Indecent Assault

tions

s 323 Criminal Code

Transitional Sentencing Provisions: This table is divided into thirds based on the three relevant periods of Sentencing Provisions:

- Post-transitional provisions period
- Transitional provisions period
- Pre-transitional provisions period

These periods are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.

itector

Glossary:

imprisonment
suspended
plead guilty
plead not guilty
aggravated
burglary
sexual penetration without consent
assault occassioning bodily harm
grievous bodily harm
deprivation of liberty
attempted
count
total effective sentence
intensive supervision order
time in custody
violence restraining order
OY
. C. C

of Western Austratia42 yrs at time sentencing. Austratiax 1. Austratiax 1. Att indecent record child 13-16 yrs s552, 321(6), 321(8)(a) Criminal Code x 1. Indecent aced child 13-16 yrs s521(4), 321(8)(b) Criminal Code x 1. Agg burg in dwelling 401(2) Criminal Code x 2. Agg indecent record child 13-16 yrs s321(6), 321(8)(b) Criminal Code x 1. Indecent aced child 13-16 yrs s321(6), 321(8)(b) Criminal Code x 1. Indecent record child 33-16 yrs s321(6), 321(8)(b) Criminal Code x 1. Core yrs s321(c), Sex pen s325 Criminal Code x 1. The offending occurred over a period of about 7 yrs and involved numerous acis of sexual violation against 5 victims. The appellant and his wife were friends of the victim's mother and regularly babysta the victim. When the victim was 7 yrs old, she stayed at the appellant shome. Whist his wife was aleep in the sand vagina.High risk of future scale appellant with were friends of the victim's breasts and vagina.High risk of future scale appellant were to have a shower. The appellant shome and went to have a shower. The appellant attempted to record the victim showering ampel	No.	Case	Antecedents	Summary/Facts	Sentence	Appeal
AustraliaConvicted after PG (following negotiations) - Cts 1, 3-4 discontinued.Att indecent record child 13-16 yrs s52, 321(6), 321(8)(a) Criminal Code x 1. Indecent teal child 13-16 yrs s521(4), 321(8)(b) Criminal Code x 4. Agg burg in dwelling 401(2) Criminal Code x 2. Agg indecent record child 13-16 yrs s521(6), 321(8)(b) Criminal Code x 3. Indecent record child 13-16 yrs s521(6), 321(8)(b) Criminal Code x 3. Indecent record child 13-16 yrs s521(6), 321(8)(b) Criminal Code x 1. Indecent record child 13-16 yrs s521(6), 321(8)(c) Criminal Code x 3. Indecent record child 13-16 yrs s521(6), 321(8)(a) Criminal Code x 1. Dep lib s333 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Pyrshological trauma. In early 30's commenced using cannabis & methyl.Each victim suffered significant depression at various times; including when offending.Att indecem record child 13-16 yrs s521(4), 321(8)(b) Criminal Code x 1. Dep lib s333 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Sex pen s325 Criminal Code x 1. High risk of future satitude as 'predatory's ca adjuant's home. Whist his wife was alseep in the same room the appellant shower and vent to have a shower. The appellant's home and went to have a shower. The appellant shome and went to have a shower. The appellant shome and went to have a shower. The appellant shome and went to have a shower. The appellant shower and went to have a shower. The appellant shome and went to have a shower. The appellant shower and went to have a shower. The appellant shome and shower the victim showering amphelamine abuse &	6.			Indecent deal child u13 yrs s320(4) Criminal Code	TES 11 yrs 9 mths imp.	Dismissed.
Image: 2013] WASCA 274Convicted after PG (following negotiations) - Cts 1, 3-4 discontinued.321(8)(a) Criminal Code x 1. Agg burg in dwelling 401(2) Criminal Code x 2. Agg indecent record child 13-16 yrs s321(6), 321(8)(b) Criminal Code x 1. Indecent ass s323 Criminal Code x 3. Indecent ass s323 Criminal Code x 1. Indecent ass s323 Criminal Code x 1. Indecent ass s323 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Deg lib s333 Criminal Code x 1		of Western	42 yrs at time sentencing.	x 1.		
[2013] WASCA 274(following negotiations) - Cts 1, 3-4 discontinued. Cts 1, 3-4 discontinued. O2/12/2013Indecent deal child 13-16 yrs s321(4), 321(8)(b) Criminal Code x 4. Agg burg in dwelling 401(2) Criminal Code x 2. Agg indecent record child 13-16 yrs s321(6), 321(8)(b) Criminal Code x 3. Indecent ass s323 Criminal Code x 1. Agg sex pen s326 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Agg sex pen s326 Criminal Code x 1. Agg sex pen s326 Criminal Code x 1. Agg sex pen s325 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Code x 1. Dep lib s333 Criminal Code x 1. Code x 1. Dep lib s333 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Code x 1. Def limovolven numerous acts of sexual violation against 5 victims.High risk of sexual re- drimal code x 2. High risk of sexual re- drimal code x 3. Indecent record child s21(6), 321(8)(a) Criminal Sex pen s325 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Code x 1. Dep lib s333 Criminal Code x 1. Code x 1. Dep lib s333 Criminal Code x 1. Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.High risk of sexual re- drimal code x 1. Dep lib s333 Criminal Code x 1. Ct 2: The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was aleep in the same room the appellant tube due victim sis breasts and vagina.High risk of future sexual offending. High risk of future sexual offending. High risk of marked ampletartine abuse &An and vagina.C13: The victim was aged 13 yrs.		Australia		Att indecent record child 13-16 yrs s552, 321(6),	EFP.	McLure dissenting.
