

## 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**Repealed:** 17.3.1991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<br>(age if known)  | OFFENCE  | PLEA         | SENTENCE                             | APPEAL                                  | RECORD  | INVOLVEMENT & SUMMARY   |
|----|---|--|--------------|--------------------------------------|---|---|---|
| 1. | <b>Wyatt</b><br>(27)<br>NSWCCA<br>26.8.1982                                     | 3 x s.61D(1)<br><br>Sched:<br>Robbery<br>assault | PG           | 11y<br>NPP 4y 2m                     | AD                                      | Record including<br>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<br>Evidence of drug induce psychiatric problems  |
| 2. | <b>Lyne</b><br>NSWCCA<br>7.10.1982  | s.61D(1)   | PG           | 3y GBB                               | Crown AA<br>2y<br>NPP 6m                |   | (1981) - Offered lift to female hitchhiker – drove into isolated area and forced intercourse<br>Prior good character – married with children  |
| 3. | <b>Allen</b><br>[1983] 1 NSWLR<br>219   | 2 x s.61D(1)                                     | VG           | 4y<br>NPP 1y 6m                      | AA<br>To change<br>commencement<br>date | Dishonesty offences   | Sexually assaulted female with co-offender - leader   |
| 4. | <b>S Ragan</b><br>(17)<br><br><b>G Ragan</b><br>(22)<br><br>NSWCCA<br>14.4.1983 | 3 x s.61D(1)<br><br>s.61D(1)<br><br>Att s.61D(1) | PG<br><br>PG | 10y<br>NPP 5y<br><br>8y<br>NPP 3y 6m | AD                                      | Record including<br>violence<br><br>Record including<br>violence against<br>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.  | <b>Smith</b><br>(1982) 8 A Crim R<br>131       | s.63 (rape)<br>s.61D(1)  | PG   | 7y 6m<br><br>6y<br><br><u>Total:</u><br>13y 6m       | Crown AD<br>AA<br><br><br><u>Total</u><br>13y 6m<br>NPP 6y 6m | Poor record but no<br>violence of sexual<br>offences              | (1981) – broke into home of 79y female and raped<br>complainant twice – broke into home of 41y female and<br>forced intercourse<br>Difficult childhood   |
| 6.  | <b>Kennedy</b><br>NSWCCA<br>19.5.1983          | s.61D(1)<br><br>2 x Break and enter<br>offences<br><br>2 x Assault |      | 6y<br><br><br><u>Total:</u><br>11y<br>NPP 5y 4m      | AD  | Lengthy record<br>including sexual<br>offences – breached<br>bond | (1982)– broke into unit and forced intercourse with 18y<br>female occupant – broke into second home and took rifle<br>– struggled with two girls in bedroom<br>Brutal childhood  |
| 7.  | <b>Ricketts</b><br>(20)<br>NSWCCA<br>19.5.1983 | s.61D(1)<br><br>s.61C  | PG   | 5y 6m<br><br>10y 6m<br>(concurrent)<br><br>NPP 4y 7m | AD  | Nil relevant  | (1982) – forced entry into home of widow late at night –<br>opening door broke complainant's nose – forced vaginal<br>intercourse  |
| 8.  | <b>Corrigan</b><br>NSWCCA<br>7.7.1983          | s.61D(1)<br><br>Threaten to inflict<br>ABH with intent             | PG   | 5y<br><br><u>Total:</u><br>10y<br>NPP 5y             | AA<br><br><u>Total</u><br>10y<br>NPP 3y 6m                    | Nil significant   | (1982) - Entered car being driven by female acquaintance<br>by pretending to be police officer – produced knife and<br>forced complainant to drive to isolated area – forced<br>intercourse then tied up complainant<br>Married with four children |
| 9.  | <b>Adams</b><br>(23)<br>NSWCCA<br>15.7.1983    | 3 x s.61D(1)   | PG   | <u>Total:</u><br>7y<br>NPP 3y                        | AD  | One driving offence   | Took 17y female acquaintance home from party – drove<br>her beyond destination – physically assaulted<br>complainant then forced sexual intercourse – threat to kill<br>– out of character due to intoxication<br>Good prospects of rehabilitation |
