Produce, Disseminate or Possess Child Abuse Material

s.91H (NSW) *Crimes Act*

Possess child abuse material

s.91H(3)

Maximum Penalty: 5 years

Commenced: 1.1.2005

Moved: 31.12.2008

s.91H(2)

Maximum Penalty: 10 years

Commenced: 1.1.2009

Produce, disseminate child abuse material

s.91H(2)

Maximum Penalty: 10 years

Commenced: 1.1.2005

17.9.2010 – terminology changed from 'child pornography' to 'child abuse material'

COPINE scale (Combating Paedophile Information Networks in Europe) / Australian National Victim Image Library (ANVIL) / Child Exploitation Tracking System (CETS).

Category 1	images depicting erotic posing of children with no sexual activity
Category 2	images depicting sexual activity between children, or solo masturbation by a child
Category 3	images depicting non-penetrative sexual activity between adults and children
Category 4	images depicting penetrative sexual activity between children and adults.
Category 5	images depicting sadism or bestiality
Category 6	animated or virtual depictions of children engaged in sexual poses or activity

Note: the effect of statutory provisions relating to the application of sentencing patterns and practices:

s.25AA(1) (NSW) *Crimes (Sentencing Procedure) Act* applied to sentences imposed on or after 31.8.2018. It required a court to sentence an offender for a child sexual offence in accordance with the sentencing patterns and practices at the time of sentencing, not at the time of the offence.

This provision was replaced by s.21B(1) (NSW) *Crimes (Sentencing Procedure) Act* on 18.10.2022 which extends the requirement to all offences.

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	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	**Saddler** (2009) 194 A Crim R 452 [2009] NSWCCA 83	3 x Possess – s.91H(3) *[5y]* Sched: 2 x Possess Other offences	PG (25%)	6y NPP 4y 6m	AA 5y NPP 3y 9m	Priors for sexual assault	Over 45,000 images located on computer – horrific images of sexual abuse and torture on babies and young children - worst case
2.	**Mouscas** (39) [2008] NSWCCA 181	Possess – s.91H(3) *[5y]* Sched: Access child pornography - s.474.19(1)(a)(i) Cth Code	PG (20%)	2y 9m NPP 1y 6m	AD	Nil	Downloaded images from FBI monitored site – 3 gigabytes of child porn material – 41,923 graphic files – 251 videos – some images of very young children – anal, oral and vaginal intercourse – animals – some children bound and gagged – upper end of range of offence – no intention or sell or distribute
3.	**James** (28) [2009] NSWCCA 62	Possess - s.91H(3) *[5y]* Access child pornography – s.474.19(1)(a)(i) Cth Code	PG (25%)	6m 18m released after 12m for 3y <u>Total</u>: 21m released after 15m for 3y	AD	Nil	Found in possession of 17 compact discs, 2 computer hard drives and 25 A4 pages of child porn – 3235 images and 77 videos – at least mid-range
4.	**Booth** (61) [2009] NSWCCA 89	Possess - s 91H(3) *[5y]*	PG (20%)	Bond 4y	Crown AA 2y NPP 6m	Child sexual assault - possess child pornography	Found in possession of 2 images, computer disc containing 76 images, 2 folders and video on computer drive – images depicting young males, some under 10y, naked or in sexual acts.
5.	**Sivell** (44) [2009] NSWCCA 286	Possess - s.91H(3) *[5y]*	VG	2y 9m NPP 1y 11m	AD	Contravened interim prohibition order – extensive record including sexual offences against young females	Found in possession of 85 images and links to websites – offences at lower end of mid-range of seriousness Poor prospects of rehabilitation

