

**Specially Aggravated Break and Enter and Commit Serious Indictable Offence**  
**Not Stealing / Larceny**  
**s.112(3) (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

(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 means:

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: 25 years**

**Standard Non-Parole Period (offence committed on or after 1.2.2003): 7 years**

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	INVOLVEMENT & SUMMARY
1.	<b>Leach</b> (37) <a href="#">[2000] NSWCCA 247</a>  Co-accused: BRIDGES	s.112(3) - armed robbery	Inflict GBH	PG	MT 4y 6m AT 3y	AA 6y 9m NPP 4y	firearms, drug	With four co-offenders broke into country home assaulting owner - tied victim's hands, placed paper bag over head - took cannabis and rifle - victim suffered broken ribs and leg
2.	<b>Bridges</b> (38) <a href="#">[2001] NSWCCA 92</a>  Co-accused: LEACH	s.112(3) - armed robbery	Inflict GBH	PG	MT 4y 6m AT 3y	AD	drugs, property	With four co-offenders broke into country home assaulting owner - tied victim's hands, placed paper bag over head - took cannabis and rifle - victim suffered broken ribs and leg
3.	<b>Kelly</b> (50) <a href="#">[2007] NSWCCA 357</a>	s.112(3) - intimidate  Mal damage property	Armed with dangerous weapon	PG	4y NPP 2y  3m (concurrent)	AD	Nil relevant	Borrowed gun from friend – approached house of estranged wife and threatened occupants including wife – smashed windows and glass door – in blind rage No evidence of domestic violence – prior good character
4.	<b>Smith</b> (33) <a href="#">[2009] NSWCCA 17</a>	s.112(3) - mal wound		PG (25%)	6y NPP 3y 6m	AA 5y NPP 2y 6m	Extensive record including similar offences	<b>SNPP 7 years</b> Entered house of acquaintance after asking children on veranda for blade of knife – assaulted female occupant with knitting needle causing puncture wounds – minor injuries – spontaneous offence – well below midrange Voluntarily attended police station – developmentally and intellectually disabled
5.	<b>Micklesson</b> (18) <a href="#">[2009] NSWCCA 61</a>	s.112(3) - AOABH	Armed with shotgun	PG	9y NPP 6y	AD	No significant record - mal damage - on bond.	With co offenders entered home – armed with baseball bat – co offender armed with loaded firearm – four victims – struck victim with baseball bat – co offender discharged firearm (not at victims).

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	INVOLVEMENT & SUMMARY
6.	<b>Cheh</b> (33) <a href="#">[2009] NSWCCA 134</a>	s.112(3) - assault  Breach bond  Sched: Deemed supply	Knew persons present  Wounding	PG (20% on appeal)	5y NPP 3y 9m  FT 6m (concurrent)	Crown AD	Limited included violence	<b>SNPP 7 years</b> Broke into home of ex-partner at night – intended to say goodbye to son before committing suicide – assaulted male occupant – dragged ex-partner into kitchen and stabbed twice in chest with kitchen knife – threat to kill – cut complainant’s hand in attempt to cut throat – aware young child nearby – spontaneous offence Suffering depression and intoxicated at time of offence as result of death of older child – remorse – good prospects of rehabilitation
7.	<b>Dole</b> (20)  <b>Nguyen</b> (21)  <a href="#">[2010] NSWCCA 101</a>	s.112(3) - reckless wounding		PG (15%)	20m NPP 5m	Crown AA 3y 4m NPP 2y		<b>SNPP 7 years</b> Four males forced entry into home unit and assault male occupant with metal bar – claimed assault was payback for sexual assault of N’s sister – planned offence N – suffered violent abuse at hands of father – affected response to assault of sister D – depressive illness
8.	<b>Sheen</b> (41) <a href="#">[2011] NSWCCA 259</a>	s.112(3) - wound with intent GBH  BES	Wounding	VG	10y NPP 7y  4y NPP 3y  <u>Total:</u> 12y NPP 9y	AA 7y NPP 5y 3m  4y NPP 3y  <u>Total:</u> 8y NPP 6y 3m	Lengthy – including violence – breached bond and bail	<b>SNPP 7 years</b> Broke into home of acquaintance and stole property – ten days later forced entry into home and attack same victim – smashed vase and used pieced to cut throat and face – threats to kill – stabbing in back

