The “Cheese Ball” Killer – The Car as a Murder Weapon

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“Before you embark on a journey of revenge, dig two graves.”
~ Confusius, China’s most famous Teacher, Philosopher and Political theorist (551 – 479 BC)

Background
The incidence of violent crime in the community is an issue of on-going concern, particularly in cases of murder and manslaughter. The weapons and methods used in the commission of murder in Australia have remained relatively unchanged over the years. The most common types of weapons used in murder (homicide) are generally weapons of opportunity, such as knives or sharp instruments and hands/feet, with a firearm becoming the third most common weapon for male victims/perpetrators. Other methods included blunt instruments, fire, hanging or strangulation. The use of an automobile as a murder weapon is quite rare.

Aims
To present a case where an automobile was used as a murder weapon. This case was unusual as the series of events which unfolded were captured on a closed-circuit television (CCTV) camera.

Methods
This case was drawn from our day to day forensic casework. The CCTV footage derived from the crime scene was converted to real time and 'burnt' to a DVD. Blood samples were taken from both the victim (at post-mortem) and the female perpetrator of the crime when she was taken into Police custody. These blood samples were then analysed by a NATA accredited laboratory.

Results
Both the victim and the perpetrator presented high range readings for alcohol. However, the perpetrator also had other drugs in her system namely, cannabis, diazepam and 'ecstasy' (3,4-methylenedioxymethylamphetamine). Also, the CCTV footage proved to be useful evidence as it clearly showed intent by the female perpetrator.

Discussion and conclusions
The victim, an intoxicated young man in a boisterous gesture, threw some cheese balls into the young woman's motor vehicle. In a fit of rage, the perpetrator whilst intoxicated with cannabis, 'ecstasy' and alcohol, sought the ultimate revenge and used her motor vehicle to end the young man's life.

Introduction/background
The victim, Eli, a young man of 21 years was drinking and socialising with friends at home on the night of the 6 June, 2008. Around 2.30 am the next morning they
attended a tavern where they continued drinking. They were walking home just after 4 am when they went into a store where his older brother purchased a packet of cheese and bacon balls.

On that same night the female perpetrator, Sarah, was drinking with friends. She consumed a bottle of wine, smoked two cones of cannabis and took four 5 mg tablets of Valium (her regular dose was only 2 tablets) at home. Around 11 pm she attended a bar where she took an “ecstasy” tablet washed down with a glass of wine. She then returned home with friends and consumed another bottle of wine before getting in her car with a friend around 4 am allegedly intending to go to a shop to buy cigarettes.

Around 4.20 am Sarah was driving down a street when she encountered the victim and his friends. The victim in a playful mood, threw some cheese balls into the air and shouted “happy honeymoon!” and the couple in the car. Some of the cheeses balls landed onto the car. Sarah got out and appeared “very aggressive” and she tried to kick and punch one of the males in the group who cried out “Settle down, it’s just chips. What are you doing?” The group thinking that was the end of the matter walked down an alleyway away from the vehicle.

Sarah got back in her car, sat in the seat and said to her passenger “I have had enough of these guys” and then she accelerated the vehicle into the alley. She drove towards the group hitting the victim Eli on the legs and he tried to get out of the way. He limped away. One of the males in the group yelled “Run, let’s get out of here. This is crazy” and they hid behind some industrial skip bins. Sarah then reversed, turned off the car’s lights and waited. After a short time the victim and his friends, thinking the danger was over, emerged and were greeted by the headlights on high beam and the car lunging forward at them. The car drove onto the kerb colliding with one of the males who fortunately only suffered minor injuries but the victim was not so lucky and he was knocked down and pinned under the car as it then careered down some stairs at the entrance to a gym. Sarah’s friend left the vehicle and ran off however she remained at the scene. Police and ambulance officers attending did not realise for some time the victim was still under the car.

**Blood and Breath Results**

Sarah was breath tested at the scene on a screening device indicated a positive result (0.196 g/100ml). She underwent a breath analysis at a later time indicating the equivalent of a blood alcohol concentration of 0.145 g/100ml of blood. She was later taken to a hospital where a blood sample was also taken at 6.30 am. The results are indicated in Table 1.

**Table 1: Blood results for the driver.**

<table>
<thead>
<tr>
<th>drug detected</th>
<th>concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>0.140 g/100ml</td>
</tr>
<tr>
<td>3,4 methylenedioxymethylamphetamine</td>
<td>0.07 mg/L</td>
</tr>
<tr>
<td>delta-9-tetrahydrocannabinol</td>
<td>0.005 mg/L</td>
</tr>
<tr>
<td>delta-9-THC acid</td>
<td>0.023 mg/L</td>
</tr>
<tr>
<td>diazepam</td>
<td>0.22 mg/L</td>
</tr>
</tbody>
</table>
The perpetrator’s BAC was estimated by Dr Allender to have been most likely to be 0.171 g/100ml at the time of the incident. An expert called by the defence estimated her BAC at the time of the incident to have been most likely 0.176 g/100ml.

The victim, Eli, suffered multiple injuries including severe head injuries. The victim’s post mortem sample results are indicated in Table 2.

**Table 2 : Post mortem sample results for the victim**

<table>
<thead>
<tr>
<th>sample type</th>
<th>drug and concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>blood (femoral, preserved)</td>
<td>alcohol 0.186 g/100ml</td>
</tr>
<tr>
<td>urine</td>
<td>alcohol 0.242 g/100ml</td>
</tr>
<tr>
<td>vitreous humour (preserved)</td>
<td>alcohol 0.219 g/100ml</td>
</tr>
</tbody>
</table>

No other drugs were detected in the victim.

**Discussion and Conclusions**

The perpetrator, Sarah, underwent an electronically recorded video/audio interview. She stated that she consumed a bottle of wine at home, a glass of wine at a bar and then another bottle of wine at home. She also stated she took an ecstasy tablet, smoked some cannabis and took some Valium (diazepam). She stated she often binge drinks and can get “emotional and fight” after consuming alcohol. She stated that when she and her friend went to the shop to get cigarettes the group of males near the shop were fighting and she tried to drive away in panic. She also stated her passenger had grabbed the steering wheel causing her vehicle to collide with one of the males on the road.

Sarah seemed unable to provide a satisfactory explanation as to how the vehicle ended up in the street where the incident took place.

The CCTV footage became a major factor in the trial. The defence alleged Sarah was highly intoxicated, she had difficulty reversing and accelerated in a state of panic and the passenger pulled the steering wheel. However the CCTV footage showed the vehicle “stalking” the group of males, including the victim, then driving towards the group, up onto the footpath, hitting the victim, reversing and then driving onto the footpath again towards the victim.

The jury, by majority verdict, found the driver Sarah guilty of murder and she was sentenced to a maximum of 25 years gaol with a non-parole of 20 years.

The Judge in summing up stated:

“I have no doubt that she waited on the street until the deceased ventured out of hiding”
“She was aware that, when affected by alcohol, she acted impulsively, toward things that irritated her… and that it was a senseless act of anger.”

He continued “She clearly wanted to teach the young man a lesson.” “It was an intention to inflict very serious injury and the risk of death was very high.”

A young life snuffed out in “...a senseless act of anger.”

Acknowledgments
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