

From 1 January 2014

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are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.

Glossary:

imprisonmen
suspended
concurrent
cumulative
plead guilty
aggravated
burglary

sex pen sexual penetration without consent AOBH assault occasioning bodily harm

GBH grievous bodily harm dep lib deprivation of liberty

att attempted

TES total effective sentence

SIO suspended imprisonment order

CBO community based order VRO violence restraining order

TIC time in custody

No.	Case	Antecedents	Summary/Facts	Sentence	Appeal
1.	Rowley v The	42 yrs at time sentencing.	Ct 4: Agg burg.	Ct 4: 18 mths imp	Dismissed.
	State of Western		Ct 5: Damage.	(conc).	
	Australia	Convicted after PG (15% discount).	Ct 6: Threat to harm.	Ct 5: 15 mths imp	Appeal concerned totality.
			Ct 7: Agg stalking.	(conc).	
	[2016] WASCA	Minor traffic and criminal history.		Ct 6: 20 mths imp	At [41] The offending was
	162		Rowley and the victim "A" were in a highly	(cum ct 7).	not isolated. Each offence
		No history of domestic violence from	volatile physical relationship.	Ct 7: 40 mths imp	was deliberately carried out
	Delivered	current and previous relationships.	· C , Y	(conc).	with the intention of
	16/09/2016		A accused Rowley of stealing a diamond		intimidating A and was a
		Single at time offending; three children	earring from her. As a result of Rowley's	TES 5 yrs imp.	serious example of its kind.
		from previous marriage.	aggressive behaviour she went to stay with her		
			mother. During A's absence Rowley entered	EFP.	At [45] The adverse
		History of drug use.	A's home using a key that he had cut without		psychological and
			her knowledge (ct 4). Inside he found some	The sentencing judge	economic effects of the
			peaches; he crushed and smudged them	characterised	appellant's offending
			throughout the home, including the carpets,	Rowley's offending	have been profound.
			walls, paintings and bedding. Rowley sent a	behaviour as	
			text message to A telling her he was going to	calculated, deliberate	At [49] the appellant's
			wreck her apartment and clothes. A returned	and persistent, some of	overall offending involved
			home and found what he had done, along with	which was in wilful	a high level of criminality.
			a "love note" and the missing earring on the	defiance of a court	A degree of accumulation
			kitchen bench. A had the external locks	order. Rowley	was required, having regard
			changed and got an interim VRO against the	engaged in frequent	to the different offences
			Rowley.	verbal, physical and	committed by the appellant,
		C , Y		psychological abuse of	albeit with the same
		1/0	In the morning Rowley returned to A's home	A. It was hard for A to	objective to intimidate and
			and cut out the new deadlock from the rear	end the relationship	terrify A. A sentencing
			door (ct 5).	because of his	factor which cannot be
				domination of her.	overlooked here is the need
			Rowley and A's relationship ceased, but they		for general deterrence.
			continued to see each other. A did not pursue	The sentencing judge	Stalking offences are often
		3 ()	charges in respect of the incidents and did not	took into account the	committed against
		CAU	have the VRO served on him.	highly adverse effects	vulnerable persons who

the offending had on A suffer greatly as a Rowley was at A's home. When she refused and emphasised the consequence of the duty of the courts to him sex he snatched her mobile phone to offending behaviour. examine its contents. A slapped and clawed at protect victims of Offending of the kind Rowley's face to attempt to get her phone back domestic violence engaged in by this appellant so he threw her onto the couch and pushed her from harm. designed ... to cause terror face into it, restricting her breathing and telling to someone who had the "temerity" to want to cease her 'That's it, bitch. You've fucking done it Remorseful. now'. Marching A to the laundry he obtained a relationship requires a methylated spirts and a lighter and threatened Low to moderate risk sentence with elements of to set her alight. A pleaded with Rowley to of reoffending. both personal and general stop. He was unable to open the bottle (ct 6). deterrence Over the course of several months Rowley sent aggressive, threatening and abusive text messages to A. She took out another VRO. To get her to remove the VRO Rowley stalked her, including forcing her to stop her car whilst she was driving; trespassing onto her property intimidating her with a metal pole and having a female friend telephone her in an attempt to lure her to a vacant block (ct 7). Found in in Rowley car were a baseball bat with metal screws, night-vision goggles, a GPS tracking device, mobile phone, a blood-filled syringe and 17 SIM cards. Rowley was also found to have accessed websites on stalking. He had searched the internet for listening devices, night-vision binoculars, tracking devices and "How to" sites for hacking emails and mobile phones.

Transitional Provisions Repealed (14/01/2009)

Transitional Provisions Enacted (31/08/2003)					