

Break, Enter and Steal

Multiple Offences

s.112(1) (NSW) Crimes Act

s.112 (1) (a) break and enter dwelling-house or building and commit serious indictable offence

(b) commit serious indictable offence in dwelling-house or building and break out

Maximum Penalty: 14 years

	NAME (age if known)	OFFENCE	PLEA	SENTENCE AT FIRST INSTANCE	RESULT ON APPEAL	SUMMARY OF RECORD	INVOLVEMENT & SUMMARY
1.	Granger NSWCCA 30.3.1998	2 x BES Sched: BES	PG	MT 26m 2w AT 9m 2w (+2m PSC)	AD	Prior convictions, including gaol for abduction - one offence committed on bail.	Broke into shops and stole property and money - damage done to stores - most property recovered Motivated by loan repayments.
2.	Polden (20)	3 x BES Sched: Mal Damage LMV	PG	MT 4y AT 3y	AA MT 1y 9m AT 2y 3m	Less serious – no gaol.	Male and female broke into Post Office and stole money and property - used oxyacetylene torch to open safe - both broke into residential property and stole \$44,000 worth of goods - P broke into shed on another occasion. P under the influence of M - motivated by desire to set up house and win custody of M's children.
	Mitchell (female) (25) NSWCCA 13.11.1998	2 x BES	PG	MT 3y AT 3y	MT 2y AT 2y	Lengthy convictions for dishonesty offences.	
3.	Muir [1999] NSWCCA 71	8 x BES BE/I	PG	MT 4y AT 16m	AD Sentence severe but within discretion.	Priors for similar offences.	Comparatively young male committed offences around time being sentenced for similar offences - total property value \$114,000.
4.	Maxwell (21) [1999] NSWCCA 298	4 x BES Sched: 20 offences	PG	MT 2y 3m AT 1y 9m	AD	Juvenile record for dishonesty and drug offences.	Male and co-offender broke into commercial and residential premises - \$59,000 property stolen - \$17,500 recovered.

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5.	Garland (22) [1999] NSWCCA 410	BES BE w/ I Sched: SMV Unlicensed driver	VG	MT 2y AT 18m (cumulative to existing sentence)	AA MT 18m AT 2y (to take into account existing sentence)	Criminal history for dishonesty and drug offences	Broke into business premises and attempted to break open safe - stole cash, tobacco and cigarettes - later broke into another business premises but could find nothing of value to steal. Young man with prospects of rehabilitation.
6.	Scott (24) [1999] NSWCCA 434	3 x BES	2 x VG PG	MT 3y 9m AT 2y	AD	Very bad record - 2 offences committed on bail.	Male broke into three premises over 18 months.
7.	Johnson (26) [1999] NSWCCA 431	7 x BES Sched: 12 x BES 2 x BE/I 5 other offences	PG	MT 3y AT 3y	AD	Extensive criminal record including gaol for BES offences.	Little factual detail Sad and dysfunctional personal and family background
8.	Ponfield (28) [1999] NSWCCA 422	3 x BES Sched: Possess CBI FTA	PG	18m GBB 500h CSO	Crown AA MT 6m AT 18m	Priors for BES and other offences - later offence committed on bail	Male admitted breaking into two residential premises when found in car with stolen goods - some goods unrecovered and damage done to premises - admitted third offence one year later when found by police carrying stolen property in floral pillowcase. Good rehabilitation
9.	Shaw (23) (2001) 121 A Crim R 25 [2001] NSWCCA 44	3 x BES Sched: 3 offences	PG (25% on appeal)	MT 4y AT 1y 4m	AA 4y NPP 2y 6m	Serving parole at time of offences - lengthy record	Broke into residential properties and stole \$3,448 worth of property - arrested after high speed car chase as unlicensed driver. Father of two children - early plea and admissions - evidence of good prospects of rehabilitation.
10.	Johnston (25) [2001] NSWCCA 93	4 x BES Sched: 5 offences	PG	4y NPP 3y	AD	Lengthy criminal record	Stole property from houses - bored and needed money to finance addiction. Protection because of threats.
11.	Dunn (24-25) [2001] NSWCCA 134	5 x BES Sched: Stealing	Early PG	MT 2y AT 8m	AA 2y 8m NPP 20m	Offences committed while serving recognisance - lengthy record including BES	Broke into residential homes and stole property valued at over \$40,000 - damage done to homes. Long history of drug addiction NPP should be reduced to take into account existing sentence.

