

Murder

Killing of Police Officer

Maximum Penalty: Life (s.19A (NSW) Crimes Act)

Mandatory Sentence of Life Imprisonment (s.19B(1) (NSW) Crimes Act) - for offences committed on or after 23.6.2011

Mandatory life sentence if murder was committed:

- (a) while the police officer was executing his or her duty, or
- (b) as a consequence of, or in retaliation for, actions undertaken by that or any other police officer in the execution of his or her duty, and if person:
- (c) knew or ought reasonably to have known that the person killed was a police officer, and
- (d) intended to kill the police officer or was engaged in criminal activity that risked serious harm to police officers.

(3) Does not apply where:

- (a) person was under the age of 18 years, or
- (b) person had significant cognitive impairment

Standard non-parole period (offences committed on or after 1.2.2003)

25 years

	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT AND SUMMARY
1.	ADAM (33) [1999] NSWSC 144 Wood CJ at CL (1999) 47 NSWLR 267 [1999] NSWCCA 197	VG	MT 21y AT 7y	AD	AOABH	stabbing / assault joint criminal enterprise	Group bashing of off duty police officer outside hotel.

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)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT AND SUMMARY
2.	HEARNE (19) [1999] NSWSC 605 Wood CJ at CL (2001) 124 A Crim R 451 [2001] NSWCCA 37	PG Murder Mal wound W/I to do GBH	MT 20y AT 7y FT 6y (concurrent)	AA 18y NPP 13y FT 6y <u>Total:</u> 21y NPP 16y	insignificant	stabbing intent GBH	Stabbed two off-duty police after offering them illegal drugs and they asked for identification - seeking to prevent apprehension - impulsive - not aware police officers. Remorse - surrendered self to police - youth.
3.	HOLTON (25) [2002] NSWSC 775 Davidson AJ [2004] NSWCCA 214	VG Murder Sched: 5 lesser offences	16y NPP 12y	Crown AD	extensive, although nothing as serious	driving reckless indifference	While driving stolen vehicle passenger committed bag snatch - subsequently became involved in high speed police pursuit - struck police officer attempting to stop car by placing road spikes and stick on road Troubled childhood - sexually assaulted – remorse
4.	PENISINI (24) [2003] NSWSC 892 Wood CJ at CL [2004] NSWCCA 339	PG Murder Unauth use of firearm Car jacking	34y NPP 23y FT 5y FT 6y <u>Total:</u> 36y NPP 25y	Crown AD	Serious violent offences – breached parole	Shooting Intent to kill	Deliberate shooting of police officer during attempt to apprehend stolen car containing four offenders – fired five shots through driver window of police car – attempted to take second car at gunpoint to facilitate escape – no premeditation or planning Tongan – genuine remorse – element of dangerousness to community Co-offenders M and J Taufahema sentenced for manslaughter
5.	JACOBS (No.9) (49) [2013] NSWSC 1470 Button J	VG	Life		Lengthy - driving, multiple AR.	Shooting Intent to kill	SNPP 25 years Shooting of police officer – victim followed offender in police vehicle suspecting offender driving disqualified – both stopped then offender shot victim in chest at close range (3 metres) – motive unable to be determined. Drug abuse – learning difficulties as child. All conditions for mandatory life sentence under s.19B met including intent to kill

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	NAME (age if known)	PLEA	SENTENCE	APPEAL	RECORD	HOW KILLED	INVOLVEMENT AND SUMMARY
6.	M BARBIERI (19) [2014] NSWSC 1808 Hulme J [2016] NSWCCA 295	PG (15% on appeal) Sched: 4 offences	35y NPP 26y	AA 21y 3m NPP 15y	nil	Stabbing Intent to Kill	SNPP 25 years Male lived with mother on rural property - relationship with neighbour became antagonistic – fired crossbow at workers on neighbour's property – siege developed between police and offender and mother – attacked police with knife and sledgehammer – police officer fatally stabbed - mother was dominant offender Mother pleaded guilty to manslaughter Mother suffered serious mental illness causing paranoia and social isolation for both offenders – offender also developed serious mental illness - mandatory life sentence does not apply because of serious cognitive impairment

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