

## Solicit / Conspire to Murder

### s.26 (NSW) *Crimes Act*

s 26    conspires and agrees to murder any person, or  
solicits, encourages, persuades, or endeavours to persuade, or proposes to, any person to commit any such murder

**Max 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	FACTS
1.	<b>Wright</b> (34) NSWCCA 8.7.1997	Solicit	VG	MT 3y AT 1y	Crown AD		Fell out with neighbour over cannabis plantation – victim threatened offender's wife and children – arranged killing – sought to terminate agreement – neighbour stabbed to death – paid balance of money because feared harm to family Young children – impressive work history
2.	<b>Lewis</b> (36) (1998) 100 A Crim R 361	2 x Solicit	PG	MT 10y AT 5y	AD	Nil – breached AVO and bail	Charged with sexual assault on foster sisters – made arrangements to have sister and her de facto killed to prevent her giving evidence at trial
3.	<b>Azzopardi</b> (56) NSWCCA 1.10.1998	Solicit	VG	MT 15y AT 5y	AA MT 12y 9m AT 4y 3m	Nil	Arranged to have male shot – provided gun – shooting caused paraplegia Suffering life threatening illness – unlikely to re-offend
4.	<b>Ay</b> NSWCCA 30.10.1998	Solicit	VG	MT 7y 4m AT 2y 5m	AA MT 5y 3m AT 1y 9m	Criminal record	Offered friend \$20,000 to kill ex-wife – financial difficulties – never provided details to facilitate murder – never gave final authorization Mentally unwell – 2m 13d PSC
5.	<b>Bednarz</b> (58) <a href="#">[2000] NSWCCA 533</a>	Solicit	PG	6y NPP 3y	AA 5y NPP 2y	Nil	Arranged to have second husband killed – marital disharmony - agreed to pay \$10,000 – provided details and involved in preparation – threatened harm if killing not completed – dedicated and serious approach Severe depressive state – paranoid delusions believing husband seeking to harm her – fulltime carer for severely disabled son

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6.	<b>Qutami</b> (48) (2001) 127 A Crim R 369 <a href="#">[2001] NSWCCA 353</a>	Solicit	PG	5y NPP 18m	Crown AA 5y NPP 3y	Nil	Jordanian orthodox Christian made inquiries about having niece killed – family angered by relationship with Muslim boyfriend – intense family pressure on niece Medical condition – unlikely to re-offend
7.	<b>Glover</b> <a href="#">[2003] NSWCCA 414</a>	Solicit	PG (20%)	4y NPP 20m	AD		Made inquiries into killing husband – history of domestic violence over several years – intention wavered Two young children – poor physical health
8.	<b>Potier</b> (50) <a href="#">[2004] NSWCCA 136</a>	Solicit  Solicit	VG	6y 8m NPP 5y  6y 8m NPP 5y (concurrent)	Crown AA 6y 8m NPP 5y  6y 8m NPP 4y 3m  Total: 8y 8m NPP 6y 3m	Nil	Arranged for killing of ex-partner and her new boyfriend – recruited undercover police officer – genuine but mistaken concern for safety of daughter Degree of depression – background of family dispute
9.	<b>Stockdale</b> (51) (2004) 142 A Crim R 448 <a href="#">[2004] NSWCCA 1</a>	Solicit	PG (25%)	6y NPP 3y 9m	AD	Nil relevant	Arranged with undercover police officer to have boyfriend of ex-girlfriend killed for \$5,000 – supplied details Genuine remorse – protective custody after stabbed in stomach in gaol – married with children
10.	<b>Benitez</b> (37-38) (2006) 160 A Crim R 166 <a href="#">[2006] NSWCCA 21</a>	Solicit  Solicit	PG (25%)	11y NPP 6y  11y NPP 6y  Total: 13y NPP 7y	AA 10y NPP 5y 6m  10y NPP 5y 6m (concurrent)		<b>SNPP 10 years</b> Arranged killing of ex-wife and partner – paid \$2,500 and agreed to pay \$20,000 – given encouragement by ‘hit man’ – greater than mid-range of seriousness Good character – depressed over marital break-up – obsessed with children