274- Cts 1, 3-4 discontinued.Criminal Code x 4.ag burg in dwelling 401(2) Criminal Code x 2.Agg burg in dwelling 401(2) Criminal Code x 2.Agg burg in dwelling 401(2) Criminal Code x 3.Expressed some regret0/12/2/2013which had attracted a term of imp; offences include trespass & unlawful useIndecent record child 13-16 yrs s321(6), 321(8)(a) Criminal Code x 1.Expressed some regret1Left school at 17 yrs; worked in various occupations.Left school at 17 yrs; worked in various occupations.Dep lib s333 Criminal Code x 1.Ech victim suffered sex pen s325 Criminal Code x 1.1nearly 30's commenced using cannabis & methyl.Suffered significant depression at various times; including when offending.The offending occurred over a period of about 7 yrs and involved numerous acts of sexual violation against 5 victims.Sentencing judge described appellant's attitude as 'predatory'.Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.C1.2: The victim was aged 13 yrs. She was a neighbour of the appellant's home. Whist his wife was asleep in the same room the appellant. One evening the victim stayed at the appellant's home and went to have a shower. The appellant's home and went to have a shower. The appellant shome and went to have a shower. The appellant shome and went to have a showering from outside. The victim undressed and started toAl an						
Delivered 02/12/2013Criminal record; none of which had attracted a term of imp; offences include trespass & unlawful use of optical surveillance device.Agg burg in dwelling 401(2) Criminal Code x 2. Agg indecent record child 13-16 yrs s321(6), 321(8)(b) Criminal Code x 3. Indecent ass s323 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Agg sex pen s326 Criminal Code x 1. Dep lib s333 Criminal Code x 1. Dep lib s334 Criminal Code x 1. Dep li						At [71] The humiliation
Delivered 02/12/2013Criminal record; none of which had attracted a term of imp; offences include trespass & unlawful use of optical surveillance device.Age indecent record child 13-16 yrs s321(6), 321(8)(b) Criminal Code x 1. Indecent ass s232 Criminal Code x 1. Left school at 17 yrs; worked in various occupations.Expressed some regret tel but has attempted to justify & minimise its is severity.Age severity.Expressed some regret tel but has attempted to justify & minimise its is severity.Age severity.In early 30's commenced using cannabis & methyl.The offending occurred over a period of about 7 yrs and involved numerous acts of sexual violation against 5 victims.Sentencing judge described appellant's set and involved numerous acts of sexual violation against 5 victims.Sentencing judge described appellant's set attitude as 'predatory'.Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.Ct 2: The appellant was aged 13 yrs. She was a neighbour of the appellant. One evening the victim showering from outside. The victim undressed and started toHigh risk of future se attitude as 'predatory'.		274	- Cts 1, 3-4 discontinued.		offending.	and degradation was
02/12/2013which had attracted a term of imp; offences include trespass & unlawful use of optical surveillance device.321(8)(b) Criminal Code x 1. Indecent record child s321(6), 321(8)(a) Criminal Code x 1. Dep lib s333 Criminal Code x 1. Sg sex pen s326 Criminal Code x 1. Agg sex pen s326 Criminal Code x 1. Sg sex pen s325 Criminal Code x 1. Sg sex pen s326 Criminal Code						made worse by the
of imp; offences include trespass & unlawful use of optical surveillance device.Indecent ass s323 Criminal Code x 3. Indecent record child s321(6), 321(8)(a) Criminal Code x 1.justify & minimise its severity.Left school at 17 yrs; worked in various occupations.Dep lib s333 Criminal Code x 1. Sex pen s325 Criminal Code x 1.Each victim suffered significant & ongoing psychological trauma.Each victim suffered significant & ongoing psychological trauma.Ag sex pen s325 Criminal Code x 1.Suffered significant depression at various times; including when offending.Ct 2: The appellant and his wife were friends of the victim 's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant nubbed the victim's breasts and vagina.High risk of future sexual offending.Ct 3: The victim was aged 13 yrs. She was a neighbour of the appellant. One evening the victim showering amphetamine abuse & from outside. The victim undressed and started toAr and started to						appellant's use of a mobile