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6.	**Puhakka** (20) [2009] NSWCCA 290	2 x Possess - s.91H(3) *[5y]* Sched: Similar offence	PG	4y NPP 3y	AA 3y NPP 2y	Nil	Found in possession of images on computer and hard disks, and videos Began viewing internet pornography at the age of 10 - youth, lack of criminal convictions - good prospects of rehabilitation - offending behaviour arose from his isolated social situation – university student
7.	**Whiley** [2010] NSWCCA 53	2 x Produce - s.91H(2)	VG	4y NPP 3y	AA 1y NPP 9m	Currently serving sentence for other matters - lengthy record including child sexual assault, possess child pornography	Hand-drawn sketches found in prison cell – for own gratification. On appeal - offences near bottom of range.
8.	**Lee** (22-23) [2010] NSWCCA 88	Possess - s.91H(3) *[5y]* Access child pornography - s.474.19(1)(a)(i) Cth Code 2 x s.66C(1) s.66C(4) 3 x s.66C(3)	PG (35%)	1y 10m NPP 8m 14d 1y 10m released to recog 3y GBB 3y GBB 3y GBB	Crown AD	nil	Found in possession of 82,882 image files and 344 multimedia files of child pornography collected over 6-7 years Cat 1 – 79,899 images / 228 files Cat 2 – 350 images / 24 files Cat 3 – 762 images / 21 files Cat 4 – 858 images / 69 files Cat 5 - 13 images / 2 files Had sexual intercourse with 13-14y girlfriend on at least 12 occasions – consensual at all times – lowest range of offending Difficult personal circumstances

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
9.	**Minehan** (38) (2010) 201 A Crim R 243 [2010] NSWCCA 140	2 x Disseminate - s.91H(2) Possess - s.91H(3) *[5y]* Possess - s.91H(3) *[5y]* Transmit child pornography - s.474.19(1)(a)(iii) Cth Code 3 x Use carriage service in offensive manner s.474.17(1) Cth Code Use carriage service to groom s.474.27(1) Cth Code Sched: 10 x Transmit - s.474.19(1)(a)(iii)	PG (20%)	3y NPP 2y 3y NPP 1y 3y 4m NPP 1y 3y NPP 2y FT 9m 3y NPP 1y <u>Total</u>: 6y 4m NPP 4y	AA 3y NPP 2y 2y NPP 1y 6m 2y 3m NPP 1y 9m 3y NPP 1y 5m FT 9m 3y NPP 1y 5m <u>Total</u>: 5y 2m NPP 3y 3m		Telephone conversations with underage males regarding sexual conduct - sent text message to another person regarding interest in boys – disseminated images to undercover police officer – online communication with undercover police officer believing officer was adolescent male – police search of premises located number of images Stable background – victim of child abuse – bipolar disorder. On appeal – error had been made in maximum penalty for s 91H(3) offences.
10.	**Melham** (47) [2011] NSWCCA 121	Access child pornography – s.474.19(1)(a)(i) Cth Code Possess - s.91H(2)	PG (25%)	3y 9m NPP 2y 6m 3y 9m NPP 3y <u>Total</u>: 4y 3m NPP 3y	AD	nil	Accessed and downloaded child pornography from home computer - 1196 multimedia files and 45182 image files Cat 1 - 43,552 images / 1145 multimedia Cat 2 – 1511 images / 30 multimedia Cat 3 – 34 images / 5 multimedia Cat 4 – 62 images / 15 multimedia Cat 5 – 23 images / 1 multimedia Activity continued over 10 years Suffering depression and anxiety – good character

