

Serious Sexual Offences – Total Sentence Over 15 Years

Victims aged 16y or Older - NSW

	NAME (age if known)	OFFENCE	PLEA	TOTAL EFFECTIVE SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	Hynds NSWCCA 4.6.1991	Attempt murder 3 x s.61C(1)(b) 4 x s.61D(1) Attempt s.61D(1) Entice away for abduction	PG / VG	MT 17y AT 2y 6m	AD	No priors of any significance.	Lied way into friend's house and used knife to force wife to perform demeaning and humiliating sexual acts - husband returned during strangling – bailed – alcohol involved Enticed woman away by representing he was to take her to Sydney where husband involved in accident - sexual assault – much planning involved.
2.	Scerri (25) NSWCCA 28.6.1994	5 x s.61D(1) s.61C s.94 s.61B	VG	MT 12y AT 4y	AD	Record – no sexual offences or custody	June – Sept 1989 - On three occasions grabbed young males walking at night – forced fellatio and anal intercourse – on two occasions assaulted complainants with rock
3.	Harrison (22) NSWCCA 20.2.1997	4 x s.61J s.80A(2) AOABH Sched: Assault	PG	MT 9y AT 3y	Crown AA MT 12y AT 4y	Qld - dishonesty and violence	Picked up complainant and friend hitch-hiking and drove them to secluded beach - assaulted complainant by placing string around throat and arm around neck - further bruises to both girls. Twelve months later picked up second complainant hitch-hiking - threatened complainant with knife and handcuffed her – fellatio - digital intercourse - forced complainant to insert own finger - various sexual and physical threats – more sexual assaults on beach offences committed over even hours. Two days later performed similar assaults on another woman in Queensland.

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4.	Sharrock (45) [1999] NSWCCA 289	s.61I 2 x s.61J Att s.61J SMV s.112		MT 18y AT 4y	AA MT 16y AT 4y	Appalling	Broke into home of 80y lady in wheelchair – threatened with knife and sexually assaulted complainant – lesser assaults on two different complainants around same time – worst case No psychiatric illness or anti-social tendencies
5.	Presta (28) [2000] NSWCCA 40	21 x s.61J 5 x kidnapping Sched: 10 offences	PG	MT 14y 3m AT 4y 9m	AD		Kidnapped 7 males at gunpoint, two only 15y - subjected complainants to sadistic sexual abuse and torture – filmed all offences.
6.	Kay (45) [2000] NSWSC 716 Hulme J (2002) 132 A Crim R 72 [2002] NSWCCA 286	4 x s.61J Sched: 2 x s.61J 2 x s.61K	PG (10%)	20y NPP 15y	AD	minor sexual offences	Assaults committed on 8 complainants over 12 month period late at night - complainants threatened with knife and subjected to digital or penile penetration - offences premeditated and planned - observed by police stalking other women - no significant physical injuries inflicted. Significant risk of re-offending.
7.	Baker (48) [2001] NSWCCA 96	s.61J	PG	MT 12y AT 4y	AD	extremely bad record for sexual assaults	Anally raped a prostitute after threatening her with a knife, tying up her hands and gagging her.