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12.	Pyrda (21) [2001] NSWCCA 230	3 x BES Sched: 8 matters (incl. 3 x BE with intent)	PG	3y NPP 16m	AA only to backdate sentence	Record for dishonesty - on parole when offences committed	Broke into 3 professional rooms and obtained \$140 cash. Failure to backdate.
13.	Watego [2001] NSWCCA 236	3 x BES Sched: 5 offences	PG (25%)	3y 9m NPP 2y 9m	AA 3y 9m NPP 2y	Long	Broke into 3 residential premises and stole electrical goods.
14.	Andreassen [33] [2001] NSWCCA 246	2 x BES	PG (25%)	3y 9m NPP 21m	AD	Lengthy record for dishonesty offences - on bond and bail at time of offences	Stole goods from two caravans. Itinerate lifestyle with significant drug and alcohol problems.
15.	Carter [27] [2001] NSWCCA 245	2 x BES	PG (25% on appeal)	5y NPP 3y	AA 4y NPP 2y 3m	Related to drug addiction	Broke into residential properties and stole goods - at second house struggled with occupant and attempted to escape. Protective custody - prospects of rehabilitation.
16.	Tarpey (20) [2001] NSWCCA 300	6 x BES Sched: 8 offences	PG (25%)	8y NPP 5y	AA 6y NPP 3y 9m	Previous record; heroin addiction	Broke into various premises stealing various property <i>Pearce</i> applied - youthful offender - multiple offences - reference to statistics
17.	Barakat (35) [2001] NSWCCA 366	4 x BES	PG	2y 7m 2w NPP 2y 3m	AD	Lengthy including similar offences	Broke into residential premises - no property recovered Unsatisfactory work record - Emotional instability and depression - Short parole period imposed to allow desired return to Lebanon.
18.	Ravet (29) [2001] NSWCCA 535	2 x BES BE w/ I	PG	2y NPP 12m 2y GBB	Crown AD (evidence of post- sentence rehabilitation)	Lengthy - on parole for robbery in company	Broke into shops outside trading hours - forced open security shutters. Some evidence of rehabilitation from drug abuse
19.	Vitsos (32) [2001] NSWCCA 528	5 x BES	PG	4y NPP 3y	AD	No real assistance although no real convictions since 1997	Broke into and ransacked residential properties - total value of stolen property \$28,370 Some evidence of rehabilitation from drug abuse
20.	Fitzgerald (26) [2002] NSWCCA 99	2 x BES Sched: 2 x Mal damage	PG (15%)	3y 4m NPP 2y 6m	AD	Lengthy record	Broke into clubs with co-offender - \$70,000 damage to property. Diabetic

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21.	Juricic (29) [2002] NSWCCA 170	4 x BES Sched: Possess prohibited drug	PG	3y NPP 2y 3m	AD	Prior record in NSW and Vic - Breached bail and bond	Broke into home of elderly lady while she was absent in hospital - also broke into motel, hotel and caravan park Erratic and tension filled childhood
22.	Bolter (21) [2002] NSWCCA 417	2 x BES	PG	4y NPP 3y	AD	Lengthy record - breached parole and bail	Female - found in separate residential premises on two occasions - stole money and jewellery
23.	Challis (23-25) [2003] NSWCCA 48	5 x BES Sched: 8 x BES	PG	6y NPP 4y 6m	AD	Breached parole, and 2 suspended sentences	Broke into commercial and office premises Little hope of rehabilitation
24.	O'Heir (18) [2003] NSWCCA 126	10 x BES Sched: 4 offences	PG	5y NPP 3y	AD	Breached parole and bail	Aboriginal male with extremely deprived and disadvantaged childhood – protective custody – drug dependent
25.	Clarke [2003] NSWCCA 184	2 x BES Sched: 9 offences	PG	3y NPP 2y	AD	Significant record	Broke into factory and stole property – took and used cheques – broke into student dwelling and stole property Fresh evidence as to developmental disability and mild mental retardation not significant
26.	Martin (19) [2003] NSWCCA 325	s.112(1) 2 x s.112(1) s.114(1)(d) Larceny	PG (25%)	3y NPP 12m FT 12m FT 12m FT 6m <u>Total:</u> 3y NPP 1y	AD		Entered property with co-offender and stole money – broke into house of 82y female and stole \$151,000 from safe – broke into service station and stole cigarettes and caryard and stole clothing and computer – cut motor from boat