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	INVOLVEMENT & SUMMARY
9.	<b>Srikantharajah</b> <a href="#">[2012] NSWCCA 209</a>	2 x s.112(3) - intimidate  Sched: Property damage	In company  Intentional infliction of GBH	PG (25%)	10y NPP 6y 6m	AD	Affray and driving – breached conditional liberty	<b>SNPP 7 years</b> Group of Tamil males from Sri Lanka forced entry into unit armed with cricket stumps, steel bar, knife and bottle of caustic soda – assaulted two male occupants and caused extensive property damage – one male suffered serious burns to face from caustic soda – second male suffered broken ankle – victims from different ethnic Sri Lankan group – offender not involved in planning – spontaneous involvement – unaware of caustic soda – lesser role than others – mid-range offence Reasonable prospects of rehabilitation
10.	<b>Aslett</b> <a href="#">[2012] NSWCCA 235</a>	s.112(3) - damage property  Assault	Knowing person in house  Armed with taser	PG (25%)	5y 7m 14d NPP 3y 4m 14d  FT 12m (concurrent)	AD	Prior convictions for violence	<b>SNPP 7 years</b> Offender walked into home in early evening and threatened female occupant with taser and knife in presence of two teenage girls – punched hole in wall twice and kicked television
11.	<b>Wootton</b> (27) <a href="#">[2014] NSWCCA 86</a>	s.112(3) – armed robbery	Armed with rifle.	PG (10%)	10y 9m NPP 7y	AD	Criminal record – breached bond	<b>SNPP 7 years</b> One of three offenders involved in home invasion on residential premises – armed with firearms and wearing masks – shots fired – drugs demanded – occupant struck to back of head – offences committed in presence of infant – above mid-range – pre-mediated Violent childhood led to early drug abuse
12.	<b>Campbell</b> (35) <a href="#">[2014] NSWCCA 102</a>	s.112(3) - intimidate  AOABH	Armed with dangerous weapon	PG (25%)	3y NPP 1y 10m  FT 9m (concurrent)	Crown AA 5y NPP 3y  FT 9m  <b>Total:</b> 5y 3m NPP 3y 3m	Minor	<b>SNPP 7 years</b> Broke into home of estranged wife – obtained gun and threatened wife and partner when they returned – during struggle wife injured – gun discharged bullet into floor – degree of planning Motivated by concern for welfare of children

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	INVOLVEMENT & SUMMARY
13.	<b>McDonald</b> (26) <a href="#">[2014] NSWCCA 127</a>	s.112(3) - inflict ABH		PG (25%)	6y 9m NPP 3y 3m	AD	On parole for Armed Robbery. Dishonesty, AOABH.	<b>SNPP 7 years</b> Female offender – jealous of ex-boyfriend and his female companion (victim) – broke into ex-boyfriend’s home with co-offender – picked up scissors in house - threatened victim with scissors and demanded victim hand over her phone – stabbed victim with scissors in shoulder blade – wounds superficial but required stitches - punched ex-boyfriend in face – co-offender picked up knife and threatened ex-boyfriend – motivated by jealousy. Ongoing mental health issues – drug abuse – difficult upbringing
14.	<b>O’Grady</b> <a href="#">[2015] NSWCCA 168</a>	s.112(3) - armed robbery		VG	9y NPP 5y 6m	AD	Yes (offences not indicated). On bond.	<b>SNPP 7 years</b> With 2 co-offenders broke into drug dealer’s home wanting to rectify drug deal – victim badly assaulted - unconscious – stole various items from victim’s home. “Muldrock” appeal.
15.	<b>Harper</b> <a href="#">[2017] NSWCCA 159</a>	s.112(3) - damage property	In company armed with dangerous weapon	PG (12.5%)	5y 3m NPP 3y 3m	AD	Nil	<b>SNPP 7 years</b> Broke into a unit in company of five men - armed with stun gun – offender under impression one resident had mistreated offender’s sister - intruders shot a victim with stun gun, yelled abuse, and smashed property. Good character.

