

Aggravated burglary

**Residential properties
(excluding home invasions)**
s 401 Criminal Code

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are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.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

imp	imprisonment
susp	suspended
conc	concurrent
cum	cumulative
PG	plead guilty
Agg	aggravated
Burg	burglary
Att	attempted
EFP	eligible for parole
TES	total effective sentence
ISO	intensive supervision order
PSO	pre-sentence order
CBO	community based order
wiss	with intent to sell or supply
DDOBH	dangerous driving occasioning bodily harm

No.	Case	Antecedents	Summary/Facts	Sentence	Appeal
10.	<p><i>QJS v The State of Western Australia</i></p> <p>[2015] WASCA 9</p> <p>Delivered 15/01/2015</p>	<p>20 yrs at time of most offending.</p> <p>Conviction after PG.</p> <p>Offending breached ISO.</p> <p>Significant criminal history, including convictions for stealing, burg, breaches of bail, stealing motor vehicle and common assault.</p> <p>Difficult upbringing; attended numerous schools; never had significant employment.</p> <p>Significant substance abuse problem.</p> <p>Offending on indictment occurred shortly after the Department of Child Protection took the appellant's young daughters into their care.</p>	<p><u>Indictment</u></p> <p>Ct 1: Agg burg (dwelling). Ct 2: Steal motor vehicle. Ct 3: Agg armed robbery. Ct 4: Accessory after the fact to agg armed robbery. Ct 5: Agg armed robbery. Ct 6: Agg robbery.</p> <p><u>Section 32 notice</u> 18 charges.</p> <p><u>Indictment</u> <u>Ct 1 -2:</u> At about 3.50am on 17 December 2013 the appellant went to a house in company with a co-offender. He forced the garage door open and used an internal door to access the kitchen. He took a car key from the kitchen and used the keys to steal a car from the garage.</p> <p><u>Ct 3:</u> Approx. one hour later, the appellant and co-offender saw a woman walking along the street. They formed an intention to snatch her bag. The co-offender threatened the victim with a screwdriver. He pushed the tip into her cheek and demanded her handbag. The victim gave her handbag to the co-offender. The appellant drove them away.</p> <p><u>Ct 4:</u> At about 3.30pm on the same day the appellant</p>	<p><u>Indictment</u></p> <p>Ct 1: 1 yr 9 mths imp (conc). Ct 2: 4 mths imp (conc) Ct 3: 3 yrs 3 mths imp (cum). Ct 4: 1 yr 4 mths imp (conc). Ct 5: 3 yrs 3 mths imp (conc). Ct 6: 2 yrs 4 mths imp (conc).</p> <p><u>Section 32 notice</u> The appellant received various imp terms for various charges, 2 yrs 9 mths of which was ordered to be served cum.</p> <p>TES 6 yrs imp.</p> <p>EFP.</p> <p>Cooperated with police by giving names of co-offenders.</p> <p>Limited insight into offending and effect on victims; remorse; victim empathy.</p>	<p>Dismissed – on papers.</p> <p>At [35] The rationale for treating offending whilst on bail or parole as being an aggravating factor applies equally where a person commits offences whilst on some other form of conditional release, such as an ISO... The commission of an offence whilst on an ISO not only exposes the offender to resentencing for the original offence, it is a factor relevant to the sentencing for the breaching offences.</p> <p>At [50] The offences contained on the indictment were serious offences of their type.</p>