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
11.	**Kumar** (50) [2011] NSWCCA 139	Access child pornography – s.474.19(1)(a)(i) Cth Code Possess - s.91H(3) *[5y]*	VG	5y NPP 3y 4y NPP 2y Total: 6y NPP 4y	AA 3y NPP 2y 2y NPP 1y 6m Total: 4y NPP 3y		86 images of young girls in sexually suggestive poses – images of adult males having intercourse with young girls – a few images of torture – additional 12,000 images and 11 videos on computer – saved images to hard drive – no evidence he shared or passed on images Born in Fiji – no remorse- low risk of re-offending
12.	**Cross** [2012] NSWCCA 114	Possess – s.91H(2) Transmit child pornography - s.474.19(1)(a)(iii) Cth Code s.61M(2) Sched: 2 similar offences	PG	3y NPP 3m FT 3y FT 3y Total 7y NPP 4y 3m	AA 3y NPP 3m FT 15m 2y NPP 18m Total: 5y 6m NPP 2y 9m		Made a 17min video of 8y boy washing himself at sport clinic – offender seen washing and drying child's penis – further focuses on child's crotch while performing gymnastics – during conversation with undercover officer expressed interest in and described fantasy of sexual contact with 13y boy – shared video of 10y boy masturbating – found in possession of child pornography videos and images - included Level 4 - 274 images / 88 videos Level 5 - 14 images / 4 videos Physically abusive childhood – sexually assaulted as a child
13.	**SBR** (51) [2012] NSWCCA 233	2 x Produce – s.91H(2) Possess – s.91H(2) Sched: s.61M(1)	PG (12.5%)	FT 12m FT 12m Total: FT 18m suspended	Crown AD		Took photos of 12y cousin while child asleep showing exposed breasts – 235 images of female children located on computer - lower end of seriousness. Remorse – counselling.

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14.	**Sabel** [2014] NSWCCA 101	Access child pornography – s.474.19(1)(a)(i) Cth Code Access child pornography – s.474.19(1)(a)(i) Cth Code 2 x Possess – s.91H(3) *[5y]*	VG	Discharged without conviction on 2y recog Released without sentence on 2y recog 2y GBB	Crown AA on Released without sentence on 2y recog Released without sentence on 2y recog 2y GBB		Accessed material in 2007-2008 – 249 and 365 images located on hard drive - claimed genuine scientific purpose - software developer researching methods of monitoring or blocking transmission of child pornography over peer-to-peer file sharing networks – although offender had genuine belief in commercial prospects of his research engaged in an activity known by him to be illegal - criminal and serious conduct. Managing director of information technology company - received awards from the Government recognising developments in security and business software.
15.	**Martin** [2014] NSWCCA 124	2 x Possess – s.91H(2) 11 x Produce – s.91H(2) 11 x Disseminate – s.91H(2) Contravene child protection order	PG (25%)	Aggregate 6y NPP 4y FT 9m Total: 6y 6m NPP 4y 6m	AA Aggregate 5y NPP 3y 4m FT 9m Total: 5y 3m NPP 3y 7m	Priors for child pornography offences	While in custody met inmate also interested in child pornography – child protection order made prohibiting contact – upon release found in possession of child pornography images on computer and memory stick: 59,050 picture files 323 video files 4578 documents Wrote and sent stories by mobile phone to prohibited contact describing sexual activity with 13y and 8y boy Poor health
16.	**Martin** (39) [2014] NSWCCA 283	Possess - s.91H(2) Produce - s.91H(2) 2 x Access child pornography – s.474.19(1)(a)(i) Cth Code Make available – s.474.19(1)(a)(iii) Cth Code	PG (25%)	2y NPP 18m FT 9m 2y 3y Total: 3y NPP 18m	Crown AA FT 2y FT 9m 2y 4y 6m Total: 5y NPP 3y 6m	Nil	Images found on computer storage devices At least 13,000 different images – 60% Cat 1 – 30% Cat 3/4 - used carriage service over 4 years and over 3 months – made 3 videos filming son of friend – shared 47,773 images – 61% Cat 1 – 30% Cat 3/4 Sexually abused as a child – lived alone – undertaking counseling

