

## Specially Aggravated Enter and Commit Serious Indictable Offence

s.111(3) (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

(3) commit offence under subsection (2) in circumstances of special aggravation

s.105A (1) circumstances of aggravation:

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

s.105A (1) circumstances of special aggravation:

wounds or intentionally or recklessly inflicts grievous bodily harm on any person,  
is armed with a dangerous weapon.

(amended on 21.6.2012)

intentionally wounds or intentionally inflicts GBH on any person  
inflicts GBH on any person and is reckless as to causing ABH to any person  
is armed with dangerous weapon

**Maximum Penalty: 20 years**

| NAME<br>(age if known)                                     | OFFENCE  | CIRCUMSTANCE OF<br>AGGRAVATION | PLEA | SENTENCE                        | APPEAL   | RECORD              | FACTS  |
|--|--|--------------------------------|------|---------------------------------|----------|---------------------|--|
| <b>Dawson</b><br>(26)<br><a href="#">[2000] NSWCCA 433</a> | s.111(3) (steal)<br><br>6 x s.178BA<br><br>Sched:<br>10 x s.178BA<br>Larceny | Wounds / inflicts GBH          | PG   | 2y PD<br>(concurrent sentences) | Crown AD | Drugs,<br>property. | Entered male victim's home taking wallet – pushed victim to floor – struck victim and second victim with metal pipe when they attempted to prevent offender leaving – injuries to victims included lacerations to head and fractured arm and skull – used victims' credit cards: s.178BA offences<br>Drug addiction. |

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<br>(age if known)                                    | OFFENCE          | CIRCUMSTANCE OF<br>AGGRAVATION | PLEA | SENTENCE               | APPEAL   | RECORD | FACTS   |
|---|------------------|--------------------------------|------|------------------------|----------|--------|---|
| <i>Hatch</i><br>(26)<br><a href="#">[2006] NSWCCA 330</a> | s.111(3) (AOABH) | Mal wound                      | PG   | 12m suspended sentence | Crown AD |        | Entered male victim's home - Struck victim with baseball bat following argument involving former partner. |

**Last updated:15.5.2017**