

Serious Sexual Offences – Total Sentence Over 20 Years

Victims aged 16y or Older - NSW

	NAME (age if known)	OFFENCE	PLEA	TOTAL EFFECTIVE SENTENCE	APPEAL	RECORD	INVOLVEMENT & SUMMARY
1.	Boatswain (28) NSWCCA 15.12.1993	7 x s.61J 2 x Rob Poss shortened firearm 2 x dishonesty Sched: Dishonesty offences	PG	MT 15y AT 8y	AD "worst type of case"	no detail but been to gaol most of time since 14y	Penile / vaginal, oral and anal intercourse - confronted 50y widowed doctor with gun in her home - tied to bed and sexually assaulted for twelve hours - left naked and bound to bed - 26 days later entered house of second complainant by skylight - produced knife and forced multiple sexual intercourse.
2.	Daley (43) [2002] NSWSC 148 Simpson J [2003] NSWCCA 109	2 x s.61J 2 x s.97(1) 2 x s.90A Sched: 12 offences	PG	22y NPP 16y 6m	AD	minor	7 complainants over 22 months - accosted woman alone late at night, threatening with knife – used gag - used hands and/or penis to penetrate vaginally and engaged in other sexual acts including fellatio
3.	Johnston (36) [2002] NSWCCA 201	4 x s.112(2) s.109(2) s.61C(1) 7 x s.61I s.113(2)	PG	20y 6m NPP 16y 6m	AA 20y 6m NPP 15y	record for minor sexual offences	Multiple break and enter and sexual offences - broke into 3 houses and sexually assaulted female occupants - some complainants alone - one complainant 17y - multiple sexual assaults - broke into 4 other houses and stole or attempted to steal bags Protective custody - need for treatment and supervision - likelihood of re-offending

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4.	To (29) [2002] NSWCCA 252	s.61D 9 x s.61J	VG	27y NPP 20y	AD		Broke into flats and sexually assaulted 4 complainants – one complainant 12y girl - threatened some complainants with knife
5.	Brownlowe (44) [2004] NSWCCA 465	s.90A 5 x s.61J Ind Assault	VG	21y NPP 15y	AD	Lengthy – breached parole	With co-offender took female complainant off street and detained in house for 24h – threat to kill with gun and knife – forced complainant to consume drugs and alcohol – sexual assaulted Extremely dysfunctional childhood – stabbed as juvenile causing serious psychological problems
6.	MSK (23) [2004] NSWSC 319 Sully J [2005] NSWCCA 369 [2006] NSWSC 237 Hidden J (2006) 167 A Crim R 159 [2006] NSWCCA 381	9 x s.61JA 5 x s.61J	VG / PG	26y NPP 22y	AD Crown AA 32y NPP 24y	dishonesty	13.7.2002 16y and 17y females accompanied offenders to house – 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 - threatened death if complainant went to 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 24.6.2002 14y female accompanied brothers to house – became intoxicated – taken to bedroom by MAK and forced penile and digital penetration in company of MSK – MSK forced penile penetration – sexually assaulted by third man in company of MSK 14.7.2002 13y complainant had consensual intercourse with MMK – subsequently sexually assaulted by MSK – threats of violence Emigrated to Australia from Pakistan while relatively young – lack of parental supervision – refusal to accept any wrongdoing – poor rehabilitation prospects.

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7.	MMK (16) [2004] NSWSC 319 Sully J [2005] NSWCCA 369 [2006] NSWSC 237 Hidden J	9 x s.61JA s.66C(1) Sched: Ind ass Assault	VG / PG	22y NPP 13y	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 she 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>14.7.2002 Consensual intercourse with 13y complainant when aged 15 years</p> <p>24.11.2001 Took 14y female to bedroom – squeezed breast and slapped her across face Emigrated to Australia from Pakistan while relatively young – lack of parental supervision – refusal to accept any wrongdoing – poor rehabilitation prospects.</p>

