

Sexual Intercourse With Child Between 10 and 14 Years

Offences committed on or after 13.6.2003

s.66C(1) (NSW) Crimes Act

s 66C(1) Sexual intercourse child of or above the age of 10 years and under the age of 14 years

Maximum Penalty: 16 years

Commenced: 13.6.2003

Standard Non-parole Period: 7 years (offences committed on or after 29.6.2015)

For offences under s.66C committed prior to 13.6.2003 see separate tables

Note: [s.25AA \(NSW\) Crimes \(Sentencing Procedure\) Act](#) applies to sentences imposed on or after 31.8.2018:

(1) A court must 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.

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
1.	Dagwell (47) [2006] NSWCCA 98	s.66C(1)	PG (20%)	18m NPP 6m	Crown AA 22m NPP 1y 3m	nil	Met 13y complainant through chat room – discussed sexually explicit matters over phone – upon meeting engaged in consensual sexual activity – touching and sucking breasts – digital penetration – on second occasions went to offenders house – indecent touching of breasts, digital penetration, digital penetration of anus, cunnilingus, anal intercourse, fellatio
		4 x s.66C(1)		18m NPP 6m	2y 10m NPP 1y 8m		
		s.66C(1)		18m NPP 6m	3y 4m NPP 1y 11m		
		2 x s.61M(1)		FT 3m	12m NPP 9m		
		s.61M(1)		FT 3m	1y 9m NPP 12m		
				<u>Total:</u> 21m NPP 9m	<u>Total:</u> 4y 3m NPP 2y 10m		

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	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	PRIORS	FACTS
2.	LB (52) [2011] NSWCCA 220	s.66C(1) s.61M(2) Sched: 2 x s.61M(2)	PG (12%)	4y 6m NPP 3y FT 2y <u>Total:</u> 5y 6m NPP 4y	AA 3y 6m NPP 2y FT 2y <u>Total:</u> 4y 6m NPP 3y	Nil	12y male complainant stayed at offender's house overnight with step-father – touched complainant's penis on outside of pants with shoe – licked complainant's face and put tongue in mouth – placed finger in area of complainant's anus - forced complainant to perform fellatio – opportunistic and unplanned offence Long history of mental problems and alcohol dependence after traumatic experiences in Nicaragua
3.	RD [2014] NSWCCA 103	3 x s.66C(1)	PG (20%)	3y NPP 18m	Crown AA 5y 6m NPP 2y 9m	Nil	Offender was friend of 12y female complainant's older brother – asked complainant to be in a "relationship" with him – penile vaginal intercourse – complainant discovered she was pregnant Dysfunctional background
4.	Nelson (18-19) [2016] NSWCCA 130	2 x s.66C(1) 6 x s.66C(3)	PG (25%)	2y suspended 3y GBB	Crown AA <u>Aggregate:</u> 3y NPP 2y		Had sexual relationship with 3 'girlfriends' over 14 months – each complainant had moved into home of offender and family – complainants aged 13-14y – first complainant fell pregnant Suffered physical abuse as a child – significant cognitive disabilities and mental health problems
5.	CF [2017] NSWCCA 318	s.66(1) 3 x s.61M(2)	VG	<u>Indicative</u> 5y 6m 1y – 2y <u>Aggregate</u> 8y NPP 5y	AD	Nil	Sexually assaulted 12y great niece on two separate occasions – digital penetration of complainant while sitting at table during Christmas gathering – alone in room – 6m later touched genitals of complainant while massaging leg sitting on lounge – touched breast inside sports bra – touched genitals insider underwear – element of grooming – significant breach of trust Medical conditions

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6.	AM (19) [2020] NSWCCA 101	s.66C(1) s.66C(1) s.61M(2) 2 x s.61N(1) Sched: 9 offences	PG (35% on appeal) PG (25%)	<u>Indicative</u> 6y 3m NPP 3y 9m 5y 2m NPP 3y 3y NPP 1y 8m 7m <u>Aggregate</u> 8y 3m NPP 6y	AA <u>Indicative</u> 5y NPP 3y 4y 6m NPP 2y 9m 2y 3m NPP 1y 3m 6m <u>Aggregate</u> 6y 6m NPP 4y	Nil	SNPP – 7 years Sexually assaulted 10y half-sister – touched complainant's vagina (2 x s66C(1)) – masturbated in complainant's presence, touched complainant's buttocks outside clothing. Social anxiety – remorse – low risk reoffending CCA: judge found special circumstances but minimal departure from statutory proportion – increased discount for Ellis disclosure
7.	Scrimshaw (A pseudonym) (59) [2021] NSWCCA 81	4 x s.66C(1) s.61M(1) Sched: 4 sexual offences	PG (25%)	<u>Total:</u> 11y NPP 7y	AD	Sexual intercourse with child under 10, sexual intercourse with child aged between 10 and 16, two counts of indecency with person under 16.	Sexual offences against daughter aged 10 – 13 between 2004 – 2006 - penile/vaginal sex, fellatio, cunnilingus; and masturbation in front of complainant. CCA: SJ erroneously applied standard non-parole period – re-sentence: whilst incarcerated for prior child sexual assault offences, met his wife with whom he fathered the complainant - cognitive deficits - below average intelligence - deprived and psychologically harmful upbringing – guarded prospects of rehabilitation.
8.	DR (44) [2022] NSWCCA 151	3 x s.66A(2) s.66C(1) s.66C(2) s.61M(2) s.66C(4) Sched: 2 offences	PG (5%)	<u>Indicative</u> 11y 4m 11y 4m 7y 7m 1y 10.5m NPP 1y 5m 8y 6m <u>Aggregate</u> 20y 10m NPP 15y 6m	AD	Yes.	SNPP 15y (April 2005 – Nov 2015) Offences against two female complainants aged 11-15y and 8-9y – complainant 1: in relationship with older sister, digital, penile intercourse, cunnilingus, violence and threats – complainant 2: own daughter, digital intercourse. Deprived background with physical violence, sexual abuse and substance abuse - no evidence of causal link between disadvantaged upbringing and offences; disadvantage given full weight (<i>Bugmy</i>) - anti-social personality disorder and amphetamine use disorder.

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9.	Krojs (19 at offence) [2022] NSWCCA 209	s.66C(1)	VG	4y NPP 2y	AD	Not stated.	(2015) offences against 12 year old female complainant – met through mutual friend – complainant staying at offenders' home - offender came into room where complainant sleeping and locked door – pinned complainant's arms against bed, vaginal-penile intercourse – ignored complainant asking to stop and trying to push him away.
10.	WS (49 at sentence) [2023] NSWCCA 52	3 x s.66C(3) 4 x s.66C(1) s.66B 3 x s.61M(2) 3 x s.61M(1) s.61O(1) s 61O(2)	VG	<u>Aggregate:</u> 21y NPP 14y 6m	AD	AOABH, assault.	(1996-2013) - 16 sexual offences over a period of 17 years – female complainants aged between 5-15y – complainants applicant's stepdaughter, niece and former partner's younger sister –penile-vaginal intercourse, fellatio, cunnilingus - applicant used position in family to commit offences.

Last updated: March 2023

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