

Specially Aggravated Enter and Commit Serious Indictable Offence

s.111(3) (NSW) Crimes Act

s.111 (1) enter dwelling-house with intent to commit serious indictable offence

(2) commit offence under subsection (1) in circumstances of aggravation

(3) commit offence under subsection (2) in circumstances of special aggravation

s.105A (1) circumstances of aggravation:

armed with an offensive weapon, or instrument,
in the company of another person or persons,
uses corporal violence on any person,
intentionally or recklessly inflicts actual bodily harm on any person,
deprives any person of his or her liberty,
knows that there is a person, or persons, in the dwelling house or building

s.105A (1) circumstances of special aggravation:

wounds or intentionally or recklessly inflicts grievous bodily harm on any person,
is armed with a dangerous weapon.

(amended on 21.6.2012)

intentionally wounds or intentionally inflicts GBH on any person
inflicts GBH on any person and is reckless as to causing ABH to any person
is armed with dangerous weapon

Maximum Penalty: 20 years

	NAME (age if known)	OFFENCE	CIRCUMSTANCE OF AGGRAVATION	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	Dawson (26) [2000] NSWCCA 433	s.111(3) (steal) 6 x s.178BA Sched: 10 x s.178BA Larceny	Wounds / inflicts GBH	PG	2y PD 12m PD (concurrent)	Crown AD	Drugs, property.	Entered male victim's home taking wallet – pushed victim to floor – struck victim and second victim with metal pipe when they attempted to prevent offender leaving – injuries to victims included lacerations to head and fractured arm and skull – used victims' credit cards: s.178BA offences Drug addiction.

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)	OFFENCE	CIRCUMSTANCE OF AGGRAVATION	PLEA	SENTENCE	APPEAL	RECORD	FACTS
2.	Hatch (26) [2006] NSWCCA 330	s.111(3) (AOABH)	Mal wound	PG	12m suspended sentence	Crown AD		Entered male victim's home - Struck victim with baseball bat following argument involving former partner.
3.	Blake (53) [2021] NSWCCA 258	s.111(3) 2 x s.86(1)(b) Use unauthorised firearm	Armed	PG (25%)	<u>Indicative:</u> 4y 3y 12m <u>Aggregate:</u> 5y NPP 3 y 4m	AD	Minor, historic.	Former partner living with new partner – entered their home with .22 calibre pump action rifle with intent to intimidate – both victims sleeping – woken and pointed rifle at both victims – terrifying experience, feared they might be shot and killed - detained for an hour or so - vulnerable because of isolated location. Consumed alcohol and valium at time of offences - major Depressive Disorder.
4.	Lloyd [2022] NSWCCA 18	s.111(3) Sched: Larceny	Wound	PG (25%)	8y NPP 5y	AA 5y 3m NPP 3y 3m	Lengthy.	Unlocked screen door whilst victim asleep – holding box-cutter blade, entered with four or five other males – hit victim to back of head, kicked to head when victim fell to ground – took mobile phone and other items. CCA: failure to properly consider <i>Bugmy</i> principles - deprived childhood a very substantial cause of chronic drug addiction and recidivism - risk of becoming institutionalised – substantial weight to rehabilitation.

Last updated: February 2022

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.