trespass & unlawful use of optical surveillance device.Indecent record child s321(6), 321(8)(a) Criminal Code x 1.severity.thLeft school at 17 yrs; worked in various occupations.Indecent record child s321 Criminal Code x 1. Agg sex pen s326 Criminal Code x 1. Sex pen s325 Criminal Code x 1. De plib s333 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Sex pen s326 Criminal Code x 1. Sex pen s325 Criminal Code x 1. Sex pen s326 Criminal Code x 1. The offending occurred over a period of about 7 yrs and involved numerous acts of sexual violation against 5 victims.Sentencing judge described appellant's attitude as 'predatory'. ca time witcm's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sex and offending.Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.Ct 3; The victim was aged 13 yrs. She was a neighbour of the appellant attempted to record the victim showering amphetamine abuse &Ct 3; The victim undressed and started to		02/12/2013				telephone to record visual
optical surveillance device.Code x 1.Each victim sufferedAnLeft school at 17 yrs; worked in various occupations.Ag sex pen s326 Criminal Code x 1.Each victim sufferedAnIn early 30's commenced using cannabis & methyl.Sex pen s325 Criminal Code x 1.Sentencing judgeIoSuffered significant depression at various times; including when offending.Ct 2:The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant is ame room the appellant. One evening the victim stayed at the appellant. One evening the victim showering amphetamine abuse &Ct 3:The victim stayed at the appellant attempted to record the victim showering appellant is home. All weith appellant attempted to record the victim showering appellant attempted to record the victim showering appellant shower to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started toAn			A ·		5 5	images of his assaults upon
Left school at 17 yrs; worked in various occupations.Dep lib s333 Criminal Code x 1.Each victim suffered significant & ongoing th sex pen s325 Criminal Code x 1.In early 30's commenced using cannabis & methyl.The offending occurred over a period of about 7 yrs and involved numerous acts of sexual violation against 5 victims.Sentencing judge described appellant's set attitude as 'predatory'. ca inSuffered significant depression at various times; including when offending.C1 2: The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was a sleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sexual offending.C1 3: The victim was aged 13 yrs. She was a neighbour of the appellant's mome and went to have a shower. The appellant's home and went to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started toAtt and started to					severity.	them.
Left school at 17 yrs; worked in various occupations.Agg sex pen s326 Criminal Code x 1. Sex pen s325 Criminal Code x 1.significant & ongoing psychological trauma.thIn early 30's commenced using cannabis & methyl.The offending occurred over a period of about 7 yrs and involved numerous acts of sexual violation against 5 victims.Sentencing judge described appellant's se attitude as 'predatory'.Sentencing judge described appellant'sSuffered significant depression at various times; including when offending.C1 2: The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sexual offending.Psychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &C1 3: The victim undressed and started toThe victim showering appellant shower and started toMaried since 2005			optical surveillance device.			
worked in various occupations.Sex pen s325 Criminal Code x 1.psychological trauma.inIn early 30's commenced using cannabis & methyl.The offending occurred over a period of about 7 yrs against 5 victims.Sentencing judge described appellant's se against 5 victims.Sentencing judge described appellant's se attitude as 'predatory'.InSuffered significant depression at various times; including when offending.Ct 2: The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sexual offending.Ct 3: The victim was aged 13 yrs. She was a neighbour of the appellant attempted to record the victim showering amphetamine abuse &Ct 3: The victim undressed and started topre						At [72] I accept, however
occupations.The offending occurred over a period of about 7 yrs and involved numerous acts of sexual violation against 5 victims.ClSuffered significant depression at various times; including when offending.Ct 2: The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sexual offending.Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.Ct 3: The victim was 2 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sexual offending.Psychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &Ct 3: The victim was aged 13 yrs. She was a neighbour of the appellant attempted to record the victim showering from outside. The victim undressed and started toProvide and and started to						that the appellant's
In early 30's commenced using cannabis & methyl.The offending occurred over a period of about 7 yrs and involved numerous acts of sexual violation against 5 victims.Sentencing judge described appellant's se attitude as 'predatory'.IoSuffered significant depression at various times: including when offending.Ct 2: The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sexual offending.Maried sexual offending.Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.Ct 3: The victim was aged 13 yrs. She was a neighbour of the appellant on have a shower. The appellant's home and went to have a shower. The appellant attempted to record the victim stayed at the appellant attempted to record the victim showering from outside. The victim undressed and started tope				Sex pen s325 Criminal Code x 1.	psychological trauma.	individual offences against