			<p>and a co-offender were driving through a shopping centre car park. The co-offender decided to steal the handbag of a passing shopper. The co-offender got out of the car and grabbed the victim's handbag. There was a struggle until the co-offender raised a box cutter knife above the victim's head causing her to let go. The co-offender got back in the car and the appellant drove the co-offender away in order to help him escape.</p> <p><u>Ct 5:</u> About 30 minutes later, the appellant and a co-offender formed an intention to steal a handbag from a shopper at another shopping centre car park. The appellant stopped the car behind the victim who was seated in her parked car. The co-offender opened the victim's car door and, while brandishing a screwdriver, demanded her handbag. The victim handed her bag to the co-offender. The appellant drove them away.</p> <p><u>Ct 6:</u> At about 9.30am on 19 December 2013, the appellant and co-offender formed an intention to steal a handbag from a shopper at a shopping centre car park. The appellant stopped the car in close proximity to the victim. The co-offender got out and pushed the victim from behind causing her to stumble. The co-offender attempted to steal her handbag dragging her as he did so. After a struggle he obtained poss of</p>		
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			<p>the bag and ran to the car.</p> <p>The appellant was arrested on the same day. He made admissions to the offences, but denied entering the house in ct 1.</p> <p><u>Section 32 Notice</u> Between 8 August 2012 and 19 December 2013 the appellant committed multiple offences including agg burg on a liquor shop, breach of bail, stealing, wilful damage, trespass, steal motor vehicle, dangerous driving to escape pursuit, traffic offences and poss of a prohibited drug. The appellant made admissions to the section 32 offences when interviewed.</p>		
9.	<p><i>Rowsell v The State of Western Australia</i></p> <p>[2015] WASCA 2</p> <p>Delivered 09/01/2015</p>	<p>19 yrs at time offending.</p> <p>Convicted after PG.</p> <p>Criminal history including convictions of stealing, burg, drug offences and weapon offences.</p> <p>In a relationship; expecting child.</p>	<p>Agg burg (dwelling) x 1.</p> <p>The victim was a 72-year-old woman.</p> <p>Between 7.00pm and 7.15pm on 26 July 2013, the appellant used a hammer to smash the kitchen window of the victim's unit. The kitchen light was on. On hearing the noises, the victim went into the kitchen to find the appellant entering through the window holding the hammer. The victim ran out her front door to the neighbours unit. The appellant stole \$40 from the victim's purse and left the unit.</p> <p>The appellant cut himself when entering the kitchen window and left droplets of blood. The blood was analysed and was found to match the</p>	<p>30 mths imp.</p> <p>EFP.</p> <p>Repeat offender; no remorse; youth.</p>	<p>Dismissed.</p> <p>At [17] In determining whether an offender is remorseful, a sentencing judge is entitled to have regard to the appellant's conduct as a whole. Remorse, if genuine, will generally be an important consideration in sentencing and a sentencing judge is not bound to take at face value an offender's statement that he or she is remorseful. Nor will a</p>

			<p>appellant's reference DNA sample.</p>	<p>plea of guilty of itself establish remorse although, together with other relevant evidence, it may be a relevant factor in enabling an inference of remorse to be drawn.</p> <p>At [31] It is arguable that the text of s 7(3)(b) is wide enough to extend to the mandatory minimum penalty for repeat offenders in s 401(4) of the <i>Criminal Code</i>...</p> <p>What is clear is that being a 'repeat offender' for the purpose of s 401(4) is analogous to a circumstance of aggravation and that it too can be taken into account as an aggravating factor under s 7(1) of the <i>Sentencing Act</i>.</p> <p>At [39] Discussion of comparative cases.</p> <p>At [41] In the present case, the offending, while not the most serious kind</p>
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					<p>of agg burg, was nevertheless serious.</p> <p>At [51] Remorse is not to be equated with sorrow for being caught, an acknowledgement that conviction is inevitable or regret on the offender's part that he or she faces some kind of sanction. Remorse, if it is to be mitigating, at least requires a realisation by the offender that what he or she did was morally wrong and some sign of sorrow for the impact of the consequences of the offence.</p>
8.	<p><i>AH v The State of Western Australia</i></p> <p>[2014] WASCA 228</p> <p>Delivered 10/12/2014</p>	<p>20 yrs at time sentencing.</p> <p>Convicted after early PG.</p> <p>Criminal record including convictions for steal motor vehicle and agg burg.</p> <p>Aboriginal.</p> <p>Childhood characterised by dysfunction, dislocation, physical abuse, sexual abuse and exposure to</p>	<p>Ct 1: Att steal motor vehicle.</p> <p>Ct 2: Agg burg.</p> <p>Ct 3: Agg burg.</p> <p>Ct 4: Steal motor vehicle.</p> <p>The appellant entered an unlocked vehicle parked on the verge of a house. She found a key in the centre console and started the vehicle. The owner heard the vehicle start and ran from the back of the house. The vehicle stalled and the owner reached in and removed the keys</p>	<p>Ct 1: 2 mths imp (conc).</p> <p>Ct 2: 12 mths imp.</p> <p>Ct 3: 12 mths imp (cum).</p> <p>Ct 4: 9 mths imp (conc).</p> <p>TES 24 mths imp.</p> <p>EFP.</p> <p>Significant risk of re-offending.</p>	<p>Allowed.</p> <p>Re-sentenced – all terms of imp served conc.</p> <p>TES 12mths imp.</p> <p>At [8] There was an undue focus upon the preparation of reports and assessments for the court, and far too little focus</p>

