

## Aggravated Enter and Commit Serious Indictable Offence

s.111(2) (NSW) Crimes Act

s.111 (1) enter dwelling-house with intent to commit serious indictable offence

(2) commit offence under subsection (1) in circumstances of 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

Maximum Penalty: 14 years

NAME (age if known)	OFFENCE	CIRCUMSTANCE OF AGGRAVATION	PLEA	SENTENCE	APPEAL	RECORD	FACTS
<b>Warren</b> NSWCCA 22.7.1996	s.111(2) (steal)	Armed with offensive weapon	PG	4y NPP 2y 6m	AD	Priors for similar offences	Entered home and threatened elderly female occupant – took bank book and arranged to meet next day – took complainant's name and phone number
<b>Silva</b> (34) <a href="#">[2002] NSWCCA 332</a>	s.111(2) (AOABH)  2 x AOABH	In company	PG	3y NPP 12m (concurrent sentences)	AD	Drugs, property	Broke into home of elderly pensioner – assaulted him and two visitors – took \$200 from victim's bedroom. Drug addiction.
<b>Kollas</b> <a href="#">[2002] NSWCCA 491</a>	s.111(2) (affray)	Armed with offensive weapon	PG	4y NPP 2y 4m (partially concurrent to existing sentence)	Crown AA 5y 6m NPP 3y 3m	Breached bail for violence offence	One of group of men who forced entry into flat – struck two male occupants with steel pole – flat occupied at time with children – seeking drugs

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NAME (age if known)	OFFENCE	CIRCUMSTANCE OF AGGRAVATION	PLEA	SENTENCE	APPEAL	RECORD	FACTS
<b>Labrooy</b> <a href="#">[2004] NSWCCA 371</a>	s.111(2) (AOABH)  Mal Wound	Knowing person present	PG (20%)	<u>s.111(2)</u> 4y NPP 2y  <u>Total</u> 5y NPP 3y	AA <u>s.111(2)</u> 3y NPP 18m  <u>Total</u> 4y NPP 2y	Nil	Broke into unit where ex-girlfriend was staying – attempted to choke male victim with whom ex-girlfriend was sleeping – during struggle bit victim's ear tearing away part of it. Prior good character – depression.
<b>Mitropoulos</b> (31) <a href="#">[2004] NSWCCA 402</a>	s.111(2) (AOABH)	Armed with offensive weapon	VG	5y NPP 3y	AD	Assault	Went to ex-girlfriend's house – Hit male victim with closed fist and cricket bat.
<b>Murphy</b> (49) <a href="#">[2005] NSWCCA 182</a>	s.111(2) (AOABH)	Corporal violence	PG (more than 10% on appeal)	4y 6m NPP 3y 3m	AA 2y 8m NPP 2y	Lengthy including robbery, assault	Entered neighbours' home believing they had taken his watch – Struck male victim causing injury to mouth, left eye and forehead.
<b>Little</b> (28) <a href="#">[2009] NSWCCA 113</a>	s.111(2) (intimidation)  s.86(1)(b)  s.61		PG (local court)	2y 6m NPP 12m (other sentences concurrent)	AD		Entered ex-girlfriend's premises – slapped her across face - bound her hands with cable ties – attempted to tape mouth – left after cutting ties
<b>Ruttley</b> (19) <a href="#">[2010] NSWCCA 118</a>	s.111(2) (AOABH)   AOABH	In company	PG (25%)	4y NPP 2y 6m  FT 2y (concurrent)	AA 3y NPP 16m  FT 16m (concurrent)	Drive unlicensed	With juvenile cousin entered house of 35y intellectually disabled man – dragged him out of bed and kicked and punched him – house ransacked Voluntarily reported assault to police – aboriginal with childhood marked by poverty – low intelligence – parity to sentence imposed on younger offender charged with more serious offence
<b>Dyer</b> [24] <a href="#">[2011] NSWCCA 185</a>	s.111(2) (AOABH)  Sched: AOABH	In company	PG (10%)	4y 6m NPP 3y 4m	AD	Lengthy record in including assault on victim	Threatened victim when sentenced to 6m imprisonment for assault on victim – 2 weeks after release entered home of victim with two others – assaulted sleeping victim with golf club – punched and kicked victim

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<b>Kennedy</b> <a href="#">[2013] NSWCCA 19</a>	s.111(2) (intimidation)  Rob in Co Intimidate	In company	PG (25%)	3y NPP 20m  (concurrent)	AA 33m NPP 18m (concurrent)	Record	Victims answered door to two men – occupants threatened with knife and scissors over extended period – forced to hand over money – co-offender gave back \$50 when asked by offender Deprived childhood – very low intelligence – mental disorders
<b>Pleace</b> <a href="#">[2017] NSWCCA 112</a>	s.111(2) (intimidation)  AOABH		PG	<u>Indicative</u> 4y 6m  18m  <u>Aggregate</u> 5y NPP 3y	AD	Substantial	Forced entry into home of victim's girlfriend – threatened male victim with crow bar and struck him on arm – victim was client of offender's girlfriend who was a prostitute Suffering psychosis secondary to schizophrenia
<b>Dixon</b> (44) <a href="#">[2019] NSWCCA 85</a>	s.111(2) (larceny)  Sched: Intimidate	Knowing person present	PG (10%)	4y 11m NPP 3y 2m	AA 4y NPP 2y 6m	lengthy – breached parole	Entered garage through half opened roller door armed with metal tyre socket – left almost immediately followed by male victim armed with baseball bat – walked off down street once disarmed by victim and neighbour – between bottom and mid-range Aboriginal man with distressing background – instability – physical and sexual abuse – poverty – foster care- drug abuse – no work experience – much time in custody – risk of institutionalisation
<b>Bolin</b> <a href="#">[2020] NSWCCA 332</a>	s.111(2) (intimidate)  Intimidation  Contravene AVO		PG (25%)	<u>Indicative:</u> 3y  2y 3m  6m  <u>Aggregate:</u> 4y 6m NPP 2y 3m	AA <u>Indicative:</u> 3y  2y 3m  6m  <u>Aggregate:</u> 3y 3m NPP 2y	Breached bail - record for similar offences	After argument on phone attended home of ex-partner – yelled and spat at victim and made threatening and degrading comments – victim cut hair and arm in response – next morning abuse continued and victim stabbed herself in head to stop intimidation – intimidation offence above mid-range – other offences between mid and low range Dysfunctional childhood – early drug use – bipolar disorder – genuine remorse – prospects of rehabilitation quite good

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