

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
1.	Akkawi (23) [2012] NSWCCA 11 [2013] NSWCCA 72	s.33A(1)(a) s.86(2)(a) s.86(2)(a) Sched: 2 x rob in company	PG (15%)	6y 9m 18d NPP 4y 28d 6y 9m 16d NPP 4y 28d 5y 11m 12d NPP 3y 6m 25d <u>Aggregate:</u> 10y 9m 16d NPP 8y 27d	AA 6y NPP 2y 9m 6y NPP 4y 5y 6m NPP 3y 3m <u>Aggregate:</u> 9y 3m NPP 6y	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

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
2.	Melbom (28) [2011] NSWCCA 22	s.33A(1)(a) s.109(1) Use carriage service to threaten s.93G(1)(a)(ii) s.93GA(1) Possess shortened firearm Possess unauth firearm s.154C(2) s.112(2) Sched: 2 offences	PG (25%)	15y NPP 9y 6m 1y 6m 1y 6m 2y 3m 3y 9m 1y 6m 9m 5y NPP 3y 9m 6y NPP 4y 6m <u>Aggregate:</u> 22y NPP 16y 6m	AD	Record includes offences of violence – breached parole	Heated 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

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
3.	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
4.	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

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
5.	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
6.	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
7.	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

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
8.	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
9.	Hesketh [2021] NSWCCA 262	s.33A(1)(a) s.35(4) – reckless wounding	PG (25%)	<u>Indicative:</u> 10y NPP 7y 3y <u>Aggregate:</u> 11y NPP 7y 6m	AD		SNPP 9 years While sitting in car with two males had argument with victim standing at car window – pointed illegal shortened firearm at victim – chased fleeing victim and shot him in buttocks – under influence of ice – offence committed in victim's driveway - slightly below mid-range On appeal: lengthy consideration of principle of double punishment
10.	<i>Chandler</i> (21) [2022] NSWCCA 124	s.33A(1)(a) s.166 Certificate: possess ammunition	PG (5%)	6y 7m NPP 4y 3m No penalty imposed: s.10 CSPA	AD	Yes but no details	SNPP 9 years Committed offence in company with co-offender – believed victim had taken / stolen money from offender - arranged fight with victim to settle dispute – co-offender lured victim to place where offender waited in bushes - shot victim in leg CCA: No disparity with co-offender.

Last Updated: June 2022

This table is intended to be used as a guide only. Individual cases should be read if they are to be relied upon.