		<p>substance abuse.</p> <p>Attended school until year 12; frequent truant; suffers significant intellectual impairment and cognitive disability; almost completely illiterate and innumerate.</p> <p>Never been employed; lacks the skills to obtain employment.</p> <p>Vulnerable to anxiety and stress; whilst imprisoned condition deteriorated to acute psychosis; made an involuntary patient at the Frankland Centre.</p> <p>Occasional user of alcohol and cannabis.</p> <p>History of re-offending on court imposed orders.</p> <p>Offending occurred within a few weeks of being placed on a second community based order after breaching the first order.</p>	<p>from the ignition before telling the appellant to get out of the vehicle. The appellant left the vehicle and apologised to the owner before leaving.</p> <p>Later that evening, the appellant, who was intoxicated, entered an unlocked house. She found a spare key to a vehicle and used the key to steal the vehicle. The appellant drove the vehicle a few hundred metres before crashing into a light pole.</p> <p>A week later and while the appellant was on bail for those offences and intoxicated, she entered a house through an unlocked door. She found keys to vehicle and used the keys to steal the vehicle.</p>		<p>upon the need to actually provide support and assistance. The conspicuous failure of the justice system to provide any support and assistance which she so clearly needed and which was identified in the various reports and assessments presented to the court not only failed AH, but also failed to protect the communities of Roebourne and Karratha.</p>
7.	<p><i>Ryder v The State of Western Australia</i></p> <p>[2014] WASCA</p>	<p>24 yrs at time sentencing.</p> <p>Convicted after early PG.</p> <p>Lengthy criminal record of a similar</p>	<p><u>Indictment</u></p> <p>Ct 1: Agg burg (dwelling). Ct 2: Agg burg (dwelling).</p> <p><u>Section 32 notice</u></p>	<p><u>Indictment</u></p> <p>Ct 1: 18 mths imp. Ct 2: 12 mths imp (cum). <u>Section 32 notice</u></p>	Dismissed – on papers.

	<p>187</p> <p>Delivered 21/10/2014</p>	<p>nature.</p> <p>Suffers from a form of schizophrenia; exacerbated by extensive drug use.</p> <p>History of failing to comply with mental health treatment when in the community.</p> <p>Co-offender sentenced to a total of 2 yrs imp.</p>	<p>x 15 charges</p> <p>The appellant was in a relationship with her co-offender. The appellant was about 4 months pregnant.</p> <p><u>Ct 1:</u> The victim, an 83 yr old female pensioner, was at home cleaning. The appellant distracted the victim while her co-offender entered and searched the master bedroom. When the victim went to get the telephone the appellant left. Property was stolen to the value of \$62,380.</p> <p><u>Ct 2:</u> The victim was a 70 yr old pensioner, who was home alone. The appellant knocked on the front door and asked to use the toilet. The victim refused and threatened to call the police. The appellant brushed past the victim into the house, causing him to lose his balance and stumble into a nearby door. The victim followed the appellant upstairs and she eventually left. While the appellant was with the victim the co-offender entered the house and stole property.</p> <p><u>Section 32 charges</u> Included stealing a 14 foot boat and jewellery/</p>	<p>6 mths imp (cum).</p> <p>TES 3 yrs imp.</p> <p>The appellant denied any involvement in count 2.</p> <p>Trial judge found appellant and co-offender deliberately targeted vulnerable elderly people and devised a system involving distraction and sneaking theft of their property.</p> <p>High risk of reoffending.</p>	
<p>6.</p>	<p><i>Anderson v The State of Western Australia</i></p>	<p>18 yrs 5 mths at time of offending.</p> <p>Convicted after early PG.</p>	<p><u>Indictment</u> Ct 1: Agg burg (dwelling). Ct 2: Stealing.</p>	<p><u>Indictment</u> Ct 1: 4 yrs imp. Ct 2: No penalty.</p>	<p>Dismissed – on papers.</p> <p>At [24] The offending became more serious as it</p>