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11.	<b>Bou-Antoun</b> (48) <a href="#">[2008] NSWCCA 1</a>  Co-offender: BOU-ANTON	Solicit	PG (10%)	14y NPP 10y	AD	Minor – irrelevant	<b>SNPP 10 years</b> Son was charged with aggravated sexual assault of a 16y - see below – while on remand son made enquiries of cell-mate about having victim killed so she could not give evidence - undercover police officer agreed to killing for \$23 000 – Offender agreed to fund murder and paid “deposit” of \$3000 to undercover police officer – aware son wanted victim to suffer before her death.
12.	<b>Lomax</b> <a href="#">[2009] NSWCCA 53</a>	Solicit  Sched: Acc before fact malicious damage by fire	PG (on appeal 32.5% - plea and assist)	5y 9m NPP 3y 6m	Crown AA 6y 9m NPP 4y 1m		<b>SNPP 10 years</b> Worked as middleman for BM who owned a business – BM wished to damage competing business owned by victim – offender hired C to murder victim and set fire to victim’s business premises. Failed to fulfil undertaking to provide future assistance to authorities in prosecution against BM.
13.	<b>Louizos</b> (45) (2009) 194 A Crim R 223 <a href="#">[2009] NSWCCA 71</a>  <a href="#">[2014] NSWCCA 242</a>	Solicit	VG	10y NPP 6y	Crown AA 13y 6m NPP 10y  AA (Muldrock appeal) 12y NPP 8y	Nil	<b>SNPP 10 years</b> Female offender - arranged to have ex-husband shot while he was leaving for work – car driven off and burned – suffered serious injuries – shooting arranged by caretaker at caravan park owned by offender and husband – provided information and promised money – motive unclear – above mid-range seriousness Prior good character
14.	<b>Butcher</b> <a href="#">[2010] NSWCCA 281</a>	Solicit	VG	9y NPP 5y 6m	Conviction AD		<b>SNPP 10 years</b> Solicited to have wife killed so could marry lover without losing children and money – provided keys to house and other equipment including a knife and suggested drowning or killing her and he would bury body – offered \$5000 – subsequently changed mind
15.	<b>Perish</b> (41) <a href="#">[2012] NSWSC 355</a> Price J  <a href="#">[2016] NSWCCA 89</a>	Conspire	VG	12y NPP 9y	Conviction AD	Attempt dissuade witness from giving evidence; drug offence; stalking	(2001) victim killed and body dismembered - offenders believed victim killed grandparents of Perish brothers and was police informer against Motorcycle Club of which offender had been a member - recruited others to abduct victim in vehicle and bring to location where victim would be killed by offenders - victim died enroute in boot of car – took directions from brother – not involved in subsequent abduction and killing Motive to avenge grandparents' murders lessens need for personal deterrence & protection of community Co-offenders Perish and Lawton sentenced for murder

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16.	<b>Bou-Antoun</b> <a href="#">[2013] NSWCCA 305</a>  Co-offender: BOU-ANTON	Solicit  Agg sexual assault s.61J	PG (25%)	15y NPP 10y  FT 5y  Total: 19y NPP 14y	AD		<b>SNPP 10 years</b> Committed aggravated sexual assault upon complainant - while remanded in custody provided cellmate with information capable of identifying complainant for purpose of having her killed in exchange for \$23,000 - requested complainant be raped and be made to "feel lots of pain" before being shot dead - father provided down payment for killing to undercover police officer
17.	<b>Efthimiadis</b> <a href="#">[2013] NSWCCA 276</a>  <a href="#">[2016] NSWCCA 9</a>	Solicit	VG	13y 4m NPP 10y	AD  AD	violence, AR, drugs, assault.	<b>SNPP 10 years</b> Solicited to have ex-partner killed - domestic problems resulted in victim leaving relationship taking young son – entered negotiations with undercover police officer
18.	<b>Baker</b> (64) <a href="#">[2017] NSWCCA 233</a>  Co-offender: BAKER	Solicit  Solicit	PG (25%)	6y 9m NPP 4y  6y 9m NPP 4y  Total: 7y 6m NPP 4y 6m	Crown AA   Total: 9y 8m NPP 5y 10m		<b>SNPP 10 years</b> Female offender –offender’s male partner AB accused of sexual assault of 14y female – partner arranged for undercover police officer to murder victim and partner’s 14y son who made statement in support of victim – offender acted under direction of partner - met with 'hit man' four times giving him \$6000 and photos of victims Violent relationship with AB.
19.	<b>Caleo</b> (28 at offence – 55 at sentence) <a href="#">[2018] NSWSC 1127</a> RA Hulme J  <a href="#">[2021] NSWCCA 179</a>	Solicit	VG	12y NPP 9y	Conviction AD	minor	(1990) Arranged, facilitated and paid \$10,000 for killing of wife in staged break in at home – co-offender entered house through balcony left unlocked by offender and stabbed victim 23 times - had commenced affair with younger woman and sought to avoid property settlement – offence above mid-range Co-offender Afu sentenced for murder