| 10. | <b>Celar</b><br>NSWCCA<br>21.7.1983            | 3 x s.61D(1)<br><br>s.89   | PG   | 8y<br>NPP 3y   | AD  |   | (1983) – vaginal, anal and oral intercourse in a unit on<br>same complainant   |

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| 11. | <b>Lawton</b><br>(38)<br><br><b>Williams</b><br>(28)<br><br>NSWCCA<br>22.9.1983 | 2 x s.61D(1)<br>s.61C(1)(b)<br><br>2 x s.61D(1)<br>s.61C(1)(b) | VG   | 5y<br><br><u>Total:</u><br>10y<br>NPP 5y 6m<br><br>4y<br><br><u>Total:</u><br>8y<br>NPP 4y | AD                                  | Record for violence offences – breached parole<br><br>nil                         | (1981) – assaulted young female at her home at conclusion of party – both men forced intercourse and other sexual indignities<br>Members of motor cycle group  |
| 12. | <b>Wilkinson</b><br>(35)<br>NSWCCA<br>6.10.1983                                 | 6 x s.61D(1)<br>s.94   | VG   | 12y<br><br><u>Total:</u><br>14y<br>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. | <b>Higgins</b><br>(16)<br>NSWCCA<br>8.12.1983                                   | s.61D(1)   | PG   | 4y<br>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<br>Aboriginal youth - deprived background  |
| 14. | <b>Schweinsburg</b><br>(33)<br>NSWCCA<br>23.2.1984                              | 5 x s.61D(1)<br>Att s.61D(1)<br>2 x s.61E<br>2 x s.61C(1)(a)   | PG   | <u>Total:</u><br>20y<br>NPP 7y 4m 25d  | AA<br><u>Total</u><br>14y<br>NPP 6y | No earlier record -<br>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<br>German citizen arriving in country several months before attack |
| 15. | <b>Weldon</b><br>(23)<br>NSWCCA<br>6.4.1984                                     | s.61D(1)<br>s.61C(1)(b)  | VG   | 6y<br><br>9y<br>(concurrent)<br><br>NPP 3y   | AD                                  | Juvenile offences   | (1982) – dragged female hitchhiker into bedroom and forced sexual intercourse at knifepoint  |

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| 16. | <b>Howard</b><br>(31)<br>NSWCCA<br>27.4.1984     | s.61D(1)<br>Abduction                           | PG   | 7y<br><br>10y<br>(concurrent)<br><br>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<br>3.5m PSC   |
| 17. | <b>Strong</b><br>(25)<br>NSWCCA<br>15.6.1984     | s.61D(1)<br>s.61D(1)<br>s.61C(1)(a)<br>s.61B(1) | PG   | 5y<br><br>7y<br><br>5y<br><br>10y<br><br><u>Total:</u><br>25y<br>NPP 14y | AA<br><br><br><br><br><br><u>Total</u><br>20y<br>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<br>Alcohol problem |
| 18. | <b>McLoughlin</b><br>(26)<br>NSWCCA<br>29.6.1984 | Att s.61D(1)<br>Abduction                       | PG   | 5y GBB   | Crown AA<br>3y<br><br>5y<br>(concurrent)<br><br>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. | <b>Moussa</b><br>NSWCCA<br>5.7.1984              | 2 x s.61D(1)<br>Abduction                       |      | 3y<br><br>7y<br>(concurrent)<br><br>NPP 3y                               | Conviction AD   |  | (1982) – forced female pedestrian into car and drove to building site – forced fellatio and vaginal intercourse   |
| 20. | <b>Preval</b><br>[1984] 3 NSWLR<br>647           | 2 x s.61D(1)                                    | VG   | 6y<br>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. | <b>Meredith</b><br>(44)<br>NSWCCA<br>13.12.1984  | 3 x s.61D(1)<br>s.61C(1)(b)                     | VG   | 5y<br><br>9y<br>(concurrent)<br><br>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. | <b>Davis</b><br>(15)<br>NSWCCA<br>21.12.1984  | 4 x s.61D(1)<br>BES<br>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<br>Aboriginal male – deaf and dumb     |
