

	NAME (age if known)	OFFENCE	CIRCUMSTANCE OF AGGRAVATION	PLEA	SENTENCE	APPEAL	RECORD	FACTS
4.	Labrooy [2004] NSWCCA 371	s.111(2) (AOABH) Mal Wound	Knowing person present	PG (20%)	4y NPP 2y 3y NPP 12m Total 5y NPP 3y	AA 3y NPP 18m 3y NPP 12m Total 4y NPP 2y	Nil	Broke into unit where ex-girlfriend was staying – attempted to choke male victim with whom ex-girlfriend was sleeping – during struggle bit victim’s ear tearing away part of it. Prior good character – depression.
5.	Mitropoulos (31) [2004] NSWCCA 402	s.111(2) (AOABH)	Armed with offensive weapon	VG	5y NPP 3y	AD	Assault	Went to ex-girlfriend’s house – Hit male victim with closed fist and cricket bat.
6.	Murphy (49) [2005] NSWCCA 182	s.111(2) (AOABH)	Corporal violence	PG (over 10% on appeal)	4y 6m NPP 3y 3m	AA 2y 8m NPP 2y	Lengthy including robbery, assault	Entered neighbours’ home believing they had taken his watch – Struck male victim causing injury to mouth, left eye and forehead.
7.	Little (28) [2009] NSWCCA 113	s.111(2) (intimidation) s.86(1)(b) s.61		PG	2y 6m NPP 12m (other sentences concurrent)	AD		Entered ex-girlfriend’s premises – slapped her across face - bound her hands with cable ties – attempted to tape mouth – left after cutting ties
8.	Ruttley (19) [2010] NSWCCA 118	s.111(2) (AOABH) AOABH	In company	PG (25%)	4y NPP 2y 6m FT 2y (concurrent)	AA 3y NPP 16m FT 16m (concurrent)	Drive unlicensed	With juvenile cousin entered house of 35y intellectually disabled man – dragged him out of bed and kicked and punched him – house ransacked Voluntarily reported assault to police – Aboriginal male with childhood marked by poverty – low intelligence – parity to sentence imposed on younger offender charged with more serious offence
9.	Dyer [24] [2011] NSWCCA 185	s.111(2) (AOABH) Sched: AOABH	In company	PG (10%)	4y 6m NPP 3y 4m	AD	Lengthy record in including assault on victim	Threatened victim when sentenced to 6m imprisonment for assault on victim – 2 weeks after release entered home of victim with two others – assaulted sleeping victim with golf club – punched and kicked victim

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10.	Kennedy [2013] NSWCCA 19	s.111(2) (intimidation) Rob in Co s.166 Certificate: Intimidate	In company	PG (25%)	3y NPP 20m FT 12m FT 15m (concurrent)	AA 2y 9m NPP 18m FT 12m FT 15m (concurrent)	Record	Victims answered door to two men – occupants threatened with knife and scissors over extended period – forced to hand over money – co-offender gave back \$50 when asked by offender Deprived childhood – very low intelligence – mental disorders
11.	Pleace [2017] NSWCCA 112	s.111(2) (intimidation) AOABH		PG	<u>Indicative</u> 4y 6m 18m <u>Aggregate</u> 5y NPP 3y	AD	Substantial	Forced entry into home of victim's girlfriend – threatened male victim with crow bar and struck him on arm – victim was client of offender's girlfriend who was a prostitute Suffering psychosis secondary to schizophrenia
12.	Dixon (44) [2019] NSWCCA 85	s.111(2) (larceny) Sched: Intimidate	Knowing person present	PG (10%)	4y 11m NPP 3y 2m	AA 4y NPP 2y 6m	lengthy – breached parole	Entered garage through half opened roller door armed with metal tyre socket – left almost immediately followed by male victim armed with baseball bat – walked off down street once disarmed by victim and neighbour – between bottom and mid-range Aboriginal male with distressing background – instability – physical and sexual abuse – poverty – foster care- drug abuse – no work experience – much time in custody – risk of institutionalisation
13.	Bolin [2020] NSWCCA 332	s.111(2) (intimidate) Intimidation Contravene AVO		PG (25%)	<u>Indicative:</u> 3y 2y 3m 6m <u>Aggregate:</u> 4y 6m NPP 2y 3m	AA <u>Indicative:</u> 3y 2y 3m 6m <u>Aggregate:</u> 3y 3m NPP 2y	Breached bail - record for similar offences	After argument on phone attended home of ex-partner – yelled and spat at victim and made threatening and degrading comments – victim cut hair and arm in response – next morning abuse continued and victim stabbed herself in head to stop intimidation – intimidation offence above mid-range – other offences between mid and low range Dysfunctional childhood – early drug use – bipolar disorder – genuine remorse – prospects of rehabilitation quite good

