

Sexual Intercourse Without Consent

Victim Aged 16 Years or Older

s.61D(1) (NSW) *Crimes Act*

s 61D(1) Sexual intercourse with another person without consent of the other person knowing the other person does not consent

Maximum Penalty: 7 years increased to 8 years 21.2.1988

Commenced: 14.7.1981

Repealed: 17.3.1991

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	Wyatt (27) NSWCCA 26.8.1982	3 x s.61D(1) Sched: Robbery assault	PG	11y NPP 4y 2m	AD	Record including assaults on females	(1981) – With co-offender forced female complainant into car and drove to isolated area – both offender forced sexual intercourse – while co-offender away forced vaginal and anal intercourse Evidence of drug induce psychiatric problems
2.	Lyne NSWCCA 7.10.1982	s.61D(1)	PG	3y GBB	Crown AA 2y NPP 6m		(1981) - Offered lift to female hitchhiker – drove into isolated area and forced intercourse Prior good character – married with children
3.	Allen [1983] 1 NSWLR 219	2 x s.61D(1)	VG	4y NPP 1y 6m	AA To change commencement date	Dishonesty offences	Sexually assaulted female with co-offender - leader
4.	S Ragan (17) G Ragan (22) NSWCCA 14.4.1983	3 x s.61D(1) s.61D(1) Att s.61D(1)	PG PG	10y NPP 5y 8y NPP 3y 6m	AD	Record including violence Record including violence against women	(1981) – female complainant accompanied offenders in car to purchase drugs – driven to isolated area and sexually assaulted – penile penetration and fellatio – driven to another area and forced into van – anal intercourse by first offender

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5.	Smith (1982) 8 A Crim R 131	s.63 (rape) s.61D(1)	PG	7y 6m 6y <u>Total:</u> 13y 6m	Crown AD AA <u>Total</u> 13y 6m NPP 6y 6m	Poor record but no violence of sexual offences	(1981) – broke into home of 79y female and raped complainant twice – broke into home of 41y female and forced intercourse Difficult childhood
6.	Kennedy NSWCCA 19.5.1983	s.61D(1) 2 x Break and enter offences 2 x Assault		6y <u>Total:</u> 11y NPP 5y 4m	AD	Lengthy record including sexual offences – breached bond	(1982)– broke into unit and forced intercourse with 18y female occupant – broke into second home and took rifle – struggled with two girls in bedroom Brutal childhood
7.	Ricketts (20) NSWCCA 19.5.1983	s.61D(1) s.61C	PG	5y 6m 10y 6m (concurrent) NPP 4y 7m	AD	Nil relevant	(1982) – forced entry into home of widow late at night – opening door broke complainant's nose – forced vaginal intercourse
8.	Corrigan NSWCCA 7.7.1983	s.61D(1) Threaten to inflict ABH with intent	PG	5y <u>Total:</u> 10y NPP 5y	AA <u>Total</u> 10y NPP 3y 6m	Nil significant	(1982) - Entered car being driven by female acquaintance by pretending to be police officer – produced knife and forced complainant to drive to isolated area – forced intercourse then tied up complainant Married with four children
9.	Adams (23) NSWCCA 15.7.1983	3 x s.61D(1)	PG	<u>Total:</u> 7y NPP 3y	AD	One driving offence	Took 17y female acquaintance home from party – drove her beyond destination – physically assaulted complainant then forced sexual intercourse – threat to kill – out of character due to intoxication Good prospects of rehabilitation
10.	Celar NSWCCA 21.7.1983	3 x s.61D(1) s.89	PG	8y NPP 3y	AD		(1983) – vaginal, anal and oral intercourse in a unit on same complainant

