

Discharge Firearm with Intent to Cause GBH

s.33A(1) (NSW) Crimes Act

s 33A(1) Do either or the following with intent to cause GBH

(a) discharge any firearm or other loaded arms,

(b) attempt to discharge any firearm or other loaded arms,

Maximum penalty: 25 years

Standard non-parole period: 9 years (offences committed on or after 21.8.2015)

Commenced: 15.2.2008

| NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | SUMMARY |
|---|------------------------------|-------------|---|--------------------------------------|--------------|---|
| Akkawi (23) [2012] NSWCCA 11 [2013] NSWCCA 72 | s.33A(1)(a) | PG (15%) | 6y 9m 18d NPP 4y 28d | AA 6y NPP 2y 9m | minor record | With brother and third man threatened and kidnapped priest in search for male who had defrauded them of \$100,000 in drug deal – forced second male to accompany them in search – offender shot second male in leg Difficult childhood – mental disorder – genuine remorse |
| | s.86(2)(a) | | 6y 9m 16d NPP 4y 28d | 6y NPP 4y | | |
| | s.86(2)(a) | | 5y 11m 12d NPP 3y 6m 25d | 5y 6m NPP 3y 3m | | |
| | Sched: 2 x rob in company | | <u>Aggregate:</u> 10y 9m 16d NPP 8y 27d | <u>Aggregate:</u> 9y 3m NPP 6y | | |

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) | OFFENCE | PLEA | SENTENCE | APPEAL | RECORD | SUMMARY |
|---|-------------------------------------|-------------|--|--------|--|--|
| Melbom (28) [2011] NSWCCA 22 | s.33A(1)(a) | PG (25%) | 15y NPP 9y 6m | AD | Record includes offences of violence – breached parole | Hearted argument with ex-girlfriend outside house – held firearm to victim's mother, shot at house, shot female neighbour in leg and threatened cleaner in nearby premises – neighbour lost her leg – later threatened witnesses Entered unit threatening elderly occupants with rifle and taking money – broke into another home and stole property Long history of behavioural disturbance |
| | s.109(1) | | 1y 6m | | | |
| | Use carriage service to threaten | | 1y 6m | | | |
| | s.93G(1)(a)(ii) | | 2y 3m | | | |
| | s.93GA(1) | | 3y 9m | | | |
| | Possess shortened firearm | | 1y 6m | | | |
| | Possess unauth firearm | | 9m | | | |
| | s.154C(2) | | 5y NPP 3y 9m | | | |
| | s.112(2) | | 6y NPP 4y 6m | | | |
| | Sched: 2 offences | | <u>Aggregate:</u> 22y NPP 16y 6m | | | |

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|---|--|-----------------------|--|---|-------------------------------|---|
| Rae (24) [2013] NSWCCA 9 | s.33A(1)(a) s.112(2) Possess proh firearm Possess ammunition | PG (25%) | 5y 7m 3y 9m NPP 2y 6m 2y 7m NPP 1y 11m Fine <u>Aggregate:</u> 5y 7m NPP 4y | Crown AA 5y 7m 3y 9m NPP 2y 6m 2y 7m NPP 1y 11m Fine <u>Aggregate:</u> 7y 7m NPP 5y 5m | Record included violence | Broke into Veterinary practice with co-offender, stole large amount of medication and caused damage – in confrontation with male acquaintance threatened with pistol and shot victim in leg – firearm and ammunition found at offender's house Drug user |
| Tuala (35) [2015] NSWCCA 8 | 3 x s.33A(1)(a) Possess unreg firearm Possess proh firearm Sched: Possess unreg firearm | VG PG (10%) | 8y NPP 4y 3m FT 1y 1m 15d 2y 11m NPP 2y <u>Total:</u> 8y 7m NPP 4y 10m | Crown AD | Traffic and fraud offences | Approached victim outside TAFE and demanded repayment of debt to associate – fired three shots at victim striking in leg – in possession of shotgun and revolver |

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|--|---|-------------|--|--|-------------|--|
| Jeffree (42) [2017] NSWCCA 72 | s.33A(1)(b) s.93G(1)(b) AOABH Assault Recklessly damage prop s.166 Offences 4 x firearms offences | PG (25%) | 9y 3y 1y 6m 9m Fine (s.10A – no penalty) <u>Aggregate</u> 9y 9m NPP 5y | AD | | Argument with neighbour – went home and got pistol – fired shot at car where neighbour sitting – during struggle attempted to fire at neighbour – hit victim on head with butt of pistol causing injury and pointed gun at victim's father – damaged victim's car with sickle hook Spina bifida causing significant [physical difficulties – low intelligence – depression – out of character |
| Chaouk (23) [2017] NSWCCA 295 | s.33A(1)(a) s.98 s.97(2) s.97(2) | PG (15%) | 17y 10y 2m NPP 7y 3m 7y 3m 6y 9m <u>Aggregate:</u> 27y NPP 20y | AA 14y 6m 10y 2m 7y 3m 6y 9m <u>Aggregate</u> 20y NPP 14y | nil serious | SNPP 7 years Arrangements made for victims to meet offenders to discuss sale of mobile phone – at meeting entered car of three victims and threatened with small gun – obtained phone and money from one victim – held gun to head of second victim who had no money – third victim shot by offender three times – shot at nearby resident enquiring about shots causing paraplegia |
| DJ (16) [2017] NSWCCA 319 | s.33A(1)(a) s.166 offences 2 Firearms offences | PG | 3y 6m NPP 1y 6m FT 12m FT 6m <u>Total:</u> 4y NPP 2y | AD | nil | Involved in fight with victim with offender's brother and father – after victim struck father with metal pole retrieved rifle from home and shot victim in wrist Good character – remorse |

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|---|--|--------------------------------|--|--------|---|---|
| Calhoun (29) [2018] NSWCCA 150 | s.33A(1)(a) s.98 s.86(3) Sched: 6 offences | PG (50% plea and assist) | 7y NPP 5y 3m 6y NPP 4y 6m 6y <u>Aggregate:</u> 9y NPP 6y 9m | AD | extensive record for serious violence and firearms offences – breached parole | SNPP 9 years Approached victim leaving nightclub with co-offender – victim shot in ankle and torso – aware firearm loaded and could be used – degree of planning (s.98 offence) – on another occasion organised co-offenders to confront second victim at pub – believed victim reneged on deal – victim shot in leg, detained in car and threatened - \$2000 stolen – principal offender |

Last Updated: 4.4.2019