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27.	Williams (32) [2004] NSWCCA 64	2 x BES s.113(1) s.113(2) Sched: 6 offences	PG (50% assist and plea)	s 11 Deferral sentence	AD	Extensive – stealing, drugs, dishonesty.	Broke into premises stealing office equipment to value of \$15k and \$1,300. Serious drug problem – advised would receive custodial sentence at conclusion of deferral period.
28.	MJM (24) [2004] NSWCCA 66	s.114(1)(d) s.112(1) 2 x s.112(1) s.112(1) 2 x s.112(1) 2 x s.112(1) s.112(1) s.33B(a)	PG (15%)	FT 9m 5y NPP 3y FT 3y FT 2y FT 18m FT 9m FT 6m FT 3y <u>Total:</u> 6y NPP 4y	AD	Habitual offender	All offences committed in 1995 on same day – broke into residential properties and stole property – s.114 offence committed when interrupted by neighbour and left premises – threatened police with tomahawk on arrest Aboriginal male with deprived background
29.	Parker (25) [2004] NSWCCA 115	2 x BES Sched (no details)	PG (20%)	5y NPP 3y	AA 4y NPP 2y 6m	Not stated but had received bonds – breached bonds	Broke into two houses – one with female co-offender – no cash stolen No recollection of second count, due to heroin and Serapax – dysfunctional family – remorse – undergoing drug treatment
30.	Newman [2004] NSWCCA 113	3 x BES Sched: 2 x GIC	PG (12.5%)	4y 11m NPP 3y 5m	AD	Appalling	Broke into dwelling houses stealing computer equipment, jewellery and household items to value of \$15,500 Deprived background – drugs – institutionalised.

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31.	Argent (35) [2004] NSWCCA 270	8 x BES BE w/l Sched: 3 offences	PG (25%)	<u>Total</u> 5y 6m NPP 4y	AA 5y 6m NPP 3y 6m	Lengthy, including armed robbery – breached bail	Numerous BES of business premises around city – substantial money taken Unstable family background – drugs
32.	Henry (26-7) [2004] NSWCCA 306	2 x BES Sched: 6 offences	PG	4y NPP 3y 3m	AA 4y NPP 2y 6m	Lengthy	Broke into jewellery shop and house – 3 further break and enter offences on Schedule Aboriginal male with history of violence, disadvantage and early drug abuse
33.	Bettler (45) [2004] NSWCCA 418	2 x BES Sched: 4 x similar offences	PG (25%)	4y NPP 3y	AD	Lengthy – breached bond	Stole ATM with money from Clubs – planning – part of serious course of criminal conduct
34.	Thompson (22) [2005] NSWCCA 41	6 x BES s.111(1) Sched 10 offences	PG (25%)	<u>Total</u> 5y NPP 3y 3m	AD	Priors for similar offences – breached conditional liberty	Broke into residential homes – offences committed over 3 weeks Protective custody – drug addiction - remorse
35.	McRae (40) [2005] NSWCCA 13	6 x BES Sched: 6 x BES Att BES	PG (25%)	8y 6m NPP 5y	AD	Lengthy - breached bond	Over 7 months broke into commercial premises after first disabling alarms – stole \$80,000 worth of property – \$49,000 property damage Depression and substance abuse after two motor vehicle accidents – voluntary disclosure of guilt
36.	Danuca (34) [2005] NSWCCA 45	7 x BES Sched: 11 offences	PG (20%)	8y NPP 6y 6m	AA 8y NPP 5y 6m	Offences committed in Switzerland	Over 8 months broke into residential houses and stole portable safes - \$781,640 property stolen – received information from employee of NRMA Albanian male – financial and familial hardship – some psychological problems from traumatic experiences in Kosovo
37.	Saboune (40) [2005] NSWCCA 92	3 x BES	PG (25%)	4y 6m NPP 2y 6m	AD	Lengthy – breached bond and parole	Residential break-ins – no property recovered – mid-range of seriousness Poor literacy – heroin addiction – married with children