| 23. | <b>Brownett</b><br>(28)<br>NSWCCA<br>22.2.1985  | s.61D(1)<br>s.61C(1)(a)   | PG   | 5y<br>9y<br>(concurrent)<br>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<br>Tragic childhood |
| 24. | <b>Beadman</b><br>(26)<br>NSWCCA<br>31.7.1985   | 2 x s.61D(1)<br>Abduct with intent to carnally know<br>s.61C(1)(b)<br>s.61E | VG   | 4y<br><u>Total:</u><br>12y<br>NPP 5y                         | AD       | Lengthy record –<br>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. | <b>MacDonald</b><br><br><b>Davies</b><br><br><b>Ellick</b><br><br><b>Dolan</b><br><br>(1985) 17 A Crim R<br>297 | 4 x s.61D(1)<br>4 x s.61D(1)<br>4 x s.61D(1)<br>s.61C(1)(a)<br>4 x s.61D(1) | VG   | 4y<br>NPP 2y<br>4y<br>NPP 2y<br>5y<br>NPP 2y<br>4y<br>NPP 2y | AD       |  | (1982) – four men sexually assaulted 17y female at party – E hit complainant on face  |
| 26. | <b>Smith</b><br>(40)<br>NSWCCA<br>6.9.1985  | 2 x s.61D(1)  | VG   | 7y<br>NPP 5y   | AD       | Long record -<br>breached parole for<br>similar offences | (1983) - Attended unit of female acquaintance ostensibly looking for complainant’s son – forced oral and vaginal intercourse<br>Deprived and cruel childhood  |

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| 27.       | Smith                                | 61D(1)                         | VG                              | 7y<br>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<br>(details of offence from conviction appeal of Harris: NSWCCA 13.12.1985)               |     |
|           | Harris<br>NSWCCA<br>13.12.1985       | 61D(1)                         | VG                              | 7y<br>NPP 5y                    |                |                                |  |     |
| 28.       | Lacrosse<br>NSWCCA<br>18.12.1985     | s.61D(1)                       |                                 | 7y<br>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<br>(concurrent)              |                |                                |  |     |
| 29.       | Brown<br>(17)                        | 3 x s.61D(1)                   | PG                              | 4y                              | Crown AA<br>6y | Record - breached<br>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 |
|           |                                      | Car stealing                   |                                 | 2y                              |                |                                |  | 2y  |
|           |                                      | Abduction                      |                                 | 5y                              |                |                                |  | 6y  |
|           |                                      |                                | <u>Total:</u><br>10y<br>NPP 5y  | <u>Total:</u><br>22y<br>NPP 14y |                |                                |  |     |
|           | Carson<br>(17)<br>NSWCCA<br>2.7.1986 | 3 x s.61D(1)                   | PG                              | 4y                              | 6y             | Record – breached<br>probation |  |     |
|           |                                      | s.61C(1)(a)                    |                                 | 5y                              |                |                                |  | 10y |
|           |                                      | Car stealing                   |                                 | 2y                              |                |                                |  | 2y  |
| Abduction |                                      | 5y                             |                                 | 6y                              |                |                                |  |     |