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20.	<b>Jenkin (No 19)</b> (43) <a href="#">[2019] NSWSC 609</a> Hamill J	Conspiracy to murder  Manslaughter	VG	13y NPP 8y  12y NPP 9y  <u>Total:</u> 19y NPP 14y		Detain for advantage and robbery, firearms, assault – breached parole	<b>SNPP 10 years</b> Manslaughter: victim homeless alcoholic – recent history of violence and intimidation to obtain access to victim's bank accounts – detention of victim for several days – series of assaults during detention – assaults caused by frustration and temper – after death put body into surfboard bag and stowed in shared laundry - very serious instance of manslaughter due to financial motivation, period of detention, brutality, failure to obtain medical treatment Conspiracy to murder: instructed stepbrother to murder witness in homicide investigation –amateurish plan to give witness “hot shot” (overdose of heroin) - serious example of offence due to motivation to interfere with witness Institutionalised - limited periods has not been in gaol over last 26 years - risk of future violent offending significant
21.	<b>Baker</b> (35-6) <a href="#">[2019] NSWCCA 58</a>   Co-offender: BAKER	2 x Solicit  3 x s.66C(3)  4 firearms offences	PG (25% increased to 30% combined on appeal)	<u>Indicative</u> 10y 6m NPP 7y 5m  3y  3m – 1y 3m  <u>Aggregate:</u> 13y 9m NPP 9y 9m	Crown AA <u>Indicative</u> 11y 3m NPP 8y 5m  3y  3m – 1y 3m  <u>Aggregate:</u> 15y 3m NPP 11y 5m		<b>SNPP 10 years</b> Ongoing 'relationship' with 14y friend of son over 3 months – penile / vaginal intercourse without condom – after arrest for offences placed in custody – 14y son brought .22 calibre single shot bolt action rifle to police – indicated buried in backyard and permitted to use it by offender while camping – also gave information supporting victim of sexual offences – while in custody on remand offender sought to engage hitman to kill both victim and son – seeking to prevent them giving evidence – used ex-wife to further plans – persistent and serious attempt – initiator of offences – victims both children On appeal: found error in assessment of seriousness of solicit offences – well above mid-range
22.	<b>Romeo</b> (76) <a href="#">[2020] NSWCCA 221</a>	Solicit to murder	PG (25%)	9y 9m NPP 6y	AD	Contravene AVO, stalk/intimidate	<b>SNPP 10 years</b> Solicited friend K to murder ex-partner / wife following end of marriage – paid K \$30k - K never intended to carry out the task, planned to defraud Applicant, contacted police – offender met with K and undercover operative to further discuss plan, giving photo of ex-partner and dictated letter for her son. Hardworking, well-respected in community. CCA: consideration of other cases.

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23.	<b>Sales</b> (31 at offence / 56 at sentence) <a href="#">[2020] NSWSC 1183</a> Garling J	Murder  Solicit murder	PG (40% combined)	15y NPP 8y 6m  12y NPP 7y 2m  <u>Total:</u> 18y NPP 11y 6m		Recent lengthy sentences imposed for multiple sexual violence offences	(1995) Lured 54y male associate to bushland area promising search for buried money – victim dug deep hole – assaulted victim with baseball bat the choked him to death using bat – offence committed in presence of brother – body buried in hole and never recovered – planned offence – gratuitous cruelty – very serious example That evening solicited brother to kill offender’s ex-partner – threatened to kill brother – careful planning to set mental health defence for brother – charged with breach of AVO against victim – brother shot at victim with shortened firearm in foyer of courthouse causing serious injury – toward upper end of range Some remorse – some discount for voluntary admissions – background of sexual and physical violence and abuse Sentence imposed partially concurrent to very lengthy existing sentence for sexual offences

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