In early 30's commenced using cannabis & methyl.and involved numerous acts of sexual violation against 5 victims.described appellant's attitude as 'predatory'.se caning imited caning.Suffered significant depression at various times; including when offending.Ct 2: The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sexual offending.Ma risk of futureMa request suffers from mild cerebral palsy & frequent seizures.Att appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.Att mild cerebral palsy & frequent seizures.Att appellant's home. Whist his wife was a neighbour of the appellant. One evening the victim stayed at the appellant's home and went to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started toattempted to am			occupations.		~ · · ·	CLT and TJC were at the
using cannabis & methyl.against 5 victims.attitude as 'predatory'.can imSuffered significant depression at various times; including when offending.Ct 2:High risk of futureMMarried since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of futureMCt 3: The victim was aged 13 yrs. She was a neighbour of the appellant of he appellant. One evening the victim stayed at the appellant is home and went to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started toMaried offending.High risk of futureMarried since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.Ct 3: The victim was aged 13 yrs. She was a neighbour of the appellant of he appellant. One evening the victim stayed at the appellant attempted to record the victim showering from outside. The victim undressed and started toMaried offending.High risk of futureMarried since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.The appellant offending.High risk of futurePsychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &The victim undressed and started toattitude as 'predatory'.TheMarried since 2005; two sons; youngest suffers from offences were committed						lower end of the scale of
Suffered significant depression at various times; including when offending.Ct 2: The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sexual offending.Mi mi sexual offending.Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.married since 2005; two same room the appellant rubbed the victim's breasts and vagina.Att and vagina.Psychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &The victim was aged 13 yrs. She was a neighbour of the appellant attempted to record the victim showering amphetamine abuse ∈						seriousness in child sex
Suffered significant depression at various times; including when offending.Ct 2: The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.High risk of future sexual offending.M Married sexual offending.Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.Might risk of future the victim was 7 yrs old, she stayed at the and vagina.Married since 2005; two sons; youngest suffers from ame room the appellant rubbed the victim's breasts and vagina.Married since 2005; two sons; youngest suffers from same room the appellant rubbed the victim's breasts and vagina.Married since 2005; two sons; youngest suffers from same room the appellant rubbed the victim's breasts and vagina.Married since 2005; two sons; youngest suffers from same room the appellant rubbed the victim's breasts and vagina.Married since 2005; two sons; youngest suffers from same room the appellant rubbed the victim's breasts and vagina.Married since 2005; the sexual offending.Married since 2005; the sexual victim's breasts and vagina.Married since 2005; the 			using cannabis & methyl.	against 5 victims.	attitude as 'predatory'.	cases and that his
depression at various times; including when offending.The appellant and his wife were friends of the victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.sexual offending.the inMarried since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.married since 2005; two sons; youngest suffers from and vagina.married since 2005; two sons; youngest suffers from and vagina.married since 2005; two sons; youngest suffers from and vagina.frequent seizures.Att and vagina.Psychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &frequent seizures.The victim was aged 13 yrs. She was a neighbour of the appellant. One evening the victim stayed at the appellant attempted to record the victim showering from outside. The victim undressed and started toan			S SC u i i i u i Si u u i			individual offences against