|           |                                      | <u>Total:</u><br>10y<br>NPP 5y | <u>Total:</u><br>22y<br>NPP 14y |                                 |                |                                |  |     |
| 30.       | Bedford<br>(1986)<br>28 A Crim R 311 | 7 x s.61D(1)                   | VG                              | 6y 6m<br>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. | <b>McGarvey</b><br>(1987) 10 NSWLR<br>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. | <b>Murray</b><br>(1987) 11 NSWLR<br>12              | 6 x s.61D(1)<br>s.89  | VG   | 7y<br>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. | <b>Thompson</b><br>(30)<br>(1987) 37 A Crim R<br>97 | 3 x s.61D(1)<br>s.61C(1)(b)   | PG   | 18m PD  | Crown AA<br>3y<br><br><u>Total</u><br>5y<br>NPP 1y 6m |  | (1983) – entered home of female acquaintance – used knife to force sexual intercourse – vaginal and oral intercourse over two hours<br>Absconded for two and a half years – substantial life style change  |
| 34. | <b>Hemsley</b><br>(1988) 36 A Crim R<br>334         | s.61D(1)  | VG   | 7y<br>(no NPP)                                | AD  | Bad record –<br>breached parole for<br>similar offence | (1984) – involved in sexual assault on young female acquaintance by several men at party – instigator – forced penile penetration once   |
| 35. | <b>Bailey</b><br>(1988) 35 A Crim R<br>458          | 3 x s.61D(1)<br><br>Detain with intent to<br>carnally know<br>Escape<br>BES | PG   | 5y<br><br><u>Total:</u><br>7y 6m<br>NPP 4y 6m | AD  | lengthy record   | (1985) – two men took female acquaintance to isolated area and sexual assaulted complainant – forced fellatio and vaginal intercourse<br>Fresh evidence on appeal that offender developed AIDS   |
| 36. | <b>Smith</b><br>(22)<br>NSWCCA<br>7.7.1988          | s.61D(1)  | PG   | Conditional Bail                              | Crown AA<br>5y<br>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. | <b>Tainish</b><br>(24)<br>NSWCCA<br>4.8.1988        | 6 x s.61D(1)<br><br>BE and commit<br>sexual assault<br>Stealing             | PG   | <u>Total:</u><br>12y<br>NPP 6y 6m             | AD  | Breached bond for<br>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<br>Difficult childhood - alcohol problem  |
| 38. | <b>Cattermole</b><br>(28)<br>NSWCCA<br>18.9.1988    | 3 x s.61D(1)  | PG   | 2y 6m<br>NPP 12m                              | Crown AA<br>4y<br>NPP 2y                              | Lengthy record<br>including rape                       | (1988) – broke into home of ex-girlfriend at night – after struggle forced intercourse on three occasions<br>Good work history - remorse   |

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| 39. | <b>Morris</b><br><br><b>Turner</b><br><br>NSWCCA<br>10.3.1989           | s.61D(1)<br><br>s.61D(1)  | PG   | 2y<br>NPP 6m<br><br>1y<br>NPP 3m                     | Crown AA<br>5y<br>NPP 3y<br><br>2y 6m<br>NPP 15m           | Nil<br><br>Minor dishonesty<br>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<br>Offences out of character |
| 40. | <b>Pickford</b><br>NSWCCA<br>12.5.1989<br><br>Co-offender:<br>STRAFFORD | s.61D(1)<br><br>s.61E     | VG   | 6y<br><br>3y<br><br><u>Total:</u><br>9y<br>NPP 6y 6m | AA<br>6y<br><br>3y<br><br><u>Total:</u><br>6y<br>NPP 4y 6m | Lengthy – including<br>violence                     | (1985) – Left hotel with complainant and two other men in car - digital penetration of anus – biting on mons pubis   |
