

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.	Wright (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.	Lewis (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.	Azzopardi (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.	Ay 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.	Bednarz (58) [2000] NSWCCA 533	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.	Qutami (48) (2001) 127 A Crim R 369 [2001] NSWCCA 353	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.	Hamzy (19) [2002] NSWSC 128 Bell J [2004] NSWCCA 243	Murder Mal wound w/i GBH Mal discharge weapon w/i Threaten to use weapon Conspiracy to murder Sched: 3 offences	VG	21y NPP 15y 9m FT 5y FT 3y FT 3y 12y NPP 6y <u>Total:</u> 27y 9m NPP 21y 9m	AD	Sentence imposed partially cumulative to sentence for unrelated drug offences committed between commission of murder and arrest	Fired at group of men involved in disturbance outside nightclub - deliberately fired while victim on ground - no premeditation but went to nightclub armed with gun - shot at other men and pointed weapon at police attempting to apprehend - left country – while in custody on remand attempted to arrange murder of Crown witness. Disturbed childhood - exposed to serious criminal activity of father at early age - heavy drug use - totality
8.	Glover [2003] NSWCCA 414	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
9.	Potier (50) [2004] NSWCCA 136	Solicit Solicit	VG	6y 8m NPP 5y 6y 8m NPP 5y (concurrent)	Crown AA 6y 8m NPP 5y 6y 8m NPP 4y 3m <u>Total:</u> 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

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10.	Stockdale (51) (2004) 142 A Crim R 448 [2004] NSWCCA 1	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
11.	Benitez (37-38) (2006) 160 A Crim R 166 [2006] NSWCCA 21	Solicit Solicit	PG (25%)	11y NPP 6y 11y NPP 6y <u>Total:</u> 13y NPP 7y	AA 10y NPP 5y 6m 10y NPP 5y 6m (concurrent)		SNPP 10 years 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
12.	Bou-Antoun (48) [2008] NSWCCA 1 Co-offender: BOU-ANTON	Solicit	PG (10%)	14y NPP 10y	AD	Minor – irrelevant	SNPP 10 years 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.
13.	Lindstrom (22) [2008] NSWSC 198 Rothman J [2008] NSWCCA 160	Solicit Sched: Solicit	PG (combined 60%)	3y 10m NPP 2y	Crown AA 4y 9m NPP 3y	nil record	SNPP 10 years Female - approached undercover police officer to solicit murder of two proposed witnesses for trial against boyfriend – acted at bequest of boyfriend over several months – reluctant – initially unaware of plan to murder – acting under manipulation and duress due to psychological and emotional state – would receive no benefit - aggravated by intention to interfere with administration of justice Born in Sweden – remorse – successful rehabilitation – exceptional assistance resulting in death threats and extraordinary conditions of custody On appeal: manifestly inadequate

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14.	Lomax [2009] NSWCCA 53	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		SNPP 10 years 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.
15.	Louizos (45) (2009) 194 A Crim R 223 [2009] NSWCCA 71 [2014] NSWCCA 242	Solicit	VG	10y NPP 6y	Crown AA 13y 6m NPP 10y AA (Muldrock appeal) 12y NPP 8y	Nil	SNPP 10 years 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
16.	Butcher [2010] NSWCCA 281	Solicit	VG	9y NPP 5y 6m	Conviction AD		SNPP 10 years 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
17.	Perish (41) [2012] NSWSC 355 Price J [2016] NSWCCA 89	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
18.	Bou-Antoun [2013] NSWCCA 305 Co-offender: BOU-ANTON	Solicit Agg sexual assault s.61J	PG (25%)	15y NPP 10y FT 5y Total: 19y NPP 14y	AD		SNPP 10 years 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

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19.	Efthimiadis [2013] NSWCCA 276 [2016] NSWCCA 9	Solicit	VG	13y 4m NPP 10y	AD AD	violence, AR, drugs, assault.	SNPP 10 years Solicited to have ex-partner killed - domestic problems resulted in victim leaving relationship taking young son – entered negotiations with undercover police officer
20.	Baker (64) [2017] NSWCCA 233 Co-offender: BAKER	Solicit Solicit	PG (25%)	6y 9m NPP 4y 6y 9m NPP 4y <u>Total:</u> 7y 6m NPP 4y 6m	Crown AA <u>Total:</u> 9y 8m NPP 5y 10m		SNPP 10 years 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.
21.	Caleo (28 at offence – 55 at sentence) [2018] NSWSC 1127 RA Hulme J [2021] NSWCCA 179	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
22.	Jenkin (No 19) (43) [2019] NSWSC 609 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	SNPP 10 years 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

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23.	Baker (35-6) [2019] NSWCCA 58 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		SNPP 10 years 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
24.	Romeo (76) [2020] NSWCCA 221	Solicit to murder	PG (25%)	9y 9m NPP 6y	AD	Contravene AVO, stalk/intimidate	SNPP 10 years 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.
25.	Sales (31 at offence / 56 at sentence) [2020] NSWSC 1183 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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Last updated: Aug 2021

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