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8.	<p>MAK (23) [2004] NSWSC 319 Sully J</p> <p>[2005] NSWCCA 369</p> <p>[2006] NSWSC 237 Hidden J</p> <p>(2006) 167 A Crim R 159 [2006] NSWCCA 381</p>	<p>9 x s.61JA</p> <p>s.61J</p> <p>Sched: s.61L</p>	VG / PG	19y NPP 14y	AD Crown AD	Nil	<p>13.7.2002 16y and 17y females accompanied offenders to – had previously spent night unharmed - S was physically restrained by MMK - MSK slapped her face and produced a knife - forced into a bedroom - MSK entered with another knife - produced some bullets and mentioned a gun - threat to kill - forced penile/vaginal intercourse three times - MAK entered room – forced vaginal/penile intercourse on - threatened her with death if went to the police - G taken to different bedroom - MMK entered room carrying long bladed kitchen knife - forced G to fellate him and twice forced penile/vaginal intercourse - subjected to further sexual assault by RS - principal / accessorial liability</p> <p>24.6.2002 14y female accompanied brothers to house – became intoxicated – taken to bedroom and sexually assaulted by MAK</p> <p>20.1.2002 (indecent assault on schedule) - Took female complainant to bedroom and commenced kissing – touched breast and pubic area</p> <p>Emigrated to Australia from Pakistan while relatively young – lack of parental supervision – refusal to accept any wrongdoing – poor rehabilitation prospects.</p>
9.	<p>Reyes (40) [2005] NSWCCA 218</p>	<p>Kidnapping</p> <p>3 x Indecent Ass</p> <p>4 x Admin stupefying drug</p> <p>10 x s.61J</p> <p>2 x Obt benefit by deception</p> <p>Steal from person</p> <p>Steal from dwelling</p>	<p>VG</p> <p>PG</p> <p>PG</p>	13y NPP 10y	Crown AA 18y NPP 15y	Prior record for drugs and dishonesty	<p>Accosted 18y female at knifepoint – detained over 20 hours – threats – injected with amphetamines 4 times – inserted dildo – forced complainant to take money from ATM – sexually assaulted (cunnilingus, fellatio, digital and penile penetration)</p> <p>Accosted 16y girl – bound and detained in complainant's flat – threatened with knife – indecent assault – left in flat</p>

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10.	Hajeid (18) [2005] NSWCCA 262	6 x s.61J 2 x s.90A 2 x s.61	VG	23y NPP 15y	AA 17y NPP 12y	Minor record	Two complainants met group of males at shopping centre – accepted marijuana and lift home – driven to park where forced to participate in numerous acts of oral intercourse - each repeatedly threatened and hit - males took turns in forcing oral sex then watching Unsuccessful conviction appeal: [2004] NSWCCA 74
11.	Chami (18) [2005] NSWCCA 299	s.61J s.90A	VG	18y NPP 10y 6m	AD	Nil	Complainant approached by five males – agreed to smoke marijuana and travelled with them to station – one offender detained complainant in toilet block and forced penile / vaginal intercourse – complainant sexually assaulted by other males – further sexual assaults at other locations including an industrial estate Unsuccessful conviction appeal: [2004] NSWCCA 36
12.	H (17) [2005] NSWCCA 282	Act of ind Assault Agg ind ass 4 x s.90A 3 x s.61J s.61I Sched: 6 related offences	PG (25%)	25y NPP 15y	AA 16y 6m NPP 12y	Minor	10.8.2000 - B Skaf / Hajeid / H / Mohamed Sanoussi / Ghanem Two complainants met group of males at shopping centre – accepted marijuana and lift home – driven to park where forced to participate in numerous acts of oral intercourse - each repeatedly threatened and hit - males took turns in forcing oral sex then watching 30.8.2000 - B Skaf / Chami / M Skaf / H / Mahmoud Sanoussi / Mohamed Sanoussi Complainant approached by five males – agreed to smoke marijuana and travelled with them to station – one offender detained complainant in toilet block and forced penile / vaginal intercourse – complainant sexually assaulted by other males – further sexual assaults at other locations including an industrial estate 4.8.2000 Groups of males approached 14y female on train – complainant surrounded and indecently assaulted – played leading role in first offence Mildly intellectually disabled and paranoid schizophrenic – one offence erroneously treated as aggravated offence – not worst category of offences – took into account adverse information outside statement of facts and without warning