| 41. | <b>Georgiou</b><br>NSWCCA<br>31.5.1990                                  | 3 x s.61D(1)              | VG   | 8y<br>NPP 4y 6m                                      | AD   | Record but no<br>sexual offences –<br>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<br>Reasonably good prospects of rehabilitation   |
| 42. | <b>Strafford</b><br>NSWCCA<br>10.8.1989<br><br>Co-offender:<br>PICKFORD | Att s.61D(1)<br><br>s.61E | VG   | 5y<br>NPP 3y<br><br>6m<br>(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. | <b>White</b><br>(1989) 46 A Crim R<br>251                               | s.61D(1)                  | VG   | 5y 6m<br>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. | <b>Bowman</b><br>(18)<br>NSWCCA<br>24.8.1990                            | 3 x Att s.61D(1) [8y]     | PG   | MT 9m<br>AT 3m                                       | Crown AD   | nil   | (1990) – broke into home of 17y female acquaintance at night – attempted to have intercourse – intoxicated<br>Good character   |

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| 45. | <b>Draper</b><br>(18)<br>NSWCCA<br>9.10.1990                            | Att s.61D(1) [8y]<br><br>Att s.61D(1) [8y]<br><br>Att s.61D(1) [10y]<br>(victim under 16y) | PG                   | MT 2y<br>AT 8m<br><br>MT 3y<br>AT 1y<br><br>MT 3y 6m<br>AT 14m<br><br><u>Total:</u><br>MT 5y 6m<br>AT 14m | AD   | Later offences<br>breached bail –<br>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<br>Low intelligence - limited education - low self-esteem - difficult family background - abuse of alcohol – some evidence of rehabilitation |
| 46. | <b>Nikolovski</b><br><br><br><br><b>Alam</b><br><br>NSWCCA<br>5.12.1990 | 3 x s.61D(1)<br><br>3 x s.61C(1)(a)<br><br>Assault<br><br>s.61D(1)                         | VG<br><br><br><br>PG | MT 4y<br>AT 1y 3m<br><br><br>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)<br>Old offences  |
| 47. | <b>Williams</b><br>(33)<br>NSWCCA<br>15.8.1991                          | 2 x s.61D(1) [8y]  | VG                   | MT 4y 6m<br>AT 1y 6m  | AD   | Priors – dishonesty<br>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. | <b>Pendlebury</b><br>(22)<br>NSWCCA<br>6.12.1991                        | s.61D(1) [8y]<br><br>Att s.61D(1) [8y]   | PG                   | MT 6m<br>AT 2m<br><br><br><br><br><br><u>Total:</u><br>MT 12m<br>AT 2m                                    | Crown AA<br>MT 12m<br>AT 4m<br><br>MT 2y<br>AT 8m<br><br><u>Total:</u><br>MT 3y<br>AT 8m | Second offence<br>committed on bail<br>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. | <b>Hines</b><br>(21)<br>NSWCCA<br>9.12.1991                              | s.61D(1) [8y]<br><br>s.61C(1)(b)  | VG   | MT 2y 4m<br>AT 9m<br><br>Total:<br>MT 4y 7m<br>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. | <b>Kelly</b><br>(23)<br>NSWCCA<br>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<br>Strong evidence of rehabilitation – Aboriginal male – long-term alcohol abuse – brain damage affecting short term memory |
| 51. | <b>Watson</b><br><br><br><br><br><b>Stubbs</b><br><br>NSWCCA<br>3.6.1992 | 2 x s.61D(1B) (in company) [12y]<br><br>Att s.61D(1) [8y]<br><br>3 x s.61D(1B) (in company) [12y] |      | MT 2y 6m<br>AT 10m<br><br>FT 1y 6m<br>(concurrent)<br><br>MT 3y<br>AT 12m | AD<br><br><br><br>AD                                      |  | (1989) - Sexually assaulted 17y female acquaintance visiting home of Stubbs  |
| 52. | <b>Palmer</b><br>(21)<br>NSWCCA<br>4.9.1992                              | 6 x s.61D(1) [8y]<br><br>s.61E(1)   | VG   | MT 6y<br>AT 2y<br><br>FT 3y<br>(concurrent)                               | AD  | Lengthy record - breached parole         | (1990) - Dragged female tourist into lane and sexually assaulted her – cunnilingus – digital and penile penetration – forced fellatio  |