including when offending.victim's mother and regularly babysat the victim.imMarried since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant rubbed the victim's breasts and vagina.imPsychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &victim's mother and regularly babysat the victim. When the victim was 7 yrs old, she stayed at the appellant rubbed the victim's breasts and vagina.At appellant.Ct 3: The victim was aged 13 yrs. She was a neighbour of the appellant. One evening the victim stayed at the appellant is home and went to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started toappellant						MJR and MT were not in
Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.At appellant's breasts and vagina.Psychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &When the victim was 7 yrs old, she stayed at the appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.At appellant shome.					sexual offending.	the worst category of home invasion cases involving
Married since 2005; two sons; youngest suffers from mild cerebral palsy & frequent seizures.appellant's home. Whist his wife was asleep in the same room the appellant rubbed the victim's breasts and vagina.At vie of the ct 3:Psychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &Ct 3: The victim was aged 13 yrs. She was a neighbour of the appellant. One evening the victim stayed at the appellant attempted to record the victim showering from outside. The victim undressed and started toAt vie and vie			including when offending.			sexual violence.
sons; youngest suffers from mild cerebral palsy & frequent seizures.same room the appellant rubbed the victim's breasts and vagina.Att vie of ofPsychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &The victim was aged 13 yrs. She was a neighbour of the appellant. One evening the victim stayed at the appellant shome and went to have a shower. The appellant attempted to record the victim showering amphetamine abuse &Att vie the appellant attempted to record the victim showering appellant attempted to record the victim showering amphetamine abuse &Att vie the appellant attempted to record the victim showering appellant attempted to record the victim showering appellant attempted to record the victim showering amphetamine abuse &Att vie the appellant attempted to record the victim showering appellant attempted to record the victim showering amphetamine abuse &Att vie the appellant attempted to record the victim showering appellant attempted to record the victim showering amphetamine abuse &Att the victim undressed and started to			Married since 2005: two			sexual violence.
mild cerebral palsy & frequent seizures.and vagina.vie of ofPsychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse ∧ vagina.vie of ofmild cerebral palsy & frequent seizures.and vagina.vie of of the victim was aged 13 yrs. She was a neighbour of the appellant. One evening the victim stayed at the appellant's home and went to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started tovie off off pr			· · · · · · · · · · · · · · · · · · ·			At [77] The number of
frequent seizures. of Psychiatric, Psychological Ct 3: Psychiatric, Psychological The victim was aged 13 yrs. She was a neighbour of the appellant. One evening the victim stayed at the in offences were committed in appellant's home and went to have a shower. The the context of marked appellant attempted to record the victim showering appellant attempted to amphetamine abuse & from outside. The victim undressed and started to an						victims, the duration of the
Psychiatric, Psychological Ct 3: The victim was aged 13 yrs. She was a neighbour of the appellant. One evening the victim stayed at the appellant's home and went to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started to pr			A	and vagina.		offending, the planning,
Psychiatric, Psychological & PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &The victim was aged 13 yrs. She was a neighbour of the appellant. One evening the victim stayed at the appellant's home and went to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started toThe yee and			frequent seizures.	Ct 3		premeditation and
& PSR Reports indicate the offences were committed in the context of marked amphetamine abuse &the appellant. One evening the victim stayed at the appellant's home and went to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started toin in in in in appellant and			Psychiatric, Psychological			persistence, the escalation
offences were committed in the context of marked amphetamine abuse & appellant's home and went to have a shower. The appellant attempted to record the victim showering from outside. The victim undressed and started to appellant						in the seriousness of the
the context of marked amphetamine abuse & from outside. The victim undressed and started to amphetamine abuse & from outside. The victim undressed and started to						criminal conduct, the
amphetamine abuse & from outside. The victim undressed and started to an						appellant's lack of insight
						and his high risk of
		1	CXY		1	
Γ_{interms} Γ_{interms} Γ_{interms} Γ_{interms} Γ_{interms} Γ_{interms} Γ_{interms} Γ_{interms}	T	ndec Assault 30.01.14		Current as at 30 January 2014		
Indec Assault 50.01.14 Current as at 50 January 2014	1	nuel Assault 50.01.14		Current as at 50 January 2014		

