into forehead, further cuts inflicted with razor and attempted to waterboard	SNPP – 10 years Unprovoked attack on cell mate – later admitted intent to kill – s.27 offence mid-range – s.33 offence well above mid-range Also sentenced for terrorist offence - over six month period while on parole then in custody committed multiple acts in preparation for terrorist acts – planned targets changed from police officers to corrective services officers – sent letter containing death threats to Corrective Services Commissioner Discount contained small element for admissions to police – no contrition or remorse – letter given to Sentencing Court indicated continued radicalisation – no evidence of mental health issue

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Amati (24) [2019] NSWCCA 193	s.27 – wound with intent to murder s.27 – cause GBH with intent to murder s.27 – att wound with intent to murder	VG	<u>Aggregate:</u> 9y NPP 4y 6m	Crown AA <u>Aggregate:</u> 14y NPP 8y	Nil	Attacked with axe - armed also with knife	SNPP – 10 years Female - attacked complete strangers with axe in 7-Eleven convenience store / shop – caught on CCTV – no provocation - intoxicated and upset state – substantial injuries Unusual and compelling circumstances - strong subjective case – highly academic student and good worker affected by complex personal subjective case leading to drug use and substance-induced depression - self-harm, suicidal and homicidal ideation – good prospects of rehabilitation. CCA: Discussion of comparative s.27 cases.
Vaughan (41) [2020] NSWCCA 3	s.27 – cause GBH with intent to murder s.33(1)(a)	PG (12.5%)	17y NPP 12y 11y NPP 8y <u>Aggregate:</u> 21y NPP 14y	AD		Knife / Motor vehicle	SNPP – 10 years Attacked ex-girlfriend – stabbed victim in forehead, left chest and arm with knife – accelerated vehicle directly at victim crushing victim between his own vehicle and a parked vehicle – domestic violence; sought to control victim – stabbed second victim in skull (female colleague of victim who tried to help victim) Above mid-range – ferocity of attack on each victim – two attacks in narrow timeframe Mental health issues
Askarou (24) [2020] NSWCCA 222	s.29 – shoot with intent to murder	VG	15y 6m NPP 10y 6m	Crown AA 19y NPP 13y	Breached bail for drug offences – record for drug and other less serious offences	Gun	SNPP – 10 years Lay in wait for old school acquaintance in driveway of victim's home and shot at victim at close range three times – victim shot once in back causing permanent paraplegia – planned attempted execution – believed victim had stolen from offender several years earlier – high range seriousness Guarded prospects of rehabilitation in view of attempt to create false alibi and lack of contrition On appeal: manifestly inadequate

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Yarnton (48 at offence - 53 at sentence)	s.30	VG	16y 6m NPP 10y	AD	Nil	Gas bottles and spilt fuel left in / around vehicle in which victim sleeping – plan to ignite vehicle / fire	SNPP – 10 years Y female - with 3 co-offenders convicted of joint criminal enterprise to commit murder – intended victim was Y's husband from whom separated – LPG gas bottle placed in vehicle where victim sleeping; second gas bottle beside vehicle underneath fuel tank; spilt fuel on roadway around car; both gas bottles turned on - Y motivated by retribution towards victim and his new partner - initiated plan to kill victim - premeditated - M obtained two gas bottles; with co- offender H drove to where victim was asleep in vehicle with intention of preparing vehicle for ignition Y: objective seriousness between mid and high range – <i>Bugmy</i> principles applied - reasonable but guarded rehabilitation – no remorse – mental health - onerous custody – first time custody. M: objective seriousness mid-range - no finding as to motive - youth counted favourably to prospects of rehabilitation – <i>Bugmy</i> principles applied but reduction not as extensive had dysfunction been more prevalent – mental health (anxiety) - onerous custody – first time custody – good work ethic – substance abuse. On appeal – rejected parity argument – sentences not manifestly excessive
Mouhtaris (19 at offence - 25 at sentence) [2022] NSWCCA 67	s.30	VG	11y 6m NPP 7y 10m	AD	Nil		

Last Updated: April 2022

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