| 53. | <b>McKay</b><br>(19)<br>NSWCCA<br>10.9.1992                              | s.61D(1) [8y]<br><br>s.61C(1)(b)<br><br>s.97  | PG   | FT 10m<br><br>Total:<br>MT 10m<br>AT 2y                                   | Crown AA<br>FT 1y 10m<br><br>Total:<br>MT 1y 10m<br>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<br>Assistance – some evidence of rehabilitation  |

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|-----|---|---|------|--|---|---|---|
| 54. | <b>Longstaff</b><br>(24)<br>NSWCCA<br>14.4.1993                     | s.61D(1) [8y]<br><br>Att s.61D(1) [8y]                      | VG   | MT 3y<br>AT 1y<br><br>MT 3y<br>AT 1y<br>(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<br>Prior good character                              |
| 55. | <b>Page</b><br>NSWCCA<br>17.6.1993                                  | 5 x s.61D(1) [8y]<br><br>s.61E                              | VG   | MT 4y<br>AT 16m<br><br>FT 6m<br>(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<br>Alcoholism and mild brain damage |
| 56. | <b>Vaitaiki</b><br>NSWCCA<br>6.10.1993                              | s.61D(1) [8y]<br><br>s.61C(1)(b)                            | VG   | FT 2y<br><br>MT 3y 3m<br>AT 1y<br>(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. | <b>Cook</b><br>NSWCCA<br>21.2.1994<br><br>Co-offender:<br>BARRISTON | Aid and abet<br>s.61D(1B) (in<br>company) [12y]<br><br>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<br>Psychologically and emotionally deprived                         |
| 58. | <b>Scerri</b><br>(25)<br>NSWCCA<br>28.6.1994                        | 5 x s.61D(1) [8y]<br><br>s.61C<br><br>s.94<br><br>s.61B     | VG   | FT 3y<br><br><u>Total:</u><br>MT 12y<br>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. | <b>Day</b><br>NSWCCA<br>21.7.1994                                   | s.61D(1B) (in<br>company) [12y]                             | VG   | MT 4y<br>AT 15m                                      | AD  |   | Sexually assaulted female while providing lift into town – in company of co-offender  |
| 60. | <b>McGarvey</b><br>(29)<br>NSWCCA<br>26.8.1994                      | s.61C(1)(a)<br><br>s.61D(1)                                 | PG   | MT 10y<br>AT 12m<br><br>FT 7y<br>(concurrent)        | AA<br>MT 8y 3m<br>AT 2y 9m<br><br>FT 7y<br>(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<br>Abusive children – borderline personality disorder – alcohol abuse   |

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

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|-----|--|--|------------|---|---|---|---|
| 65. | <b>Hall</b><br>(32 at offence)<br><a href="#">[2017] NSWCCA 313</a>      | 2 x s.61C(1)(b)<br><br>2 x s.61D(1) [8y]                 | VG         | 4y<br><br>3y<br><br><u>Aggregate:</u><br>5y<br>NPP 1y                           | Crown AA<br>4y 6m<br><br>3y 6m<br><br><u>Aggregate:</u><br>7y<br>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<br>Subsequent good character – community work – wife suffering ill health – poor mental and physical health - four year delay since arrest  |
| 66. | <b>Melville</b><br>(67 at sentence)<br><a href="#">[2023] NSWCCA 284</a> | s.73 [14y]<br><br>s.61D(1)<br><br>Sched:<br>4 x s.61D(1) | PG<br>(5%) | <u>Indicative:</u><br>2y 4m<br><br>11m<br><br><u>Aggregate:</u><br>3y<br>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<br>Competed 10y sentence for 31 sexual offences against same complainants in 2015 – delay in charging and sentence<br>No remorse or insight<br>On appeal – no error in relevant circumstances – sentence not excessive |

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