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38.	Johnstone (21) [2005] NSWCCA 80	4 x BES Sched 7 offences	PG (25%)	5y NPP 3y 9m	AA 5y NPP 3y	Numerous – breached bail	Broke into houses to fund ecstasy habit Youth – turned to drugs following mother's death - now free of drugs – estranged from family
39.	Stewart (21) [2005] NSWCCA 290	2 x BES	PG	3y 6m NPP 1y 6m	AA Sentence backdated 3m	'Significant' – mainly related to drugs or getting \$ to fund addiction	Burglaries of residential premises (one in company) Drug free – special circumstances
40.	Humphries (20) [2005] NSWCCA 305	3 x BES Sched: 7 similar offences	PG (25%)	3y NPP 18m	AD	Minor	Broke into workshop and building sites with brother Good prospects of rehabilitation
41.	Malik (34) [2005] NSWCCA 334	2 x BES	PG (50% with assist)	18m NPP 15m	AD	Lengthy – including imprisonment	Broke into residential properties and stole personal property Longstanding addiction – no error in ratio of non- parole period to total sentence
42.	MacBain (34/37) [2005] NSWCCA 358	2 x BES Sched: 7 offences	PG (25%)	5y 3m NPP 3y	AA Only to backdate sentence	Extensive – priors for BES – Breached parole	Broke into business premises – 3 years later broke into home Protective custody – drug addiction
43.	Lay (20) [2006] NSWCCA 45	18 x BES 2 x Att BES Larceny Sched: 12 similar offences	PG (see [27])	<u>Total</u> 4y 3m NPP 2y 9m	Crown AA 5y 6m NPP 3y 6m	Criminal record – breached parole for AR	With co-offender broke into numerous business premises in rural areas – well planned offences – repeated offences – substantial value of property taken Unsettled background – considerable delay
44.	Buddle (36) [2006] NSWCCA 236	7 x BES Sched: 3 x dispose stolen prop	PG	6y NPP 4y	AD	Poor – breached parole	Broke into dwelling places and stole property. Drug addiction

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45.	Ayoubi [2006] NSWCCA 364	12 x BES BE W/I Steal and attempt to break out Sched: 14 offences	PG (25%)	<u>Total</u> 5y NPP 3y	AD	Breached bonds for dishonesty offences	Broke into commercial premises and one residential premises – stole \$88,000 over 6 weeks – stayed in department store after closing and stole computer Psychological deficits resulting from serious assault
46.	Shepherd (52) [2007] NSWCCA 166	2 x BES	PG	3y NPP 2y 3m	AA 3y NPP 2y	Significant record	Broke into home and shed and stole property Drug and alcohol addiction – mental illness
47.	Watts (23) [2007] NSWCCA 153	11 x BES 3 x s.113(1) Mal damage Sched: 23 Offences	PG (25%)	<u>Total</u> 11y NPP 7y	AA 8y NPP 6y	Record including BES	Offences committed over several months Low intellect – drug addiction
48.	Arnold (34-5) [2007] NSWCCA 188	3 x BES Sched: 3 offences	PG (25%)	5y NPP 3y	AD	Extensive criminal record – breached bond and bail	Female – broke into residential units and stole property – third offence committed 15 months later Drug and alcohol abuse
49.	Lewins (36) [2007] NSWCCA 189	4 x BES Sched: 44 offences	PG	10y NPP 7y	AA 8y NPP 5y 6m	Lengthy record for dishonesty offences – AR	Professional thieves stealing from commercial premises Parity
50.	Curtis (33) [2008] NSWCCA 200	4 x BES	PG (25%)	4y 9m NPP 2y 9m	AD	Lengthy - similar offences.	Broke into four residences over ten days – Stole money, jewellery, electronic equipment and firearms. Drug addiction.
51.	Chandler (32) [2008] NSWCCA 240	12 x BES 2 x BE w/I	PG (25%)	<u>Total</u> 5y 6m NPP 3y 6m	AD	Extensive – similar offences – breached conditional liberty	Broke into residential properties and stole Asperger's, personality disorder and polysubstance abuse – co-operated with police