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11.	Lawton (38) Williams (28) NSWCCA 22.9.1983	2 x s.61D(1) s.61C(1)(b) 2 x s.61D(1) s.61C(1)(b)	VG	5y <u>Total:</u> 10y NPP 5y 6m 4y <u>Total:</u> 8y NPP 4y	AD	Record for violence offences – breached parole nil	(1981) – assaulted young female at her home at conclusion of party – both men forced intercourse and other sexual indignities Members of motor cycle group
12.	Wilkinson (35) NSWCCA 6.10.1983	6 x s.61D(1) s.94	VG	12y <u>Total:</u> 14y NPP 5y 6m 22d	AD	Record for dishonesty	(1981) – grabbed 16y girl walking home at night – dragged into derelict house and sexually assaulted over 5 hours – vaginal and anal intercourse – threatened with broken glass
13.	Higgins (16) NSWCCA 8.12.1983	s.61D(1)	PG	4y NPP 1y 2m 25d	AD	Dishonesty and violence offences	(1983) – Broke into home of female acquaintance who was 7 months pregnant – forced digital penetration – attempted penile penetration Aboriginal with deprived background
14.	Schweinsburg (33) NSWCCA 23.2.1984	5 x s.61D(1) Att s.61D(1) 2 x s.61E 2 x s.61C(1)(a)	PG	<u>Total:</u> 20y NPP 7y 4m 25d	AA <u>Total</u> 14y NPP 6y	No earlier record - Second offences committed while on bail for first offences	(Feb 1982 / March 1983) – sexually assaulted female acquaintance after being invited to unit for drinks – dragged female pedestrian into car and engaged in sustained sexual attack German citizen arriving in country several months before attack
15.	Weldon (23) NSWCCA 6.4.1984	s.61D(1) s.61C(1)(b)	VG	6y 9y (concurrent) NPP 3y	AD	Juvenile offences	(1982) – dragged female hitchhiker into bedroom and forced sexual intercourse at knifepoint

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16.	Howard (31) NSWCCA 27.4.1984	s.61D(1) Abduction	PG	7y 10y (concurrent) NPP 5y	AD	Record including sexual offences – breached parole for similar offence	(1982) – co-offender forced female walking with male companion into car – drove to secluded area and both offender sexually assaulted complainant 3.5m PSC
17.	Strong (25) NSWCCA 15.6.1984	s.61D(1) s.61D(1) s.61C(1)(a) s.61B(1)	PG	5y 7y 5y 10y <u>Total:</u> 25y NPP 14y	AA <u>Total</u> 20y NPP 14y	Record includes sexual offences	(1983) – with co-offender approached 17y female in street and dragged her into graveyard – forced intercourse and punched complainant hard to head – broke into home of 83y female living alone – had been watching complainant for some days - punched complainant until unconscious – forced intercourse Alcohol problem
18.	McLoughlin (26) NSWCCA 29.6.1984	Att s.61D(1) Abduction	PG	5y GBB	Crown AA 3y 5y (concurrent) NPP 2y 6m	Two obscene exposure offences – breached bond	(1982) – grabbed female walking along path at night and dragged her into car – took her to his house and attempted intercourse in bedroom before falling asleep – slapped complainant on face several times and rubbed lower portion of her body
19.	Moussa NSWCCA 5.7.1984	2 x s.61D(1) Abduction		3y 7y (concurrent) NPP 3y	Conviction AD		(1982) – forced female pedestrian into car and drove to building site – forced fellatio and vaginal intercourse
20.	Preval [1984] 3 NSWLR 647	2 x s.61D(1)	VG	6y NPP 3y	Conviction AD		(1982) – with co-offender offered complainant lift in van – both offenders sexually assaulted complainant in back of van while driving – offender forced fellatio
21.	Meredith (44) NSWCCA 13.12.1984	3 x s.61D(1) s.61C(1)(b)	VG	5y 9y (concurrent) NPP 4y	AD	Record for dishonesty offences – breached bond	(1982) – used machete to force 18y step-daughter into car – drove to secluded area and sexually assaulted complainant in car

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22.	Davis (15) NSWCCA 21.12.1984	4 x s.61D(1) BES BE w/l S	PG	3y GBB	Crown AD	nil	(1983) – broke into house and sexually assaulted 60y female occupant – forced vaginal intercourse and fellatio – broke into house of same complainant one month later but confronted by male Aboriginal – deaf and dumb
23.	Brownett (28) NSWCCA 22.2.1985	s.61D(1) s.61C(1)(a)	PG	5y 9y (concurrent) NPP 6y	AD	Old offences	(1983) – taxi driver offered 23y female lift home - used knife in attempt to force fellatio while still driving – complainant’s fingers injured – drove further on and forced penis into anus, vagina and mouth Tragic childhood
24.	Beadman (26) NSWCCA 31.7.1985	2 x s.61D(1) Abduct with intent to carnally know s.61C(1)(b) s.61E	VG	4y <u>Total:</u> 12y NPP 5y	AD	Lengthy record – breached parole	(1982) – abducted prostitute from street corner – threatened with knife – forced oral intercourse – took complainant to abandoned unit and forced sexual intercourse and indecent assault
25.	MacDonald Davies Ellick Dolan (1985) 17 A Crim R 297	4 x s.61D(1) 4 x s.61D(1) 4 x s.61D(1) s.61C(1)(a) 4 x s.61D(1)	VG	4y NPP 2y 4y NPP 2y 5y NPP 2y 4y NPP 2y	AD		(1982) – four men sexually assaulted 17y female at party – E hit complainant on face
26.	Smith (40) NSWCCA 6.9.1985	2 x s.61D(1)	VG	7y NPP 5y	AD	Long record - breached parole for similar offences	(1983) - Attended unit of female acquaintance ostensibly looking for complainant’s son – forced oral and vaginal intercourse Deprived and cruel childhood