<p>[2014] WASCA 167</p> <p>Delivered 09/09/2014</p>	<p>Good relationship with mother; father died with 3 or 4 yrs.</p> <p>Exposed to domestic violence at a young age; family life was unsettled; significant involvement by welfare agencies.</p> <p>Spent much of teenage years in juvenile detention; suffered depression and self-harming behaviour.</p> <p>History of substance abuse; using between 1g and 1.5g of amphetamine per day.</p> <p>Uncooperative with preparation of PSR and psychological report.</p>	<p><u>Section 32</u> Ct 1: Agg burg (dwelling). Ct 2: Stealing. Ct 3: Agg burg (dwelling). Ct 4: Stealing. Ct 5: Agg burg (commercial). Ct 6: Stealing. Ct 7: Steal motor vehicle. Ct 8: No MDL.</p> <p>The appellant committed a crime spree over nine days. The spree only stooped when the appellant was apprehended by police.</p> <p><u>Indictment</u> The appellant in company with another forced entry into a house and stole property and cash valued at \$575,150.</p> <p><u>Section 32 notice</u> <u>Cts 1-4:</u> The appellant in company with two others forced entry into houses and stole property.</p> <p><u>Cts 5-6:</u> The appellant in company with another; rode through a Hungry Jacks drive-through on bikes. The appellant forced open a sliding door. The associate held open the window while the appellant leant through and removed the tray from the cash register.</p>	<p><u>Section 32</u> Ct 1: 12 mths imp (cum). Ct 2: No penalty. Ct 3: 12 mths imp (conc). Ct 4: No penalty. Ct 5: 9 mths imp (conc). Ct 6: No penalty. Ct 7: 12 mths imp (conc). Ct 8: \$100 fine.</p> <p>TES 4 yrs imp.</p> <p>EFP.</p> <p>Offences committed in order to obtain funds to feed drug addiction.</p> <p>Judge noted offending was very serious.</p>	<p>progressed, moving from a commercial premise to homes and with increasing force.</p> <p>At [26] Having regard to the appellant's personal circumstances and the nature of the offending conduct, the present offences could not be seen as a mere youthful aberration.</p>
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			<u>Cts 7-8:</u> The appellant drove a motor vehicle from the scene of a burglary knowing the vehicle was stolen. The appellant has never held a licence.		
5.	<i>Abraham v The State of Western Australia</i> [2014] WASCA 151 Delivered 21/08/2014	19 yrs at time offending and sentencing. Convicted after PG. Prior criminal record. Finished school at 15 yrs; poor literacy and numeracy skills; no work experience. User of illicit substances. Subject of a community based order when offence committed.	Agg burg x 1. The appellant and another decided to break into a dwelling. The appellant stood on the verge while his co-offender knocked on the door. The victim was asleep and was awoken by the knocking. She looked through the window and saw the co-offender. She fled and contacted police. The co-offender kicked the front door and both offenders entered stealing property. The appellant was disturbed by police and arrested.	12 mths imp. EFP. Remorseful to some extent. Admitted his involvement in ROI but refused to identify co-offender.	Dismissed – on papers. At [57] Confirmed that the strength of the State case is a relevant consideration in assessing the amount of any sentence discount for a plea of guilty. At [62] The sentencing judge retains a discretion in deciding upon the discount to be given in each case.
4.	<i>Hill v The State of Western Australia</i> [2014] WASCA 150 Delivered 19/08/2014	28 yrs at time offending. Convicted after PG. Long and persistent history of serious offending including numerous convictions for burglary and stealing. Highly dysfunctional upbringing exposed to domestic violence, alcoholism and was provided substances to use.	<u>Indictment</u> Ct 1:Agg armed robbery. Ct 2:Agg armed robbery. Ct 3:Agg Armed robbery. Ct 4:Agg burg (residential). Ct 5:Agg burg (residential). <u>Section 32</u> Breach of bail. <u>Indictment</u> The appellant, in company with four others	<u>Indictment</u> Ct 1: 4 yrs imp. Ct 2: 4 yrs imp (conc). Ct 3: 4 yrs imp (conc). Ct 4: 3 yrs imp (conc & cum). Ct 5: 3 yrs imp (conc & cum). <u>Section 32</u> 4 mths imp (cum). TES 7 yrs 4 mths imp.	Dismissed. At [62] In multiple offending of this kind, comparison with sentences imposed in other cases is difficult because of the very great variations in the number of possible offences and the possible combinations of offences.

