

**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**Repealed:** 1.12.2018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.	<b>Jammeh</b> <a href="#">[2004] NSWCCA 327</a>	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.	<b>Jalloh</b> (22) <a href="#">[2009] NSWCCA 295</a>	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.	<b>Sharma</b> <a href="#">[2010] NSWCCA 338</a>	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.	<b>Evans</b> <a href="#">[2012] NSWCCA 59</a>	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.	<b>Opacic</b> (31) <a href="#">[2013] NSWCCA 294</a>	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.	<b>Aktar</b> <a href="#">[2015] NSWCCA 123</a>	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.	<b>Baines</b> (60) <a href="#">[2016] NSWCCA 132</a>	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.	<b>Jung</b> (35) <a href="#">[2017] NSWCCA 24</a>	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.	<b>Evans</b> (31) <a href="#">[2017] NSWCCA 281</a>	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.	<b>Al Ghazzawi</b> <a href="#">[2018] NSWCCA 204</a>	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.	<b>Zhao</b> (24) <a href="#">[2019] NSWCCA 203</a>	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.	<b>Rossall</b> <a href="#">[2021] NSWCCA 200</a>	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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