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17.	**Porte** (47) [2015] NSWCCA 174	Possess - s.91H(2) Access child pornography – s.474.19(1)(a)(i) Cth Code Possess prohibited weapon	PG (25%)	18m ICO	Crown AA 12m 30m NPP 18m Conviction only Total: 2y 9m NPP 18m	Minor	Found in possession of pornographic images and videos from peer to peer sharing – interest in young teenage girls Cat 1 – 27,720 images Cat 2 – 1,156 images Cat 3 – 2,161 images / 88 videos Cat 4 – 2,567 images / 493 videos Cat 5 – 240 images / 27 videos Cat 6 – 299 images Computer found downloading 17 Cat 1 images and 48 videos in Cat 1-4 In possession of can of mace purchased years before in America – no criminal intent Married – poor physical health – evidence of rehabilitation
18.	**De Leeuw** (54-61) [2015] NSWCCA 183	Possess - s.91H(2) 3 x Access child pornography – s.474.19(1)(a)(i) Cth Code Sched: 2 x s.91H(2)	PG (25%)	2y ICO	Crown AA 2y 6m NPP 1y 3m 1y 3m / 1y 6m / 1y 9m Total: 3y NPP 1y 9m	Nil	Found in possession of 32,656 images, DVDs and documents Cat 1 – 23,654 images Cat 2 – 1,821 images Cat 3 – 1,529 images Cat 4 – 3,357 images Cat 5 – 117 images Cat 6 – 274 images Offences committed 2006-2013 Taking rehabilitation steps
19.	**Wood** (62) [2015] NSWCCA 231	Possess - s.91H(2)	PG (25%)	2y 9m NPP 12m	Crown AA 2y 9m NPP 1y 10m	Old child sex offences	Found in possession of images and video files from all categories – 49,433 images and 2,175 video files collected over 15 years – mid range seriousness Lengthy history of depression and social isolation
20.	**Fitzgerald** (36) [2015] NSWCCA 266	4 x Possess s.91H(2) 2 x Access child pornography - s.474.19(1)(a)(i) Cth Code	PG (25%)	3y 9m NPP 2y 3m 2y 3m thereafter to enter GBB 9m Total: 3y 9m NPP 2y 6m	AD	Nil	Child pornography shared or downloaded over internet using "peer to peer" file sharing technology - for offender's own use, not for sale or dissemination - no profit motive - material located on computer - over 1,145 items including 390 videos – 700-800 children – 25% of items in most serious category 4, 5. Lived with mother – loner - good prospects of rehabilitation - fully co-operated with law enforcement agencies – contrition.

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21.	**Fedele** (19-22) [2015] NSWCCA 286	Possess - s.91H(2) Access child pornography – s.474.19(1)(a)(i) Cth Code	PG (25%) (20%)	6m 12m released to recog after 6m (concurrent)	AA 10m ICO 10m ICO (concurrent)	nil relevant	Found in possession of small amounts of child pornography on home computer for personal use – accessed images on five occasions 2011-2012 and one occasion 2014 Accessed material during difficult period in life – undertaken counselling – strong subjective case
22.	**O'Sullivan** (67) [2015] NSWCCA 329	2 x Possess s.91H(2) Possess s.91H(2) 3 x Breach extended supervision order	PG (25%)	4y 2y 9-18m <u>Aggregate</u>: 8y 3m NPP 6y 3m	AD	Extensive record involving sexual offences against children – first offence 1960s	Images found on DVD, flash drive and laptop – objective seriousness very high – nudity, non-penetrative and penetrative activity – mostly involving young boys aged 5–14y - bound with hands tied behind their back - gratuitous cruelty and humiliation. Cat 1 – 631 pictures Cat 2 – 1 video / 14 pictures Cat 3 – 134 pictures Cat 4 – 88 pictures / 11 videos Cat 5 – 21 pictures In daily contact with own son aged 41 who is also registered child sexual assault offender – numerous conversations regarding trying to contact and access young children.
23.	**Burbridge** [2016] NSWCCA 128	Produce - s.91H(2) Possess - s.91H(2) Possess - s.91H(2) Transmit child pornography – s.474.19(1)(a)(iii) Cth Code Access child pornography – s.474.19(1)(a)(iii) Cth Code Sched: Possess cannabis	PG (25%)	FT 6m FT 1y 6m FT 1y 1y 6m 1y 6m <u>Total</u>: 4y NPP 2y 3m	AD	Nil - on bail for 4 of these offences when committed last offence.	Produced, accessed and transmitted or possessed 1,854 files of child pornography or child abuse material - approximately 300 children aged 18m-14y - received and sent emails – created account with child abuse website and wrote paedophilic story - material in offender's possession primarily for own purposes and non-commercial distribution - no sophisticated planning or collaboration with others - below mid-range objective seriousness. Suffered severe abuse and neglect as a child – remorse - sound prospects for rehabilitation