		<p>Long history of alcohol and illicit substances abuse.</p> <p>Four significant dysfunctional personal relationships; Father to one child.</p> <p>Unemployed.</p> <p>Failed to make any positive changes as a result of completing programs in prison.</p> <p>Poor record of compliance and completion of previous orders and parole; failure to engage in no-custodial treatment programs.</p>	<p>were travelling on Tonkin Highway. On seeing a black Audi they decided to steal it and to steal from the Audi's passengers. When stopped at a red traffic light, the driver deliberately drove into the back of the Audi. Both vehicles pulled into a side street where the appellant and co-offender provided false personal details to the driver. The co-offender produced a crowbar and struck the side of the Audi. The offenders demanded money and stole the handbags of passengers. A co-offender then drove off in the Audi.</p> <p><u>Section 32</u> These two offences occurred two months after the agg armed robberies.</p> <p>The appellant and another broke into an unoccupied residence and stole property. They then went to another residence. The appellant acted as a lookout while the co-offender forced his way in. An elderly occupant heard the entry and confronted the co-offender. Both ran from the scene.</p> <p>The appellant breached his bail by not appearing before the Magistrates Court.</p>	<p>Made full admissions in ROI; co-operation with police was limited.</p> <p>Remorse and victim insight; acceptance of responsibility to some extent; minimised his level of responsibility.</p> <p>The sentencing judge was not satisfied that the appellant's prospects of rehabilitation were at all substantial.</p> <p>Moderate to high risk of violent re-offending and high risk of 'generalist re-offending'.</p>	<p>At [79] the appellant's prospects of rehabilitation through eligibility of parole were outweighed by the need for the protection of the community.</p> <p>At [85] Discussion about determining discount for co-operation.</p> <p>At [91] the offending in this case was very serious.</p>
3.	<p><i>Pryor v The State of Western Australia</i></p> <p>[2014] WASCA</p>	<p>36 yrs at time offending and sentencing.</p> <p>Convicted after early PG.</p>	<p>Ct 1: Agg burg (dwelling). Ct 2: Steal motor vehicle. Ct 3: Agg burg (dwelling). Ct 4: Steal motor vehicle. Ct 5: Agg burg (dwelling).</p>	<p>Ct 1: 2 yrs imp. Ct 2: 3 yrs imp (conc). Ct 3: 3 yrs imp (conc). Ct 4: 1 yr imp (conc). Ct 5: 2 yrs imp (conc).</p>	<p>Dismissed – on papers.</p> <p>At [27] The aggravated armed robbery committed by the appellant was a</p>

<p>143</p> <p>Delivered 06/08/2014</p>	<p>Extensive criminal record including breach of VRO, assault, AOBH, stalking, drug possession and burglary.</p> <p>Breached various community and suspended imprisonment orders.</p> <p>Unstable childhood.</p> <p>Father of 4 children from previous relationship; relationship was marred by domestic violence perpetrated by the appellant.</p> <p>Current partner is supportive of appellant.</p> <p>Entrenched substance abuse problem.</p> <p>Made efforts towards his reformation, however not successful.</p>	<p>Ct 6: Agg armed robbery. Ct 7: Agg burg (place).</p> <p>The appellant went on a crime spree over an eight day period.</p> <p><u>Ct 1 & Ct 2:</u> The appellant entered the victim's house through an unsecured rear door. The victim was home but distracted. The appellant took a set of car keys, left the house and using the keys stole the victim's motor vehicle.</p> <p><u>Ct 3 & 4:</u> Five days later the appellant entered the victim's garage. The victim was home and busy with her 2 small children. The appellant saw the victim had left the keys in her motor vehicle to which he got in and started it. The victim heard this, ran to the garage and attempted to open the car door. The appellant drove away. During her efforts to stop the appellant the victim fell to the ground and grazed her left leg.</p> <p><u>Ct 5:</u> The appellant and another entered the victim's residence through an unsecured door. Inside they searched and located items to take. While committing the offence the victim arrived home. As a result, they fled the scene. No property was taken.</p>	<p>Ct 6: 4 yrs imp. Ct 7: 1 yr imp (conc).</p> <p>Ct 1 cum on Ct 6.</p> <p>TES 6 yrs imp.</p> <p>EFP.</p> <p>Remorseful.</p> <p>Made full and frank admissions.</p> <p>Committed the offences in the context of a methyl binge.</p> <p>Sentencing judge noted that the only significant matter in mitigation was the plea of guilty.</p>	<p>serious example of its type.</p> <p>At [32] Although the burglaries were not the most serious cases of their type, they were serious enough.</p>
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			<p><u>Ct 6:</u> Early the next day the appellant and his accomplice drove to a service station in the stolen motor vehicle. Carrying a lighter and a plastic bottle which contained petrol, he approached the counter while his accomplice stole a bottle of soft drink. The appellant threatened set fire to the victim if he did not give him money. Fearing for his safety, the victim retreated to the office.</p> <p><u>Ct 7:</u> The appellant and his accomplice then drove to a business which was closed. The appellant used a brick to smash a glass door and the two entered. Inside they stole food and drink.</p>		
2.	<p><i>Tela v The State of Western Australia</i> [No 2] [2014] WASCA 103 Delivered 15/05/2014</p>	<p>18 yrs at time offending. 19 yrs at time sentencing.</p> <p>Convicted after early PG.</p> <p>Criminal record including possess controlled weapon.</p> <p>Employed since left school.</p> <p>Positive references.</p> <p>Good and supportive family.</p> <p>Breached 6 mth CRO by committing agg burg.</p>	<p><u>Indictment</u> Ct 1: Agg burg. Ct 2: Agg burg. Ct 3: Burg</p> <p><u>Section 32</u> Ct 1: Drive reckless to escape pursuit Ct 2: Agg fail to stop Ct 3: No MDL Ct 4: AOBH</p> <p><u>Indictment</u> The appellant and others committed burglary on homes in order to obtain bicycles, off-road</p>	<p><u>Indictment</u> Ct 1: 1 yr 6 mths imp (cum). Ct 2: 1 yr 6 mths imp (conc). Ct 3: 1 yr imp (conc).</p> <p><u>Section 32</u> Ct 1: 1 yr imp (cum). Ct 2: 3 mths imp (conc). Ct 3: Fine \$1000. Ct 4: 3 mths imp (cum).</p> <p>TES 2 yrs 9 mths imp. EFP.</p>	<p>Dismissed – on papers.</p> <p>At [19] The indictable offences were undoubtedly serious. They were premeditated and targeted. Substantial amounts of property were taken on each occasion. ... The assault occasioning bodily harm was unprovoked, involved the use of a weapon and inflicted multiple injuries on an innocent victim.</p>

