

Indecent Assault
Victim Aged 16 Years or Older
s.61L (NSW) *Crimes Act*

s 61L Assault another person and commit act of indecency on or in presence of that person

Maximum penalty: 5 years
Commenced: 17.3.1991
Repealed: 1.12.2018

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	Jammeh [2004] NSWCCA 327	s.61L	PG	3y NPP 18m	AA 3y NPP 12m	Breached bail – not insignificant record including sexual offences	During bus trip was accused by female passenger of stealing from her – both attended police station but mix-up meant offender released without interview – followed by complainant into abandoned house – forced complainant to remove pants and attempted to have intercourse Grew up in Gambia, West Africa Appeal decided in context of appeal against sentences for robbery offences
2.	Jalloh (22) [2009] NSWCCA 295	2 x s.61L	PG (15%)	3y NPP 18m	AD	Record – breached bail	Indecently assaulted intoxicated female in men's toilets at hotel – complainant lapsing in and out of consciousness – touched breast and vulva Refugee from Sierra Leone – traumatic history
3.	Sharma [2010] NSWCCA 338	s.61L Sched: s.61L	PG (15%)	3y 4m 21d NPP 2y	AD	nil	Bus driver drove intellectually disabled female to park and locked bus – indecently assaulted complainant by exposing penis, touching breasts under bra, touching vaginal area and masturbating to ejaculation – well above mid-range objective seriousness Prior good character

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4.	Evans [2012] NSWCCA 59	s.61L s.114(1)(a) (armed with intent to commit offence)	PG	8m NPP 6m 2y 8m NPP 22m <u>Total:</u> 3y NPP 2y 2m	AD	Lengthy record including violence - Breached parole	While passenger in back seat of car kept touching female acquaintance inappropriately –threatened to stab and cut complainant while holding knife after she reported incident to police
5.	Opacic (31) [2013] NSWCCA 294	s.61L Agg impersonate police officer	PG (10%)	2y 6m NPP 1y 3m 2y 9m NPP 1y 6m <u>Total:</u> 3y NPP 1y 9m	AD	Nil significant	Told prostitute he was a police officer and made threats as to fines, court and deportation – advised her it would go away if she played along - took complainant to secluded area, touched her breasts and leg and made her touch exposed penis – continued pretence by phone three weeks later Difficult childhood – suffering depression – remorse – good prospects of rehabilitation
6.	Aktar [2015] NSWCCA 123	2 x s.61L Sched: AOABH s.61L	PG (10%)	2y 3m NPP 1y 3m	AD		During visit to home of cousin one evening indecently assaulted her – kissing and licking and touching breasts – forced her into bedroom – injury to leg – removed top and kissed and fondled breasts – forced hand of complainant to penis and pushed penis against chest
7.	Baines (60) [2016] NSWCCA 132	13 x s.61L	PG / VG	<u>Aggregate:</u> 5y NPP 3y	AD		Masseur - committed assaults while performing therapeutic massages at gym – offences over 3 year period – eight complainants - moved finger over body, including nipples – often present in room when complainants changing and sometimes would remove their underwear – in relation to complainant (first two counts), sucked nipples and massaged genital area Good character – respected in community – good employment history - supportive family – good rehabilitation prospects
8.	Jung (35) [2017] NSWCCA 24	10 x s.61L	PG (25% / 10%)	<u>Aggregate:</u> 5y NPP 3y 6m	AD	Nil	Physiotherapist – indecently assaulted 6 female patients – exposed and touched breasts – rubbed over pubic and vaginal area – aware actions inappropriate at time of commission of offences – serious breach of trust Born in South Korea – prior good character of little relevance

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9.	Evans (31) [2017] NSWCCA 281	s.61L Act with intent to influence witness s.61 Sched: 4 offences	PG (20%)	3y 3y 2m 9m <u>Aggregate</u> 5y 6m NPP 3y 6m	AA 3y 1y 8m <u>Aggregate</u> 3y 6m NPP 2y	assault – no custody	(2012) while arguing with female partner grabbed her throat and forced her floor (2016) assaulted complainant at her home after babysitting their children – ripped off shorts and underwear and vigorously rubbed on and around vaginal area – conduct violent, degrading and prolonged – motivated by jealousy – after arrest sent complainant text messages asking her to drop charges – well below mid-range
10.	Al Ghazzawi [2018] NSWCCA 204	s.61L	PG (12.5%)	1y 9m NPP 12m	AD		Entered complainant's home uninvited - masturbated in front of sleeping complainant – tried to grab complainant and kiss her – complainant demanded he leave – offending occurred shortly after an earlier visit to the premises by offender – degree of premeditation – serious offending Some evidence of paranoid schizophrenia, though not factually established
11.	Zhao (24) [2019] NSWCCA 203	s.61L Sched: s.61L Assault	PG (12%)	2y 2m NPP 1y 5m	AD	Nil	Touched complainant's vagina three times while she was in bathroom at dinner party - sat on complainant so she could not move – removed bra, pushed her head into wall and tried to pull her head down to exposed penis - mid-range offence. High achieving student – good character – acquired major depressive disorder during period of offending - special circumstances - age and first time imprisonment.
12.	Rossall [2021] NSWCCA 200	s.61L Intimidation Sched: s.61	PG (5%)	<u>Indicative:</u> 2y 15m <u>Aggregate:</u> 2y 4m NPP 14m	AA <u>Indicative:</u> 1y 3m 10m <u>Aggregate:</u> 18m NPP 9m	Minor	Visited estranged wife's home at night – entered bedroom, forced child to leave and demanded sex – held complainant's arms above head and rubbed breasts – removed underwear – undressed self and placed condom on penis – desisted and left house – returned shortly after and threatened self-harm – assault involved grabbing complainant's arm Traumatic childhood – prospects of rehabilitation – little risk of re-offending – complainant showed no continuing fear On appeal: accepted additional evidence of traumatic and deprived childhood and mental health issues – found offences below mid-range and just above low range – would have imposed ICO but offender served NPP

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