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	INVOLVEMENT & SUMMARY
16.	<b>Robinson</b> (18) <a href="#">[2017] NSWCCA 315</a>	s.112(3) - rob in company  s.111(3) – rob in company	Armed with dangerous weapon	PG (45% plea and assist)	4y 6m NPP 2y 6m  FT 2y  <u>Total:</u> 5y 3m NPP 3y 3m	AD	Nil	<b>SNPP 7 years</b> One of four men who forced entry into house of alleged drug dealers – one co-offender armed with sawn off shot gun – offender armed with bladed weapon or baton – left without proceeds after confrontation with occupants – two months later involved in similar offence on second house of alleged drug dealers – entered shut but unlocked door – offender armed with steel bar – after search of house and confrontation with occupants left with small amount of property – co-offender shot at one occupant – offences planned but poorly executed Out of character – remorse – significant rehabilitation – significant assistance
17.	<b>Mansaray</b> (22) <a href="#">[2018] NSWCCA 16</a>	s.112(3) - robbery	Knowing person inside  armed with dangerous weapon	PG (10%)	5y 9m NPP 3y 5m	AD	Possess drug. On bond and bail.	<b>SNPP 7 years</b> With co-offenders broke into unit demanding items from victim – one co-offender armed with rifle – obtained drugs and money Substance abuse – supportive family – violent childhood in Africa
18.	<b>CA</b> (12) <a href="#">[2019] NSWCCA 93</a>	s.112(3) - wounding		PG (25%)	3y 9m NPP 2y	AA 3y NPP 1y 8m	Extensive - assault law officer - on 12m probation order.	Victim 78y old female living alone – offender and 17y co-offender smashed sliding glass door with bricks – entered victim's home - both offenders threw bricks striking victim in face – victim hit with piece of timber – took handbag. Aboriginal youth with highly dysfunctional upbringing - subject to domestic violence and drug and alcohol abuse by parents - cognitive functioning in extremely low range

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	INVOLVEMENT & SUMMARY
19.	<b>Primmer</b> (20) <a href="#">[2020] NSWCCA 50</a>	s.112(3) – discharge firearm  Sched: Conceal AR	use of firearm by co-offender		3y NPP 18m	AD (discretion)	offences of violence against girlfriend – breach three bonds	<b>SNPP 7 years</b> Part of group of four men who attended home of drug dealer armed with guns – shots fired – offenders fled in car – poorly planned offence for financial gain – well above mid-range – youngest and least culpable of group Troubled childhood – parents heroin addicts – parental incarceration – homelessness – exposure to domestic violence – early drug abuse – PTSD – <i>Bugmy</i> and <i>Millwood</i> applied On appeal – sentence manifestly inadequate but evidence of rehabilitation justifies exercise of discretion
20.	<b>Ford</b> (42) <a href="#">[2020] NSWCCA 99</a>	s.112(3) - AOABH	wounding	VG	6y NPP 3y 6m	AA 4y NPP 2y 9m	Driving offences, affray.	<b>SNPP 7 years</b> (2011) with co-offender broke into victim's residence – repeatedly struck victim's head with glass beer bottle and bedside lamp - spontaneous offence – offenders intoxicated and under influence drugs CCA: judge erred in finding appellant principal offender - reduction in objective seriousness on basis of liability in joint criminal enterprise
21.	<b>Hunter</b> (48) <a href="#">[2020] NSWCCA 285</a>	s.112(3) – AOABH  Sched: Common assault	wounding	PG (25%)	6y NPP 4y	AD	Record for less serious offences	<b>SNPP 7 years</b> Attended home of female partner at 7.30am – heard presence of male and broke down door with axe – attacked male with axe, hammer and piece of wood causing fracture of arm and finger – dragged female out of bathroom by hair – mid range offence History of drug abuse and gambling – anger management issues – no remorse