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13.	Mohamed Sanoussi (16) [2005] NSWCCA 323	3 x s.90A 4 x s.61J Rob in Co	PG (on appeal 25%)	21y 3m NPP 12y	AA 16y NPP 10y		10.8.2000 - B Skaf / Hajeid / H / Mohamed Sanoussi / Ghanem Two complainants met group of males at shopping centre – accepted marijuana and lift home – driven to park where forced to participate in numerous acts of oral intercourse - each repeatedly threatened and hit - males took turns in forcing oral sex then watching 30.8.2000 - B Skaf / Chami / M Skaf / H / Mahmoud Sanoussi / Mohamed Sanoussi Complainant approached by five males – agreed to smoke marijuana and travelled with them to station – one offender detained complainant in toilet block and forced penile / vaginal intercourse – complainant sexually assaulted by other males – further sexual assaults at other locations including an industrial estate
14.	S Aslett (18) [2006] NSWCCA 48	s.112(3) 3 x s.61JA	PG	24y NPP 17y	AA 20y NPP 13y	Nil	With three men broke into home unit – occupants tied up – property stolen – 16y daughter sexually assaulted over several hours by three men – offender forced fellatio twice and anal rape – serious injury Aboriginal – low intelligence – uncle was primary offender
15.	Wilmot (32 at sentence) (2007) 169 A Crim R 280 [2007] NSWCCA 30	s.90A 3 x s.61I Sched: 2 x ind ass	PG (lower end of range)	12y NPP 9y (accum to existing sentence) Total: 19y NPP 16y	AD	Lengthy record for similar offences – breached conditional liberty	Assaulted 19y female on duty at train station alone at 6.00am – tied up and blindfolded complainant – fondled, kissed and sucked breast – cunnilingus and fellatio Unfortunate childhood – abuse – personality disorder – high risk of re-offending
16.	Ghanem (17) [2008] NSWCCA 4	2 x s.90A s.61I Assault 6 x s.61J(1)	VG	23y NPP 15y	AA 17y NPP 12y	Nil	10.8.2000 - B Skaf / Hajeid / H / Mohamed Sanoussi / Ghanem Two complainants met group of males at shopping centre – accepted marijuana and lift home – driven to park where forced to participate in numerous acts of oral intercourse - each repeatedly threatened and hit - males took turns in forcing oral sex then watching Appeal against conviction dismissed – [2004] NSWCCA 74 Original sentence linked to additional, unrelated sexual offences – appeal against conviction for those offences successful – [2004] NSWCCA 36 – acquitted on retrial Issue of parity with Hajeid

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17.	Leddin (26) [2008] NSWCCA 242	s.86(2) 3 x s.61J Sched offences	PG ("one-sixth")	16y NPP 12y	AA Same effective sentence imposed	Extensive – sexual offences – breached parole	Followed female walking home late at night – punched complainant and forced her into school yard – sexual assault over one hour – licked vagina and inserted tongue – penile intercourse – digital penetration – multiple acts of each – anal intercourse – threats to kill complainant and family
18.	Stephens (18) [2010] NSWCCA 93	s.86(2)(b) 3 x s.61J Sched: 3 x s.61I 3 other offences	PG (25%)	20y NPP 14y	18y NPP 12y	Dishonesty offences	While complainant working at party offender took her car keys and hid in boot of car – as complainant driving home in early hours of morning forced entry into car through rear seat and forced complainant into nearby street – locked car – forced masturbation – repeated penile penetration of anus – digital penetration of anus – repeated penile penetration of vagina – forced fellatio with full weight on complainant – digital penetration inserting full fist – repeated penile penetration of anus - throughout assault spoke in degrading manner ignoring screams of pain – complainant escaped through rear door while offender driving Offending out of character
19.	Cole (39) [2010] NSWCCA 227	s.61J s.86(1)	PG (25%)	16y NPP 12y	AD		Broke into home of 44y female with two young children late at night – suffering paranoid delusions and seeking to escape 'pursuers' – threatened complainant and young daughter – tied hands of complainant and blindfolded her – forced fellatio – sprayed with bleach to 'remove DNA' – stayed all night then demanded lift to another suburb – well towards upper range
20.	Van der Baan (25/26) [2012] NSWCCA 5	6 x s.61J s.97(1)	PG (25%)	17y 3m NPP 14y 3m	AA 15y 9m NPP 12y 9m	Sexual offences committed at similar time	(1995-6) – Arranged to meet 18y female acquaintance – walked complainant to park area and threatened her with knife – forced penile/vaginal intercourse, anal intercourse and fellatio – tied up complainant and stole property – 16m later grabbed 15y female walking along bridge in early evening – threatened with knife – forced fellatio, digital penetration and vaginal intercourse – each attack callous and degrading and caused significant psychological and physical injury Totality to sentence imposed for similar offences
21.	Piscitelli (24) [2013] NSWCCA 8	s.112(3) 2 x s.61J s.61L	PG (25%)	16y 6m NPP 11y 6m	AD	Record including minor sexual offences	Broke into home of 83y female at night – attempted penile penetration while complainant on stomach – digital penetration – forced complainant on to back and forced penile penetration – touched breast – bashed complainant's head against wall several times