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24.	**Miao** [2017] NSWCCA 89	Possess - s.91H(2) 2 x Access child pornography - s.474.19(1)(a)(i) Cth Code Sched: s.91H(2)	PG	2y NPP 12m FT 1y 3m <u>Total</u>: 2y 3m NPP 1y 3m	AD		Purchased child sex doll from overseas – intercepted by police - police found child abuse material on home computer - 361 images, 56 videos - majority depicted children under 10y in erotic poses with no sexual activity – 29 images and 11 videos depicted penetrative sexual activity between children or between adults and children - 17 images and 3 videos depicted sadism, humiliation or bestiality. Prior good character – well-educated – employed.
25.	**Freedman** [2017] NSWCCA 201	Access child pornography – s.474.19(1)(a)(i) Cth Code Possess - s.91H(2)	PG (25%)	15m ICO 12m ICO (concurrent)	Crown AA 1y 6m released to recog after 1y 3m 1y 3m <u>Total</u>: 1y 9m released to recog after 1y 6m	sexual offence against person under 16y	Registrable person as child sex offender - material on computer - children from babies to age 18y - images and videos depicted nudity to young children in various sex acts - 11,660 images, 486-590 images child abuse material Level 1 - 75 images Level 2 - 14 images Level 3 - 58 images Level 4 - 133 images Level 5 - 11 images Offending over period 12 months.
26.	**Hong** (42) [2017] NSWCCA 238	Access child pornography - s474.19(1)(a)(i) s.91H(2) s.91H(2)	PG (25%)	2y 1y 6m 2y 9m NPP 1y 6m <u>Total</u>: 3y 8m NPP 2y 5m	AA 2y 1y 6m 2y 9m NPP 1y 6m <u>Total</u>: 3y 8m NPP 2y 4m	Nil	Over 3y period - peer to peer file sharing program - material on computer – Cth offence: video files depicted children aged 5-15y, majority featuring girls involved in penetrative sexual activity, over 80 different children – NSW offences: 471 video files CETS 1-5, children aged 7-15y, over 300 different children - 57 video files, children aged 5-15y, featured girls approximately 10y engaging in penetrative sexual activity - over 70 children. Remorse

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27.	**Turner** [2017] NSWCCA 304	4 x Produce s.91H(2) Produce s.91H(2) s.61M(2) s.61M(2) s.91G(1)(a) Sched: Related offences	PG (25%)	Indicative 1y 6m 1y 6m 2y 6m 3y 3m 3y 6m Aggregate: 8y NPP 5y	Conviction AA Indicative 12m 2y 3m 2y 6m Aggregate 4y 6m NPP 3y	Old sexual offences dealt with by non-custodial sentences	Used camera installed in shower to secretly film 9y female friend of partner's daughter showering over 10 months – planned offence – breach of trust – while riding quad bike with child pulled up shirt to secretly take photo of exposed nipples - while riding quad bike pulled up shirt of second child aged 8y and fondled nipples – pulled down shorts to expose underpants – recorded actions - took photos of 9y female playing in neighbouring yard without awareness of child – zoomed in on crotch area covered by underwear On appeal two related convictions quashed
28.	**Peters** (39) [2018] NSWCCA 126	Possess s.91H(2) Access child pornography – s.474.19(1)(a)(i) Cth Code	PG (25%)	18m NPP 9m 2y Total: 2y 9m NPP 1y 6m	AA 18m NPP 9m 1y 10m Total: 2y 4m NPP 1y 3m	Nil.	Laptop and cloud storage contained total of 676 images and video files of child abuse – still images of various categories from no sexual activity to penetrative activity involving children or both children and adults - bondage or sadistic poses - some children appeared below 3y - two images of vaginal penetration of baby - videos included boys and girls aged 5-15y engaged in oral, vaginal and anal penetration - lower end of scale but not in category of least serious Family support On appeal - failure to take into account utilitarian value of guilty plea