- AS

	considerable psychological	shower before noticing the appellant's phone.		recidivism required the
	instability.		cecifit	imposition of a very
		<u>Cts 6-10:</u>		lengthy term of
		The victim was aged 13 yrs and was the same		imprisonment.
		victim as in Ct 3. The victim slept the night at the		-
		appellant's home. Whilst she slept the appellant		
		touched her breast. The appellant then masturbated		
		with his penis close to the victim's face, ejaculated		
		and wiped the fluid on her lips. He then held his	Y	
		erect penis against her lips for a few seconds and		
		again touched her breast. The appellant used a		
		video camera to record his actions.		
		Cts 11-13:		
		The 17 yr old victim was at her boyfriend's house;		
		asleep and fully clothed. The appellant entered the		
		house through an unlocked carport/ kitchen door.		
		The appellant cut the victims outer clothing as she		
		slept with scissors; exposing various parts of her		
		body. He then rubbed her exposed vagina. The		
		victim awoke after hearing a loud bang and the		
		appellant ran from the house. Some months after		
		the incident the victim noticed some videos on her		
		mobile. The videos had been taken by the appellant		
		during the burglary and included a depiction of his		
		hand rubbing the victim's vagina. The victim and		
		appellant were unknown to each other.		
		<u>Ct 14:</u>		
	C V	The victim was aged 14 yrs and unknown to the		
		appellant. The appellant used a video camera to		
	N Y	film the victim through her bedroom window. The		
		victim noticed the appellant looking at her through		
		the window. When the appellant was arrested about		
		14 months later; police found 3 cassettes hidden in		
	NY I			
Indec Assault 30.01.14		Current as at 30 January 2014		
maet Assault 50.01.14		Current us ut 50 fundut y 2017		

		appellant were unknown to each other. The appellant entered the victim's house through an unsecured rear sliding door. After scrimmaging through the house he went to the victim's bedroom, placed his hand over her mouth, wrapped his hand around her throat, and tied her hands together and to the bed. He sexually assaulted and digitally penetrated her with his fingers and vibrator. At the same time he used his mobile to record and take photographs of the victim.	rosecultie	
Szolnoski26 yrs a[2013] WASC 64ConvicDelivered 05/03/2013No crir Austral Appella had no history contestOrigina Afghan adult ir coming refugee Immign	at time of offence. at time of sentence. cted after trial. minal record in lia and claimed by lant's counsel that he o other prior criminal but this could not be ted. ally from nistan. Lived as an n Pakistan before g to Australia as a e. Detainee at an gration Centre.	Indecent assault s 323 <i>Criminal Code</i> . The appellant was a detainee at an Immigration Centre. The victim was working at the Centre. The appellant, with his right hand, grabbed the victim's left breast, squeezing it twice. Claimed he accidently brushed the victim's breast. Initially admitted the offence and dictated a letter of apology; Denied the offence when interviewed by Police. Treated as a person of previous good character.	Fined \$5000.	Allowed – Grounds (1) and (2) Refused – remaining grounds. Fine reduced to \$2000. No spent conviction order. At [19] As to the standards of sentencing observed in relation to indecent assault, no range is apparent in respect of sexual offences of this nature.