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27.	Smith	61D(1)	VG	7y NPP 5y	AD	Nil relevant	(1983) – part of motorcycle group who sexually assaulted female in grounds of hotel – attack included vaginal and oral intercourse and other sexual indignities over 3-4 hours – threat to break complainant’s leg (details of offence from conviction appeal of Harris: NSWCCA 13.12.1985)		
	Harris NSWCCA 13.12.1985	61D(1)	VG	7y NPP 5y					
28.	Lacrosse NSWCCA 18.12.1985	s.61D(1)		7y NPP 4y	Conviction AD		(1983) – Approached sleeping woman on train and forced her to accompany him to nearby school – struck complainant on head and forced intercourse		
		s.61C(1)(a)		7y (concurrent)					
29.	Brown (17)	3 x s.61D(1)	PG	4y	Crown AA 6y	Record - breached probation	(1984) – picked up 18y female seeking lift to hospital – drove to secluded area – punched complainant around face – forced vaginal intercourse, anal intercourse and fellatio – made threats to kill and seriously injure and forced violent and sexual indignities – stick forced into complainant’s vagina		
		s.61C(1)(a)		5y				10y	Record – breached probation
		Car stealing		2y				2y	
		Abduction		5y				6y	
		<u>Total:</u> 10y NPP 5y	<u>Total:</u> 22y NPP 14y						
	Carson (17) NSWCCA 2.7.1986	3 x s.61D(1)	PG	4y	6y				
		s.61C(1)(a)		5y				10y	
		Car stealing		2y				2y	
Abduction		5y		6y					
	<u>Total:</u> 10y NPP 5y	<u>Total:</u> 22y NPP 14y							
30.	Bedford (1986) 28 A Crim R 311	7 x s.61D(1)	VG	6y 6m NPP 3y	AD		(1982) – grabbed 18y female walking to car and dragged to nearby building – brutal sexual assault – drove to second location and committed further sexual assaults		
		2 x s.61E							

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31.	McGarvey (1987) 10 NSWLR 632	4 x s.61D(1)	VG	4y	Conviction AD		(1985) – two men sexually assaulted female in car and nearby bushes – anal and vaginal intercourse and forced fellatio
32.	Murray (1987) 11 NSWLR 12	6 x s.61D(1) s.89	VG	7y NPP 5y	AD		Took 19y female employee out in car and forced intercourse – next evening kidnapped complainant from her flat and forced fellatio and vaginal intercourse – took complainant to his flat and forced further fellatio - forced complainant and offender's girlfriend to perform cunnilingus
33.	Thompson (30) (1987) 37 A Crim R 97	3 x s.61D(1) s.61C(1)(b)	PG	18m PD	Crown AA 3y <u>Total</u> 5y NPP 1y 6m		(1983) – entered home of female acquaintance – used knife to force sexual intercourse – vaginal and oral intercourse over two hours Absconded for two and a half years – substantial life style change
34.	Hemsley (1988) 36 A Crim R 334	s.61D(1)	VG	7y (no NPP)	AD	Bad record – breached parole for similar offence	(1984) – involved in sexual assault on young female acquaintance by several men at party – instigator – forced penile penetration once
35.	Bailey (1988) 35 A Crim R 458	3 x s.61D(1) Detain with intent to carnally know Escape BES	PG	5y <u>Total:</u> 7y 6m NPP 4y 6m	AD	lengthy record	(1985) – two men took female acquaintance to isolated area and sexual assaulted complainant – forced fellatio and vaginal intercourse Fresh evidence on appeal that offender developed AIDS
36.	Smith (22) NSWCCA 7.7.1988	s.61D(1)	PG	Conditional Bail	Crown AA 5y NPP 2y 6m	Nil relevant	(1986) – forced female taxi driver into bush and forced intercourse - threatened complainant with gun and knife although had neither
37.	Tainish (24) NSWCCA 4.8.1988	6 x s.61D(1) BE and commit sexual assault Stealing	PG	<u>Total:</u> 12y NPP 6y 6m	AD	Breached bond for dishonesty offence	(1987) – broke into house at night and sexually assaulted female sleeping in bed over one hour – vaginal, digital and anal intercourse – forced fellatio Difficult childhood - alcohol problem
38.	Cattermole (28) NSWCCA 18.9.1988	3 x s.61D(1)	PG	2y 6m NPP 12m	Crown AA 4y NPP 2y	Lengthy record including rape	(1988) – broke into home of ex-girlfriend at night – after struggle forced intercourse on three occasions Good work history - remorse