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	INVOLVEMENT & SUMMARY
22.	Musa <a href="#">[2022] NSWCCA 221</a>	s.112(3) –rob with wounding  Sp Agg BE – inflict GBH	Wounding GBH	PG (not stated)	<u>Indicative</u> 11y 3m NPP 7y 6m  11y 3m NPP 7y 6m  <u>Aggregate</u> 15y NPP 10y	AD	Limited. Goods in custody, drive PCA, drive disq.	<b>SNPP 7 years</b> Facts not stated.
23.	Gavellas <a href="#">[2022] NSWCCA 229</a>	s.112(3) - AOABH  Sched: Damage property s.195	Wounding	PG (25%)	5y 3m NPP 3y	AD	Possess drug, driving offences, common assault.	<b>SNPP 7 years</b> Mistaken identity – believed victim was ‘Shane’ – home invasion - with co-offender smashed victim’s window, climbed inside - punched victim repeatedly to head and body – one offender struck victim’s head with rubber mallet causing 6cm wound - victim saw third male outside gesturing offenders to leave – offender apologised when realised victim was not ‘Shane’ - one offender returned phone to victim’s wife. Difficult background – ADHD – drug abuse. Remorse. CCA: factual error as to number of children present – no lesser sentence warranted in law.
24.	Ward (23) <a href="#">[2022] NSWCCA 290</a>	s.112(3)  Sched: Intentionally damage prop Assault Intimidate	Wounding	PG (25%)	8y NPP 4y 9m	AA 5y 6m NPP 3y 3m	Breached AVO and ICO – history of domestic violence ad drink driving offences	<b>SNPP 7 years</b> Broke into home of estranged partner and assaulted her over two hours in presence of young baby – assault included suffocating, punching to head and chest and smashing head against metal bed post – threatened with knife – shattered TV screen – left with baby in pram – history of violence against victim – under influence of drugs and alcohol at time of offence – importance of specific deterrence History of family violence – untreated ADHD – early substance abuse – mental health issues – special circumstances On appeal: sentence manifestly excessive

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	INVOLVEMENT & SUMMARY
25.	<b>Carreno</b> (19 at offence; 42 at sentence) <a href="#">[2023] NSWCCA 20</a>	s.112(3) - AOABH  s.61J (in company)  s.61J (in company)  Sched: s.148 2 x s.61J	Armed with dangerous weapon  In company	PG (10%)	<u>Indicative</u> 12y 7m  13y 6m  11y 8m  <u>Aggregate</u> 16y NPP 12y	AD	Robbery, firearms, driving.	(1988) Home invasion with two co-offenders – stole various items - armed and wearing balaclavas - violent assault of male occupant - violent sexual assault of female occupant - digital and penile-vaginal penetration by offender - subsequent sexual assault by co-offender using barrel of gun - firearm pointed at head, head covered, hit to head number of times - both victims threatened with death unless they handed over money – victims' hands and ankles tied with electrical cord; mouths gagged – 2017 DNA linked to offence - gratuitous, opportunistic – intention on entering home was to steal. Guarded as to genuineness of remorse and prospects of rehabilitation. CCA: Applicant sought to establish manifest excess ground by reference to indicative sentence for s.112(3) offence.
26.	<b>Zerefa</b> (26) <a href="#">[2023] NSWCCA 109</a>	s.112(3) – Intimidate  Unauthorised possess pistol  s.33B(1) Threaten to use off weapon with intent to intimidate	Armed with dangerous weapon  In company	PG (25%)	<u>Indicative:</u> 4y 6m NPP 2y 8m  3y NPP 1y 9m  5y 3m  <u>Aggregate:</u> 7y NPP 4y	AD	Lengthy	Took gel blaster pistol from friend fearing it would be used against offender – entered yard of house at night and threatened residents including baby inside with pistol before leaving – attended home of friend, broke boards across window and threatened friend in house with pistol – possession offence between bottom and mid-range – other offences mid-range Difficult and deprived childhood - <i>Bugmy</i> considerations applied – substance abuse since 14y – prospects of rehabilitation poor – difficult custodial conditions due to Covid On appeal: sentences not manifestly excessive