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8.	B Skaf (18) [2005] NSWCCA 297 [2006] NSWSC 394 Mathews AJ [2008] NSWCCA 303	11 x s.61J 3 x s.90A 3 x s.61 2 x Agg. Act of indecency 2 x Pervert course of justice 2 x s.61J	VG / PG	46y NPP 30y	AA 36y NPP 30y	Relatively minor record resulting in fines	<p>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</p> <p>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</p> <p>Chronology: Unsuccessful conviction appeal: [2004] NSWCCA 74 Unsuccessful conviction appeal: [2004] NSWCCA 36</p> <p>Sentence appeal No error in finding offender had leadership role - offences not individually or collectively worst case category – parity – manifestly excessive – onerous custodial conditions – failure to state discount for guilty plea – factual error</p> <p>12.8.2000 - B Skaf / M Skaf Co-offender picked up 16y female friend for drive – driven to park and sexually assaulted by offender and third man – threatened with gun and assaulted – retrial – not worst case Successful conviction appeal: (2004) 60 NSWLR 86 [2004] NSWCCA 37</p>

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9.	M Skaf (17) [2005] NSWCCA 298 [2006] NSWSC 394 Mathews AJ [2008] NSWCCA 303	2 x s.61J 2 x s.90A Sched: 4 offences Access before fact s.61J	VG	23y NPP 11y	AA 23y NPP 17y	Nil relevant	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 Unsuccessful conviction appeal: [2004] NSWCCA 36 Sentence appeal Erroneous factual basis – fresh evidence of serious illness in custody 12.8.2000 - B Skaf / M Skaf Offender picked up 16y female friend for a drive – driven to park and sexually assaulted by co-offender and third man – threatened with gun and assaulted – retrial – not worst case Successful conviction appeal: (2004) 60 NSWLR 86 [2004] NSWCCA 37
10.	D Aslett (32) [2006] NSWCCA 49 [2006] NSWCCA 86	s.112(3) 6 x s.61JA Incite act of indec	VG	40y NPP 30y	AA 30y NPP 22y 6m	Lengthy – long periods in gaol or institutions since 10y – breached conditional liberty	With three men broke into home unit – occupants tied up – property stolen – 16y daughter sexually assaulted over several hours by three men – offender made complainant manipulate vagina then forced penile intercourse – other offenders forced fellatio, penile and anal rape – serious injury – primary offender – worst case category Aboriginal
11.	Trindall (2007) 171 A Crim R 87 [2007] NSWCCA 119	3 x s.90A s.86(2)(b) s.86(1)(b) 6 x s.61J 3 x s.61I s.61K 2 x s.94	PG	23y 6m NPP 21y 6m	AD		Attacked 7 complainants over ten years – prostitutes and other vulnerable women – two complainants 7 months pregnant – lured to remote areas and tied up to trees - serious physical injuries – fellatio, anal intercourse and vaginal intercourse – one complainant penetrated with stick – threats to kill

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12.	JT [2012] NSWCCA 133	7 x s.61J s.61I 3 x s.35	VG	24y NPP 18y	AD	Violence – breached conditional liberty	Offences committed on 19y de facto over eight months – assaulted complainant with iron bar – forced mouse bottle into vagina – stabbed complainant with fork and chisel and forced intercourse – assaulted complainant with baseball bat and forced vaginal and anal intercourse – punched complainant causing broken jaw – assaulted complainant with iron bar and forced oral intercourse, fellatio and vaginal intercourse – deliberately cut leg of complainant with broken plate – assaulted complainant with hammer, bat and golf club forcing intercourse with electrical cord around neck Aboriginal
13.	Haines [2012] NSWCCA 238	s.111(2) s.86(3) 4 x Rob in Co 5 x s.61J 3 x s.61JA 2 x s.61L Sched: 4 offences	PG (15%)	25y NPP 18y	AD	Lengthy – breached parole for agg sexual assault offence	Three offenders forced entry into home of five international students – assaulted and threatened occupants and demanded money – co-offender armed with knife – sexually assaulted 21y female occupant in her bedroom over one hour – forced fellatio and vaginal intercourse – second vaginal intercourse conducted while co-offender forced fellatio – left room and later returned to continue assault – degrading and inhuman treatment and comments – refused to use condom when asked – circumstances of aggravation were infliction of ABH - ringleader – high end of mid-range Drug and alcohol addiction – completed sex offender course while previously in gaol – protection of community
14.	Simon (37) [2013] NSWCCA 328	10 x s.61J 2 x Att s.61J s.113(2) 2 x s.61L s.97(1) s.86(1)(b) 2 x s.178BA	VG	22y NPP 17y	AA 22y NPP 16y	lengthy – including violent sexual offences	Followed 22y female stranger home – broke into unit and threatened complainant with knife – sexual assaults committed over several hours – penile / vaginal intercourse – penile / oral intercourse – attempted anal intercourse – threats to kill – carefully planned offence Serious danger to community