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52.	Burnett (38) [2011] NSWCCA 276	3 x s.112(1) s.113(1) SMV Sched: 5 offences	PG (25%)	<u>Total</u> 5y 3m NPP 3y 11m 7d	AD	Breached conditional liberty – lengthy record	Broke into residential premises and stole property on two occasions – started to break into third residential property but just stole quad bike – broke into shop and stole property Drug addiction
53.	McGoldrick [2012] NSWCCA 7	3 x BES Sched: Multiple offences	PG (25%)	5y NPP 3y 9m	AD	Record – breached parole and bail	Broke into residential premises and stole property to fund drug addiction
54.	Hernandez (37) [2013] NSWCCA 51	7 x s.112(1) s.113(1) Impair electronic communications Sched: 25 further offences	PG	<u>Total</u> 13y 6m NPP 9y	AD	Record in USA	Arrived from South America for short time – broke into fast food restaurants cutting cables and disabling alarms – stole \$136,351 cash Gambling problem
55.	Morgan (29) [2014] NSWCCA 284	9 x s.112(1) s.91H(2) Sched: 16 related offences	PG (25%) PG (10%)	<u>Indicative:</u> 18m <u>Aggregate:</u> 11y NPP 6y 6m	AD	Driving offences	Broke into private homes and stole cash, jewellery and electronic goods – found in possession of 780 images and 41 videos of child abuse Funding drug abuse and gambling
56.	Dickinson (28) [2016] NSWCCA 301	5 x s.112(1) Sched: 4 x BES Attempt BES	PG	<u>Aggregate:</u> 7y 6m NPP 5y	AA Commencement date changed - sentence confirmed.	Similar offences, assault officer.	Broke into houses - offences committed during day - two offences committed whilst owner at home - most homes ransacked – took money and jewellery – value around \$100k Difficult upbringing – drug abuse.

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57.	Buddle (48) [2018] NSWCCA 35	s.112(1) s.112(1)	PG	3y 3y <u>Aggregate:</u> 3y 9m NPP 2y 8m	AD	lengthy record – breached parole for similar offences	Broke into home by removing external cladding and smashing gyprock – stole tools from shed – smashed way through gyprock into workshop and stole tools
58.	Toman [2018] NSWCCA 51	s.112(1) s.112(1) s.114(1)(c) Sched: 2 offences	PG (25%)	<u>Indicative</u> 3y 4m 3y 2y 3m <u>Aggregate:</u> 5y NPP 3y 9m	AD	Extensive - multiple BES.	Broke into two homes – took jewellery, electronic equipment – acted with co-offender – wore disguise / head covering - high degree of preparation and planning. Mental illness
59.	Tasker (39) [2024] NSWCCA 57	s.112(1) s.112(1) Sched: BES s.111(1) s.117 s.192E	PG (25%)	<u>Indicative</u> 3y 9m 4y 6m <u>Aggregate:</u> 7y 6m NPP 5y 6m	AD	Extensive – similar offences	Broke into University and stole 78 laptops worth more than \$60,000 using stolen swipe card – BES on schedule involved return the next day to steal more laptops and Apple products – broke into shop and stole \$464,935 worth of goods – schedule offences involved entering law firm and stealing 3 computers and phone – also stole credit cards and purchased cigarettes worth \$292.53 – motivated by financial gain – offences committed one month apart - mid-range Remorse – positive familial support – limited prospects of rehabilitation On appeal: no procedural unfairness – sentence not excessive

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