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14.	Parker (37) [2021] NSWCCA 102	s.111(2) Assault: s.61 Pervert course of justice: s.319 s.166 Certificate: Contravene ADVO		PG (10%; 25%)	<u>Indicative:</u> 2y 3m 10m 2y 7m 10m <u>Aggregate:</u> 3y 7m NPP 2y 5m	AD	Lengthy. Numerous breach ADVO, domestic violence. On bail.	Offences committed in context of domestic violence - entered home of ex-girlfriend partner – physical altercation with her male friend – wrote to victim asking to keep her male friend from attending court; called victim asking she not attend court. Just below mid-range of objective seriousness. Substance use disorders - borderline personality traits – special circumstances: need for supervision for substance abuse.
15.	Nguyen (mid-20s) [2021] NSWCCA 118	s.111(2) Steal from dwelling: s.48 Intimidate s.166 Certificate: 2 x Dishonestly obtain by deception Sched: 3 offences	Knowing person present		<u>Indicative</u> 3y 9m 1y 6m 1y 1y 6m <u>Aggregate:</u> 7y NPP 4y 11m	AD	Domestic violence against same victim, property damage, larceny	Offences in context of domestic violence relationship – separated from partner (victim) who was pregnant with offender's child – broke into victim's home – damaged and took items - in text messages twice threatened to kill victim, threatened with violent sexual assault and removal of her newborn baby. Offences not isolated, pre-meditated. Substance abuse – ADHD.

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16.	Vinaisi [2021] NSWCCA 134	s.111(2) Sched: Steal property from dwelling Obtain financial adv by deception	Three people involved	PG (5%)	2y 10m NPP 1y 9m	AD	Lengthy – dishonesty and violence – breached parole	Entered home through front door with two co-offender in early hours of morning – ransacked rooms – when sleeping male occupant awoke threatened by one of the offenders – in house for 15 mins – property stolen – stolen key card used to make purchases – just below mid-level – not sophisticated but some degree of planning <i>Bugmy</i> hardship – poor education – early drug use – risk of institutionalisation – limited cognition – poor prospects of rehabilitation and not re-offending On appeal rejected argument that SJ should have considered pattern of recidivism and increased proportion of parole period
17.	Saraya [2021] NSWCCA 139	s.111(2) AOABH: s.59 Sched: 2 offences	Armed with offensive weapon	PG (25%)	<u>Indicative</u> 6y 2y 3m <u>Aggregate</u> 7y NPP 5y 3m	AD	Drug supply, armed robbery	With co-offender – both armed with knives entered home – threatened female occupants with knives – punched male victim – took handbag containing ATM card – withdrew cash from ATM. Impulsive aggression, untreated ADHD- early substance abuse.
18.	Nykolyn [2021] NSWCCA 312	s.111(2) Larceny: s.117		PG	<u>Indicative</u> 2y 9m 15m <u>Aggregate</u> 3y 1m NPP 2y 3m	AD		Entered unit and took various items; handbag and contents; laptop computer; mobile phone.

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19.	Murdoch (20) [2023] NSWSC 786 Wright J Co-offenders: DJD (murder) SHILLINGSWORTH DPD EE	s.11(2)	In company	VG (see facts)	FT 3y		Limited	Acquitted of murder and armed robbery – convicted of s.111(2) as statutory alternative to s.111(3) Violent home invasion with four co-offenders – co-offender armed with knife - faces partially covered or disguised with mask – male occupant fatally stabbed – not established whether or not offender involved in attack – female occupant robbed and second female occupant threatened - no real evidence of planning attributable to offender – offence occurred in home of victim – lower end of mid-range Despite some incidents in custody some positive elements – good prospects rehabilitation – some remorse - youth
20.	DJD (17) [2023] NSWSC 1049 Co-offenders: MURDOCH (murder) SHILLINGSWORTH DPD EE	s.111(2)	In company	VG (see facts)	4y 10m NPP 2y 10m		Drug supply and possession, AOABH (DV), stalk/intimidate, reckless wounding, riot, damage property, assault police.	Acquitted of murder and armed robbery – convicted of s.111(2) as statutory alternative to s.111(3) With four co-offenders, violent home invasion – co-offender armed with knife - faces partially covered or disguised with mask – male victim stabbed to death / killed, not known whether or not offender physically involved in attack (co-offenders sentenced for murder) – female victim robbed – no real evidence of planning attributable to offender. Youth - deprived and difficult upbringing - significant mental health issues, schizophrenic – continued substance use - lack of remorse – prospects of rehabilitation – parity – totality – additional offences committed in custody – special circumstances.

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21.	Morris [2023] NSWCCA 228	s.111(2) s.59(2)	Knowing person present	PG (10%)	<u>Indicative:</u> 2y 12m <u>Aggregate:</u> 2y 4m NPP 18m	<u>Indicative:</u> 18m 9m <u>Aggregate:</u> 2y reduced by time served - 1y 2w by way of Intensive Corrections Order (ICO)		With co-offender, entered male victim's home – demanded to know where “stash” was – threatened to stab victim – victim went to get phone to call police – offender screamed at victim, hit twice, once to forehead and back of head – offender and victim previously friends, relationship broke down – drugs and alcohol - unprovoked violence. CCA: SJ erred in finding no evidence to support <i>Bugmy</i> background of deprivation - rehabilitation prospects improved.

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