		fault of his own; had no income.		X	
				. OSCULL	
		Accepted as a refugee			
		however a decision as to a			
		permanent visa had yet to			
		be made; At time of			
		sentencing had been in			
		detention for 13 months.		1	
4.	Victor v The	42 yrs at time of sentence.	Indecent assault s 323 Criminal Code.	18 mths imp.	Allowed.
	State of Western	5		Ĩ	
	Australia	Convicted after PG. The	The victim was 18 yrs at the time of the offence and	Genuine remorse.	New sentence 7 mths imp
		timing of the plea was	was a slightly built aboriginal woman who weighed		susp 3 mths, taking into
	[2011] WASCA	clearly affected by the need	49.5kg. The appellant was a solid built Aboriginal		account the 7 mths the
	94	for the court to resolve the	man and a distant relative of the victim. She		appellant has already
		challenge to the	referred to his as 'uncle' and known him since she		served in custody.
	Delivered	admissibility of the	was a little girl.		At [1(] The feate demot
	13/04/2011	confessional evidence.	The victim had been drinking and became very		At [16] The facts do not establish a relationship of
		Was in a de facto	intoxicated. The appellant was also intoxicated at		such a nature as to give
		relationship; had three	the time of the offence.		rise to a presumption of
		young children.	the time of the offence.		trust and at [18] and
		young enharen.	The appellant took the victim into a bedroom and		does not establish there
		Employed at the time of the	laid her on mattress on the floor. The appellant		was in fact a relationship
		offence.	touched the victim's body and breasts while she		of trust.
			was naked.		
		Offence was out of			At [19] Discusses the
		character and despite his	The sentencing judge listed what she described as		Dempsey factors and their
		record of prior offending,	the circumstances of aggravation; being the		relevance to sexual
		he was of relatively good	victim's youth, her very small stature, the age		offences committed
		character.	disparity between the appellant and the victim and		without consent.
		His prior offer ding was	the breach of the relationship of trust within the		
		His prior offending was also alcohol related.	extended family.		At [34] the categories of
		and alcohor related.		<u> </u>	1 a [37] the categories of
		XY			
	ndec Assault 30.01.14	Y	Current as at 30 January 2014		

3.	Knott v Moriarty	23 yrs at time of offence.	1 x Breach of susp sentence (Breach of VRO).	6 mths 1 day imp.	not closed. Further, there will be cases which do not come within a category, but which are, in fact, relationships of trust.
5.			1 x Breach of susp sentence (Breach of VRO).	6 mths 1 day imp.	
	[2010] WASC 36 Delivered	Convicted after PG. Prior criminal record –	1 x Indecent Assault s323 <i>Criminal Code</i> . The victim was a 17 year old female. The victim	Conc with each other and indecent assault. 18 mths imp.	7 mths imp (cum) on Breach of VRO.
	24/02/2010	wilful exposure, indecent	and appellant had no prior acquaintance.	18 muis mip.	TES 13 mths & 1 day imp.
		assault, indecent act in		TES 18 mths imp.	
		public, stalking and breach of VRO.	The appellant followed the victim from her work location in a city arcade to an upstairs storeroom via		At [50] I consider that it has thus been shown his
		01 VKO.	a shopping centre elevator. As the elevator doors		Honour failed to
		Suffered from autism and	had been about to close, the appellant had run		adequately take into
		mild intellectual disability.	towards the doors, thrusting his hands through the		account as a relevant
		Sexually assaulted in	gap, stopping them from closing.		consideration in the sentencing the appellant's
		custody which had been a	The appellant had engaged the victim in		mental impairment.
		traumatic experience and	conversation, saying 'You are too glamorous to		
		from which he had not fully recovered.	work in this area' and 'Do you have a boyfriend?' The appellant's manner had caused the victim to be		
			concerned for her safety. By this stage the elevator		
		Enrolled in the Intellectual	had stopped at the second floor. The appellant then		
		Disability Diversion	stated he was going to walk away for a while.		
		Program (IDDP) of the Perth Magistrates Court.	Turning to his right he walked away.		
		r ertir Wagistrates Court.	Shortly afterward, the appellant had followed the		
		Appellant's criminal	victim through to the staff only area. He walked up		
		history - at [46] ' it	behind her and ran his hands up her bare left arm,		
	ndec Assault 30.01.14	Y	Current as at 30 January 2014		