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39.	Morris Turner NSWCCA 10.3.1989	s.61D(1) s.61D(1)	PG	2y NPP 6m 1y NPP 3m	Crown AA 5y NPP 3y 2y 6m NPP 15m	Nil Minor dishonesty offence	(1988) – offenders lived together with complainant who was M's 61y mother – believed complainant had stolen money and sought to punish – M sucked complainant's breasts, digital penetration, cunnilingus and attempted to force fellatio – T entered room and performed forced digital penetration – intoxicated Offences out of character
40.	Pickford NSWCCA 12.5.1989 Co-offender: STRAFFORD	s.61D(1) s.61E	VG	6y 3y <u>Total:</u> 9y NPP 6y 6m	AA 6y 3y <u>Total:</u> 6y NPP 4y 6m	Lengthy – including violence	(1985) – Left hotel with complainant and two other men in car - digital penetration of anus – biting on mons pubis
41.	Georgiou NSWCCA 31.5.1990	3 x s.61D(1)	VG	8y NPP 4y 6m	AD	Record but no sexual offences – breached bond	(1986) – offered lift to two girls walking in rain with co-offender – drove to isolated area - sexually assaulted 19y female – 17y complainant sexually assaulted twice by co-offender – threats made Reasonably good prospects of rehabilitation
42.	Strafford NSWCCA 10.8.1989 Co-offender: PICKFORD	Att s.61D(1) s.61E	VG	5y NPP 3y 6m (concurrent)	AD		(1985) – took female complainant to beach at night with co-offender – touched breasts despite protest – both offenders sexually assaulted complainant at beach – offender attempted to force fellatio – held down complainant while co-offender forced intercourse
43.	White (1989) 46 A Crim R 251	s.61D(1)	VG	5y 6m NPP 3y	AD	minor	(1987) – sexually assaulted female in complainant's home – invited back for coffee after meeting at beach – used threats and violence
44.	Bowman (18) NSWCCA 24.8.1990	3 x Att s.61D(1) [8y]	PG	MT 9m AT 3m	Crown AD	nil	(1990) – broke into home of 17y female acquaintance at night – attempted to have intercourse – intoxicated Good character

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45.	Draper (18) NSWCCA 9.10.1990	Att s.61D(1) [8y] Att s.61D(1) [8y] Att s.61D(1) [10y] (victim under 16y)	PG	MT 2y AT 8m MT 3y AT 1y MT 3y 6m AT 14m <u>Total:</u> MT 5y 6m AT 14m	AD	Later offences breached bail – minor record	(Dec 1988 – Feb 1989) - Grabbed female walking down street and attempted digital penetration – 6 weeks later attacked female walking down street with co-offender – attempted to removed complainant's underwear – several hours later chased 15y girl with co-offender – co-offender attempted to remove complainant's shorts Low intelligence - limited education - low self-esteem - difficult family background - abuse of alcohol – some evidence of rehabilitation
46.	Nikolovski Alam NSWCCA 5.12.1990	3 x s.61D(1) 3 x s.61C(1)(a) Assault s.61D(1)	VG PG	MT 4y AT 1y 3m 15m PD	Crown AD		(1984?) - 16y female accepted offer of coffee in N's flat – N threatened complainant with rifle and forced her to remove clothing – complainant forced to have intercourse with three men – A convicted only of sexual assault committed by himself (facts taken from N's separate conviction appeal of same date) Old offences
47.	Williams (33) NSWCCA 15.8.1991	2 x s.61D(1) [8y]	VG	MT 4y 6m AT 1y 6m	AD	Priors – dishonesty and violence	(1989) - Accompanied female acquaintance home from offender's brother's home – threatened complainant with knife and forced digital penetration – demanded fellatio then sucked vagina
48.	Pendlebury (22) NSWCCA 6.12.1991	s.61D(1) [8y] Att s.61D(1) [8y]	PG	MT 6m AT 2m <u>Total:</u> MT 12m AT 2m	Crown AA MT 12m AT 4m MT 2y AT 8m <u>Total:</u> MT 3y AT 8m	Second offence committed on bail for first offence	(1990) - While walking to nightclub with female friend forced her into yard and forced penile penetration – less than a fortnight later broke into home and attempted penile penetration of sleeping female