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22.	Hurst (33 at offences, 42 at sentence) [2017] NSWCCA 114	s.61J(1) s.61N(2) s.59(1) s.86(2)(b) s.33 2 x s.33B(1)(a) 2 x s.61 Sched: 18 offences	PG	18y NPP 12y	AD	Resist arrest, AOABH, assault police, malicious damage, possess drug, contravene AVO, intimidation – breached bond, bail, and parole.	(2005-2006 offences) - offences committed on female partner – serious domestic violence context – sat on and used knife to make lacerations on her back – anal-penile intercourse – held waist area so tightly that fingers drew blood – each time complainant fell forward offender struck her to rear of head – suffered multiple bruises, burns and cuts – forced complainant to kiss offender’s cousin’s penis - brutality and violence associated with the offences - clear elements of gratuitous cruelty and sadism – assaulted complainant in public and private - violent actions directed towards controlling complainant - very worst aspects of domestic violence Drug abuse – depression.
23.	Barrett [2021] NSWSC 126 Wilson J	6 x s.61J Att s.61J 3 x s.61L Sched: 2 x s.61L 3 x s.61J	PG (10%)	<u>Total:</u> 20y NPP 12y		Nil at time	SNPP 10 years 2017 sentenced for brutal stabbing murder of female houseguest – fresh evidence subsequently found on USB – filmed brutal and prolonged sexual assault of complainant prior to stabbing after binding her to bed with tape – most serious example of offence of this nature – cruel and inhuman – planning – use of hunting knife as threat Sexual sadist – importance of specific deterrence and protection of community Sentence imposed partially concurrent to existing sentence for murder
24.	Baker (31) [2022] NSWCCA 195	5 x s.61J(1) 3 x s.61M(1)	VG	<u>Aggregate:</u> 19y NPP 13y 4m	AD	Breached bond – added 4m to total sentence No other prior convictions	SNPP 10 years Picked up 17y female stranger walking along road late at night – complainant cognitively impaired and had left home of step-mother – drove complainant to bush reserve and sexually assaulted her for 20-30 mins – fondled vagina and breasts and forced her to hold penis – digital and penile intercourse – anal intercourse – forced fellatio – forced complainant into water to wash off evidence – told her not to tell anyone – aware of cognitive impairment Suffering PTSD from violent kidnapping and assaulted several years earlier

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Offence	Section	Status	Maximum Penalty
Maliciously inflicts GBH with intent to have sexual intercourse	s.61B	14.7.1981 – 17.3.1991	20 years
Inflict / Threaten actual bodily harm with intent to have sexual intercourse	s.61C(1), (2)	14.7.1981 – 17.3.1991	12 years
Sexual intercourse without consent	s.61D(1)	14.7.1981 – 17.3.1991	7 years increased to 8 years 21.2.1988
Sexual intercourse without consent in company	s.61D(1B)	21.2.1988 – 17.3.1991	10 years
Sexual intercourse without consent	s.61I	17.3.1991 - Active	14 years
Aggravated sexual assault	s.61J	17.3.1991 - Active	20 years
Aggravated sexual assault in company	s.61JA	1.10.2001 - Active	Life
Inflict / Threaten actual bodily harm with intent to have sexual intercourse	s.61K	17.3.1991 - Active	20 years
Indecent assault	s.61L	17.3.1991 – 1.12.2018	5 years
Aggravated indecent assault (victim with a cognitive impairment)	s.61M(1)	17.3.1991 – 1.12.2018	7 years
Act of indecency on person 16y or above	s.61N(2)	1.7.1995 – 1.12.2018	18 months
Sexual intercourse with child between 10y and 16y	s.66C(1)	23.3.1986 - 13.6.2003	8 years
Sexual intercourse with child of or above 14y and below 16y	s.66C(3)	13.6.2003 - Active	10 years
Aggravated sexual intercourse with child of or above 14y and below 16y	s.66C(4)	13.6.2003 - Active	12 years
Procuring child under 16 years for unlawful sexual activity	s.66EB(2)	18.1.2008 - Active	12 years – 15 years if child under 14y
Record intimate image without consent	s.91P	25.8.2017 - Active	3 years

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