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	INVOLVEMENT & SUMMARY
27.	Tukuafu <a href="#">[2024] NSWCCA 84</a>	s.112(3) – Intimidate  2 x supply cocaine  Supply cocaine  Sched: 3 offences	Intentional wounding and knowing persons were inside	PG (25%)	<u>Indicative</u> 6y 9m NPP 4y 3m  2y 3m  2y 6m  <u>Aggregate</u> 8y NPP 5y	AD	Possess/use prohibited weapon, entering enclosed lands, stalk/intimidate, destroy/damage property	<b>SNPP 7 years</b> Approached home of male and female victims at home with 2y old child – confronted male victim - applicant ripped open unlocked screen door - co-offender hit male victim to head three times with black metal shock absorber – both offenders punched male victim - co-offender punched female victim to face when she tried to push them away - applicant produced knife and stabbed male victim to upper left chest – both continued to assault male victim while child present - some planning – drug offences involved supply of 3oz, 3oz and 4oz cocaine Difficult background - traumatised - substance abuse - distorted beliefs about violence - vulnerable to gang associations.
28.	Tonga (20) <a href="#">[2025] NSWCCA 100</a>         Co-accused LIAVAA	s.112(3) – Intimidate  s.86(3)  Possess unauth pistol s.7(1) <i>Firearms Act</i>	Armed with dangerous weapon	PG (25%)	<u>Indicative</u> 6y 9m NPP 4y 3m  7y  3y NPP 1y 8m  <u>Aggregate</u> 8y 6m NPP 5y 4m	AD Crown AD	Limited.	<b>SNPP 7 years</b> With co-offenders invaded home invasion of male victim - joint criminal enterprise - offender armed with pistol – two co-offenders armed with pistol and sledgehammer – victim forced into vehicle - offender followed in separate vehicle – victim detained at premises for 6 days for \$5m ransom – victim in underwear, gagged, blindfolded, hands bound by zip ties, pillowcase over head, fed minimal food and water – subjected to serious extreme assaults and violence, blade run across back, three teeth extracted with pliers and hammer – offender present premises for only one day – no evidence inflicted violence - video of offender holding gun to victim's head and threatening victim sent to ransom target – offender collected \$150k set up by police operation Medium-low risk reoffending – good rehabilitation prospects – remorse - family and community support – youth - special circumstances

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	INVOLVEMENT & SUMMARY
29.	Liavaa (19) <a href="#">[2025] NSWCCA 101</a>  Co-accused: TONGA	s.112(3) – Intimidate  s.86(3)	Armed with dangerous weapon	PG (25%)	<u>Indicative</u> 6y 9m NPP 4y 3m  7y  <u>Aggregate</u> 8y 6m NPP 5y 4m	AD Crown AD	Nil	<b>SNPP 7 years</b> With co-offenders invaded home invasion of male victim – joint criminal enterprise – co-offenders armed with pistols and sledgehammer – offender sourced sledgehammer - victim forced into vehicle - offender transported three co-offenders and travelled in same vehicle as victim – victim detained at premises for 6 days for \$5m ransom – victim in underwear, gagged, blindfolded, hands bound by zip ties, pillowcase over head, fed minimal food and water – subjected to serious extreme assaults and violence, blade run across back, three teeth extracted with pliers and hammer – no evidence offender inflicted violence - not established offender inside premises, but in vicinity and aware of violence – picked up co-offenders who collected \$150k set up by police operation PTSD, background trauma, mental health - mild traumatic brain injury – childhood disadvantage – drug abuse - community support – youth – special circumstances
30.	Gillette (35) <a href="#">[2026] NSWCCA 59</a>	2 x s.112(3) – Intimidate and AOABH  s.166 Cert- common assault		VG	<u>Indicative</u> 7y 6m NPP 5y  8y NPP 5y 6m  2m  <u>Aggregate</u> 10y NPP 7y	AD	Lengthy. Driving matters, drug possession and supply, larceny, possession of prohibited weapons, B&E.	<b>SNPP 7 years</b> With co-offenders armed and disguised - on same evening entered two separate homes with persons present – offenders pointed gun at victims, co-offender armed with machete / axe – in second incident, offender struck male victim to forehead with butt of rifle - Co-offender swung axe at male victim striking on nose / lip – some planning, unsophisticated. Disadvantage, trauma and mental health – drug-related offending – although prospects guarded, still real prospects there.

Last Updated: May 2026

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