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49.	Hines (21) NSWCCA 9.12.1991	s.61D(1) [8y] s.61C(1)(b)	VG	MT 2y 4m AT 9m Total: MT 4y 7m AT 1y 6m	AD	Record including sexual offences	(1988) - Sexually assaulted female tourist at offender's house after smoking some marijuana with complainant – penile penetration – threatened with knife – complainant suffered injuries
50.	Kelly (23) NSWCCA 19.5.1992	s.61D(1) [8y]	PG	500h CSO	Crown AD	Assault offences – breached recognisance	(1990) - Offered 16y female lift home –complainant passed out and awoke to find offender on top of her penetrating her – dropped complainant home then crashed car causing himself serious injuries – struck complainant around face – intoxicated Strong evidence of rehabilitation – Aboriginal – long-term alcohol abuse – brain damage affecting short term memory
51.	Watson Stubbs NSWCCA 3.6.1992	2 x s.61D(1B) (in company) [12y] Att s.61D(1) [8y] 3 x s.61D(1B) (in company) [12y]		MT 2y 6m AT 10m FT 1y 6m (concurrent) MT 3y AT 12m	AD AD		(1989) - Sexually assaulted 17y female acquaintance visiting home of Stubbs
52.	Palmer (21) NSWCCA 4.9.1992	6 x s.61D(1) [8y] s.61E(1)	VG	MT 6y AT 2y FT 3y (concurrent)	AD	Lengthy record - breached parole	(1990) - Dragged female tourist into lane and sexually assaulted her – cunnilingus – digital and penile penetration – forced fellatio
53.	McKay (19) NSWCCA 10.9.1992	s.61D(1) [8y] s.61C(1)(b) s.97	PG	FT 10m Total: MT 10m AT 2y	Crown AA FT 1y 10m Total: MT 1y 10m AT 2y	Record for assaults – breached bond	(1990) - Forced ex-girlfriend to drive to isolated area at knifepoint – slapped her on face and forced sexual intercourse – took \$40 from wallet Assistance – some evidence of rehabilitation

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54.	Longstaff (24) NSWCCA 14.4.1993	s.61D(1) [8y] Att s.61D(1) [8y]	VG	MT 3y AT 1y MT 3y AT 1y (concurrent)	AD	Nil relevant	(1989) - In company with co-offender approached two intoxicated 16y girls on street – offered to assist then took girls to park where both sexually assaulted – digitally penetrated one girl and attempted penile penetration Prior good character
55.	Page NSWCCA 17.6.1993	5 x s.61D(1) [8y] s.61E	VG	MT 4y AT 16m FT 6m (concurrent)	AD	Virtually none	(1988) - Approached female complainant on train station and attempted indecent touching – followed complainant onto train then off at same station following complainant – dragged complainant to park and sexually assaulted her over one hour Alcoholism and mild brain damage
56.	Vaitaiki NSWCCA 6.10.1993	s.61D(1) [8y] s.61C(1)(b)	VG	FT 2y MT 3y 3m AT 1y (concurrent)	AD		(1988) - Met complainant through dating agency – after meal took complainant to house – chased complainant as she attempted to leave house and forced digital and penile penetration
57.	Cook NSWCCA 21.2.1994 Co-offender: BARRISTON	Aid and abet s.61D(1B) (in company) [12y] s.61	PG	3y GBB	Crown AD		(1989) – Female - helped lure 16y female complainant to flat – struck complainant in face twice in presence of female co-offender and two males – helped hold complainant while mop handle inserted into vagina Psychologically and emotionally deprived
58.	Scerri (25) NSWCCA 28.6.1994	5 x s.61D(1) [8y] s.61C s.94 s.61B	VG	FT 3y <u>Total:</u> MT 12y AT 4y	AD	Record – no sexual offences or custody	(1989) - On three occasions grabbed young males walking at night – forced fellatio and anal intercourse – on two occasions assaulted complainants with rock
59.	Day NSWCCA 21.7.1994	s.61D(1B) (in company) [12y]	VG	MT 4y AT 15m	AD		Sexually assaulted female while providing lift into town – in company of co-offender
60.	McGarvey (29) NSWCCA 26.8.1994	s.61C(1)(a) s.61D(1)	PG	MT 10y AT 12m FT 7y (concurrent)	AA MT 8y 3m AT 2y 9m FT 7y (concurrent)	Extensive record including sexual assault - breached bail	(1987) - Entered home of 81y female – punched her to head and face, placed pillow overhead and told her he had a knife – forced vaginal intercourse Abusive children – borderline personality disorder – alcohol abuse