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29.	**Wagner** [2018] NSWCCA 124	2 x Transmit child pornography – s.474.19(1)(a)(iii) Cth Code Possess - s.91H(2)	PG (25%)	1y 6m / 2y 3m 1y 6m NPP 1y Total 2y 9m released to recog after 2y	1y 3m / 1y 11m 1y 6m NPP 1y Total 2y 4m released to recog after 1y 10m		Uploaded 10 images to Tumblr Cat 1 – 7 images Cat 4 – 2 images Provided links to online storage site of images and videos using dropbox on 19 occasions over three weeks: Cat 4 - 24 images / 7 videos Cat 5 - 7 images / 1 video Images found on mobile phone and laptop: Mostly Cat 1 Cat 4 - 32 images Cat 5 - 1 image Error in failing to give 25% discount for Commonwealth offences at first instance
30.	**Hutchinson** (31) [2018] NSWCCA 152	2 x Transmit child pornography – s.474.19(1)(a)(iii) Cth Code Possess s.91H(2)		12m released to recog after 3m 6m Total: 17m NPP 8m	Crown AD	Nil	Male offender posed as 18y old female to obtain explicit images from young teenage boys – also in possession of over 500 child abuse files. Prior good character - good prospects of rehabilitation - remorse
31.	**Newman** (37) [2018] NSWCCA 208	7 x Possess - s.91H(2)	PG (25%)	3y 4m NPP 2y (concurrent)	AD	Nil	Hundreds of images found on several devices – images mainly Category 1 but some images from all categories - toward but not actually at middle of range. Lack of remorse – mental health - borderline personality disorder, cannabis addiction and major depressive disorder.
32.	**Valentine** (38) [2020] NSWCCA 116	Possess – s.91H(2) Disseminate – s.91H(2)	PG (25% on appeal)	2y 8m NPP 16m 12m Total: 2y 10m NPP 18m	AA 2y 3m NPP 1y 2m 9m Total: 2y 5m NPP 16m	nil	Found in possession of material on laptop – Cat 1 and 2 – slightly less than mid –range – unsophisticated dissemination for no financial benefit – towards low range Good character – history of family dysfunction On appeal: failure to provide discount for guilty plea – considered fresh evidence as to prospects of rehabilitation and effect of pandemic

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33.	**LS** (16) [2020] NSWCCA 120	s.66A Produce - s.91H(2) Sched: Possess child abuse material	PG (25%)	Indicative 5y 9m 2y 9m Aggregate: 6y 9m NPP 4y	AA Indicative 3y 9m NPP 2y 2m 2y 3m NPP 1y 4m Aggregate: 4y 9m NPP 2y 9m	nil	Offender commenced searching for pornography when aged 8-11y – became involved in child abuse chat rooms and sharing sites – commenced sharing photos of young children taken at offender's house at 14y – at 16y took photo of 4y child with offender holding open and licking vagina – upon arrest found in possession of hundreds of images and videos of child abuse material – very young age of child – no physical harm – multiple child abuse complainants Diagnosed with severe autism and ADHD and associated developmental and behavioural problems – expert evidence established offender motivated by desire social validation and interaction – sexual interest related to developmental immaturity – youth and mental disorders had significant relationship to offending - assaulted on 18 occasions in custody – self harm on six occasions – difficulty in custody because of autism - profound remorse – reasonable prospects of rehabilitation On appeal – failure to properly take into account both youth and mental disorders – good to excellent prospects of rehabilitation - exceptional case

