

Break and Enter and Commit Serious Indictable Offence

Not Stealing / Larceny

s.112(1) (NSW) Crimes Act

s.112 (1) (a) break and enter dwelling-house or building and commit serious indictable offence

(b) commit serious indictable offence in dwelling-house or building and break out

Maximum Penalty: 14 years

	NAME (age if known)	OFFENCE	PLEA	SENTENCE AT FIRST INSTANCE	RESULT ON APPEAL	SUMMARY OF RECORD	INVOLVEMENT & SUMMARY
1.	Taylor (21) NSWCCA 27.4.1998	BE commit AOABH Sched: Agg cruelty to animal	PG	MT 2m AT 22m	Crown AD (inadequate but dismissed in exercise of discretion)	Assault – thefts - burglary	Forced way into flat of 62y woman – Pushed victim - Flung victim's dog killing animal Tragic background – Aboriginal - Mental illness.
2.	Rapley (22) NSWCCA 27.5.1988	BE commit malicious damage	PG	MT 12m AT 8m	AD	Nil relevant	Parents advised they were to divorce as mother had fallen in love with another man - offender upset - went to other man's home causing \$45,000 damage - surrendered to police Suffering abnormality of mind
3.	Hoskins (20) [2000] NSWCCA 415	BE commit AOABH Sched: Carried in conveyance	PG	MT 3y AT 3y	AA 5y NPP 2y 3m	lengthy	Went to home of estranged partner – mother of offender's 3y son - punched victim asking for child's whereabouts Deprived background.
4.	Fernando (21) [2004] NSWCCA 147	BE and commit act of indecency	PG (not quantified)	9y 6m NPP 7y 1m 16d	AD	Breached parole	Broke into home of 29y female and started touching her in bed – struggle resulted in injuries to victim's back from broken glass Aboriginal with deprived childhood
5.	Banditt (2004) 151 A Crim R 215 [2004] NSWCCA 208	BE and commit sexual assault	VG	5y NPP 3y	AD	One prior for different offence	Broke into home of cousin at night – forced intercourse in bed Out of character

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6.	Turner [2006] NSWCCA 166	BE and AOABH	PG (25%)	2y NPP 18m	AD	On bail and bond - possess weapon - destroy property - resist police	Broke into home of female acquaintance – during struggle bit Victim around mouth and on face. Alcohol and cannabis abuse - mental illness.
7.	Croaker (2008) 190 A Crim R 15 [2008] NSWCCA 232	BE and AOABH Sched: 2 x mal damage	PG (25%)	3y NPP 2y 3m	AA 2y 8m NPP 2y	Numerous assaults	Broke into home of estranged partner – pushed V – threw chair striking V. SJ erred in taking into account use of weapon (chair) as aggravating factor.
8.	King (23) [2011] NSWCCA 46	BE malicious damage by fire	PG (10%)	6y 3m 18d NPP 3y	AD	Breached bond	Broke into business premises at night and started fire – disgruntled employee - \$1.6m damage Physically and emotionally abusive childhood
9.	Marshall [2013] NSWCCA 16	BE and Intimidate AOABH Sched: Enter vehicle without consent	PG	3y NPP 18m Total: 3y 4m NPP 22m	AD	Lengthy – breached parole	Found by resident in laundry in early hours of morning – assaulted resident and threatened to use a syringe and spray can
10.	Martin [2013] NSWCCA 24	BE and AOABH	PG (25%)	1y 3m NPP 6m	AA GBB 6 months	Nil	Female - punched female in face after entering Victim's home – V was with offender's boyfriend – two year tumultuous relationship with boyfriend - on night of incident offender mistreated by boyfriend – emotional response to earlier events Very strong subjective case – youth - good character – little likelihood of reoffending - offence out of character – sentence manifestly excessive.
11.	Cameron (53) [2013] NSWCCA 224	BE and destroy property with fire	PG (25%)	4y 10m NPP 3y	AD	Minor	After confrontation with brother broke into brother's rural home and destroyed property with fire – planning – house and contents destroyed Depressed and intoxicated – immediate confession to police – made 000 call - good prospects of rehabilitation

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12.	Martinez (28) [2015] NSWCCA 5	BE and destroy property with fire Sched: Obtain property by deception	PG (39% - plea and assist.)	3y 10m NPP 2y	AD	Damaging property offence	Organised and assisted two men to break into business premises and set fire - \$150,000 damage – considerable planning – paid \$8,000

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