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15.	Irmak Dagdanasar [2021] NSWCCA 178	s.61JA(1) 5 x s.61J(1) s.61JA(1) 5 x s.61J(1)	VG	Aggregate: 26y NPP 18y Aggregate: 24y NPP 16y	AD	Criminal history disentitled him to leniency	SNPP 15 years / SNPP 10 years Three male strangers picked up intoxicated 18y female on street after school formal and after formal party – took complainant to house where she was given alcohol and drugs and sexually assaulted over more than twelve hours – anal and vaginal intercourse and fellatio – four acts of intercourse committed by I – one act committed by D - two acts committed by third male - s.61JA offence based on infliction of actual bodily harm during anal intercourse – s.61J counts based on offences committed in company – all offence in upper mid-range – third offender left jurisdiction and never apprehended D - no subjective information provided on appeal I – no evidence of rehabilitation or remorse – breached conditional liberty
16.	Hall (49) [2021] NSWCCA 220	3 x 61J(1) s.86(2)(b) 5 x s.61I Sched: 7 x s.61I	PG (25%)	Aggregate: 22y NPP 16y 6m	AD	Limited criminal record.	SNPP 10 years / 7 years Attacked female partner – tied hands behind back, prevented from leaving house over 12 hour period – fellatio, vaginal-penile intercourse – threatened with pliers and hammer - used knife to inflict cut to complainant's thigh – struck complainant - sustained, brutal, terrifying attack - multiple humiliating and degrading sexual acts. Childhood deprivation; <i>Bugmy</i> .
17.	Ragg [2022] NSWCCA 150	4 x 61J(1) s.86(2)(b) s.61 s.35(4) Intimidation s.47 2 x s.33(1)(b) Contravene AVO Threaten witness	PG	Aggregate: 24y NPP 18y	AD	Extensive history for personal violence offences, contravening AVO, stalking, intimidation, assault, reckless wounding, threaten witness, BES	SNPP 10 years "One of the most extreme cases of sadistic sexual violence perpetrated against a woman seen in this Court" - attacked female partner over 11-hour period - attempted to burn complainant - brutally physically and sexually assaulted - left complainant in a deserted area bleeding – complainant required surgery. History of family breakdown and State intervention – childhood sexual abuse - overall intellectual functioning in bottom 2% - Mild Intellectual Development Disability – Antisocial Personality Disorder - Substance Use Disorder – <i>Bugmy</i> principles – rehabilitation extremely poor - risk of reoffending medium-high CCA: error in applying wrong Maximum Penalty for Intimidation offence and Standard Non-Parole periods for s.33(1)(b) offences – however, no lesser sentence warranted

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18.	Benn (23-27) [2023] NSWCCA 24	2 x s.66C(3) s.66EB 21 x s.61I 5 x s.61J 4 x s.61L	PG (25%)	<u>Aggregate:</u> 40y NPP 30y	AA <u>Aggregate</u> 35y NPP 26y 3m	Nil	Offences committed on 14 females aged 15-28y over four years – met complainants through social media – met complainants for social interaction then forced various forms of sexual activity and intercourse against consent - first complainant aged 15y – several complainants assaulted in their homes using violence and threats – offending escalated over time Lack of insight and remorse – no causal connection between offending and mental health issues – good character of little value On appeal: misstated maximum penalty for one offence – resulted in excessive indicative sentence for finding of objective seriousness

Last updated: Feb 2023

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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