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34.	**CR** [2020] NSWCCA 289	Produce - s.91H(2) s.91G(1)(a) – use child under 14y to produce child abuse material s.91G(1)(a) – use child under 14y to produce child abuse material Possess - s.91H(2) Breach of bond Sched: Possess	PG (25%)	Indicative: 2y 3y NPP 2y 4y NPP 2y 8m 3y 6m Aggregate: 8y NPP 5y	AA Indicative: 1y 9m 2y 9m 3y 6m 2y 6m 6m Aggregate: 6y 3m NPP 4y 1m	Breached bond for child pornography offence – on child registry	Found in possession of child abuse material on computer during annual police inspection 1 – pictures and videos of sex doll emulating prepubescent female in sexual poses with digital face of child – schedule offence had images of offender having sex with doll 2-3 – pictures and videos with digital faces of 10-13y niece and 4-7y niece on pornographic images – breach of trust Cat 1 – 461 images / 66 videos Cat 2 – 4 images Cat 3 – 77 images / 3 videos Cat 4 – 5 images Cat 6 – 167 images 4 – pictures and videos found on hard-drive 232,018 - 292,284 images 3180 - 4658 videos Generally unsophisticated – no cruelty or physical harm – own use Some small mitigation for causal connection between offending and paedophilic disorder – guarded rehabilitation On appeal: erroneously applied SNPP to s.91G offences
35.	**Brierley** (84) [2022] NSWCCA 26	3 x possess - s.91H(2)	Not indicated	Aggregate: 14m NPP 7m	AA Aggregate: 10m NPP 4m		Stopped at airport by Border staff – material located in devices – admitted to downloading images from internet for "recreation" – further material located at residence and various devices – 46,700 images, however, significant duplication – predominantly Cat 2 images – one image Cat 1. CCA: Aaccepted evidence establishing health status significantly deteriorated following sentence, and conditions of custody unsuitable to accommodate ill-health.

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36.	**Meers** (35-41 at offences; 42 at sentence) [2025] NSWCCA 27	2 x Produce - s.91H(2) Produce - s.91H(2) Produce - s.91H(2) Possess child abuse material: s.474.22A(1) 4 x Use carriage service for child abuse material: s.474.22(1)(a)	PG	Indicative: 2y 3y 4m 3y Aggregate: 6y NPP 3y 4m Aggregate Cth Offences 6y 6m NPP 3y 7m Total 9y 10m NPP 6y 11m	AA Sentences not varied, but made partially concurrent. Total 8y 4m NPP 5y 5m	Nil	Chat conversations via "Telegram" messaging application with seven separate users – transmitted, solicited child abuse material - made available child abuse material by links to other sites - real children depicted, some 2yrs old - high degree of depravity - videos depicting female children forced to perform acts upon themselves or adults - adults engaging in indecent or sexual assaults featuring rough penile-vaginal or penile-anal sexual intercourse upon female children - 6,328 video files and 66,236 picture files. Remorse CCA: By wholly accumulating federal sentence on NPP for state offences, total effective sentence manifestly excessive.
37.	**Cerezo** (32) [2026] NSWCCA 74	Possess - s.91H(2) Possess - s.91H(2) Possess - s.91H(2) Possess - s.91H(2) Use child to make – s.92G(2)(a) Possess unreg firearm – s.36(1) *Firearms Act* s.166 certificate: 2 x Possess proh weapons	PG (25%)	Indicative: 3y 4y 6m 1y 6m 3y 1y 6m 9m Aggregate: 10y NPP 7y 6m s.10A	AA Indicative: 3y 4y 1m 2w 1y 6m 2y 3m 1y 6m 9m Aggregate: 7y 6m NPP 5y 3m s.10A	nil	Found in possession of hundreds of child abuse images and videos on phones, cloud storage, computer and hard drives – images included babies and toddlers – most images Cat 1 (most serious) – contacted 15y victim by Instagram and offered to take 'modelling' photos – photos taken in various locations with victim in sexual poses wearing swimming costumes, lingerie and revealing clothing- high moral culpability due to number and nature of images and retaining of material Born in the Philippines – prospects of rehabilitation and finding of remorse improved on appeal On appeal: error made in assessment of objective seriousness of two counts

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