				• •	
		showed a dangerous propensity' and a need for 'condign punishment to deter the offender'.	moving it across to her left shoulder and stroking her lower back and buttocks up and down. The victim then walked into the storeroom and locked the door. She was shaking with fear.	Secultie	
		Expressions of Remorse. On a suspended term of	The victim attempted to gain entry by rattling the door handle several times, calling out to the victim, 'Can you show me something? I need you to show	.05	
		imprisonment at 6 mths and 1 day when he committed this offence for the two	me something.' The appellant then left the area.		
		Breach of VRO offences.			
2.	SA v McKinnon	25 yrs at time of offence.	Indecent assault s 323 Criminal Code.	12 mths CBO. Programme and	Allowed.
	[2009] WASC 7	Convicted after PG.	The appellant touched the victim, a young woman, over her clothing from behind when she was	supervision requirements.	Spent conviction order made.
	Delivered 19/01/2009	Two previous convictions, for traffic matters only.	bending over to look at some clothing on a rack in a shop.	Spent conviction order not made.	Appeal only in respect of failure to grant spent
		Mild intellectual disability. At time of sentencing was enrolled in the Intellectual Disability Diversion Program (IDDP) of the Magistrates Court.	He had apologised to the victim immediately when he was confronted and he had co-operated with the police, making admissions in relation to the offence.		conviction order.
1.	Narkle v	50 yrs.	Indecent assault s 323 Criminal Code	6 mths 2 wks imp.	Allowed.
	Hamilton [2008] WASCA 31	Convicted after PG. Extensive history of sexual	The appellant and the victim had known each other for six months. At about 9pm the victim went to a delicatessen. The appellant approached her outside	No remorse. Magistrate said that the	Re-sentenced to 6 mths 2 wks imp susp 4 mths.
	Delivered 15/02/2008	offending that encompasses a number of very serious sexual offences.	the front of the delicatessen and asked her if she wanted to have sex with him. She declined.	appellant was a sexual predator who made sexual offending a 'way	Discussion concerning s 87 Sentencing Act.
	On Appeal from		The victim went into the delicatessen and the appellant followed her. He continually tried to put	of life' and that society was entitled to some	At [40] The court always has a discretion, when
	Indec Assault 30.01.14		Current as at 30 January 2014		
	mace 1155anti 50.01.14				

	Narkle v Hamilton [2007] WASC 236		his arm around her shoulders and waist. Each time, she moved away from him. The appellant repeatedly asked the victim to return to his house. She declined. The appellant then squeezed her firmly on the buttocks. She moved away from him. He then ran his right hand down the front of her left hip and touched her to the side of her groin area. The victim pushed his hand away and told him not to touch her again.	form of protection from him. Appellant served 443 days in custody for other sexual offences before he was acquitted and 5 months imposed by Magistrate for sentence. On appeal to McKechnie J sentence of 8 months imposed by Magistrate was reduced to 6 months 2 weeks imprisonment to take into account PG.	considering time spent in custody, whether it will make an allowance for that time and if so, how much of an allowance it will make. Even in a case in which the time was spent in custody in respect of the offence in question and for no other reason, the court does not have to give credit for the whole of the time spent in custody. AT [41] Of course, it would be a mistake to assume that time wrongly spent in prison will inevitably be taken into account in sentencing for a later offence.	
Indec Assault 30.01.14 Current as at 30 January 2014						