			<p>motorcycles and associated equipment.</p> <p><u>Section 32:</u> <u>Ct 1, 2 & 3:</u> The appellant was riding an off-road motorcycle with others. Police received a number of calls from members of the public that there were several motorcycles driving around on roads with no lights on. Police pursued the appellant and two others in vehicles & by helicopter. The appellant rode his motorcycle at an excessively high speed, with lights off and drove on the incorrect side of the road. At the time the appellant's licence was cancelled.</p> <p><u>Ct 4:</u> The appellant assaulted the victim in an unprovoked attack. The appellant swung a baseball bat at the victim, narrowly missing the victim's legs. The appellant continued to swing the bat and eventually struck the victim in the back and the face. The victim suffered a bruised hip, a broken nose and severe swelling to the face.</p>	<p>Motive was greed.</p> <p>Good future prospects.</p>	
1.	<p><i>Whitby v The State of Western Australia</i></p> <p>[2014] WASCA 99</p> <p>Delivered</p>	<p>25 yrs at time offending. 26 yrs at time sentencing.</p> <p>Convicted after early PG.</p> <p>Significant prior criminal record including convictions for stealing, receiving, agg burg and trespass.</p>	<p><u>Indictment 684/13</u> Ct 1: Agg burg.</p> <p><u>Indictment 1054/13</u> Ct 1: Agg burg.</p> <p>Ct 2: Stealing. Ct 3: Steal motor vehicle.</p>	<p><u>Indictment 684/13</u> Ct 1: 2 yrs imp.</p> <p><u>Indictment 1054/13</u> Ct 1: 2 yrs 6 mths imp (cum). Ct 2: no penalty. Ct 3: no penalty.</p>	<p>Dismissed – on papers.</p> <p>At [28] The offences committed by the appellant in the present case involved serious offending of its kind.</p>

	05/05/2014	<p>Imprisoned on several occasions; poor response to community based dispositions.</p> <p>Long history of illicit substance abuse.</p> <p>No employment history; relied on Centrelink benefits.</p> <p>Suffers depression.</p> <p>On remand participated in several rehabilitation programmes.</p>	<p><u>Indictment 684/2013</u> The appellant entered the victim's house by opening a front sliding window and ripping the flyscreen. The victims were asleep. The appellant stole property but was disturbed by the victims and fled from the house.</p> <p><u>Indictment 1054/13</u> The appellant entered the victim's house by removing a flyscreen from the lounge room window and forcing the window open. The victims were asleep. The appellant stole items and left in the appellant's motor vehicle. The appellant was later seen driving the stolen vehicle.</p>	<p>TES 4 yrs 6 mths imp.</p> <p>EFP.</p> <p>Remorseful.</p>	<p>At [29] The appellant's personal circumstances and antecedents were poor.</p>
<i>Transitional Provisions Repealed (14/01/2009)</i>					
<i>Transitional Provisions Enacted (31/08/2003)</i>					