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61.	Barriston (19) NSWCCA 14.11.1994 Co-offender: COOK	s.61D(1B) (in company) [12y] AOABH	VG PG	MT 15m AT 12m FT 3m (concurrent)	AA MT 7m AT 1y 8m FT 3m (concurrent)	shoplifting	(1989) - Female – punched and kicked 16y female in face and vaginal area in company of two men and one female – retaliation for complainant sleeping with offender's former boyfriend – involved in inserting mop handle in complainant's vagina – apologised to complainant and took her to hospital Four children – five year delay – mild intellectual disability – heart condition
62.	Fletcher-Jones NSWCCA 19.12.1994	s.61B 2 x s.61D(1) [8y]	PG	MT 2y 11m 9d AT 1y MT 2y 11m 9d AT 1y (concurrent)	Crown AA MT 6y AT 4y MT 2y 11m 9d AT 1y (concurrent)	Record for minor offences	(1990) – sustained and brutal assault on wife at home causing extensive injuries - intoxicated
63.	Gucake (36) NSWCCA 2.4.1996	s.61D(1) [8y]	VG	MT 2y 2m AT 9m	AD		(1989) - Fijian student attended home of female acquaintance on false pretext – forced intercourse – breach of trust
64.	SHR (16 at offences – 39 at sentence) [2014] NSWCCA 94	2 x s.61D(1) [8y] 2 x s.97 2 x s.61D(1B) (in company) [12y] s.94 Sched: s.61D	PG (20%)	<u>Indicative</u> 6y / 5y 4y 6y 3y <u>Aggregate:</u> 14y NPP 10y	AA <u>Indicative</u> 3y / 4y 2y 4y 6m 2y <u>Aggregate:</u> 12y NPP 8y	Lengthy – nil similar	(1989 -1990) – three unrelated incidents Grabbed 18y female walking in late afternoon – pocketknife – took \$13.00 – 5min sexual assault – digital and penile intercourse – fellatio – tied up and threatened complainant Entered house and sexually assaulted and robbed 38y female in bed alone – knife – tied hands and made threats Grabbed 25y female walking alone at night – co-offender – took handbag – both offenders forced penile intercourse History of early drug abuse – aboriginal with difficult childhood – living on streets at time of offences – very low intellectual level

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65.	Hall (32 at offence) [2017] NSWCCA 313	2 x s.61C(1)(b) 2 x s.61D(1) [8y]	VG	4y 3y <u>Aggregate:</u> 5y NPP 1y	Crown AA 4y 6m 3y 6m <u>Aggregate:</u> 7y NPP 4y	Old criminal record including imprisonment	(1990) – called escort to hotel room and threatened with knife – covered eyes with sticking plaster – forced fellatio and penile / vaginal intercourse – offence reported immediately but not suspected until DNA match Subsequent good character – community work – wife suffering ill health – poor mental and physical health - four year delay since arrest
66.	Melville (67 at sentence) [2023] NSWCCA 284	s.73 [14y] s.61D(1) Sched: 4 x s.61D(1)	PG (5%)	<u>Indicative:</u> 2y 4m 11m <u>Aggregate:</u> 3y NPP 2y	AD	Related sexual offences against same complainants in WA – minor traffic	(1983-1988) during family holidays to NSW sexually assaulted step-daughters – forced fellatio and penile / vaginal intercourse on 14y stepdaughter – forced fellatio, digital penetration and penile / vaginal intercourse on second stepdaughter aged 16y several years later – element of humiliation and force – breach of trust in familial context – isolated setting of offences – part of ongoing course of conduct – significant and long-lasting impact Competed 10y sentence for 31 sexual offences against same complainants in 2015 – delay in charging and sentence No remorse or insight On appeal – no error in relevant circumstances – sentence not excessive

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