

IN THE COUNTY COURT OF VICTORIA

Redacted

AT MELBOURNE
CRIMINAL DIVISION

DIRECTOR OF PUBLIC PROSECUTIONS

v

BWF

JUDGE:

His Honour

Redacted

WHERE HELD:

Melbourne

DATE OF HEARING:

DATE OF SENTENCE:

Redacted 2013

CASE MAY BE CITED AS:

DPP v BWF

MEDIUM NEUTRAL CITATION:

Redacted

REASONS FOR SENTENCE

Redacted

APPEARANCES:

Counsel

Solicitors

For the Crown

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For the Accused

Redacted

HIS HONOUR:

1 [Redacted] BWF [Redacted] you were found guilty by jury [Redacted]

[Redacted]

2 [Redacted]

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[Redacted]

[Redacted]

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6 The complainant was aged between the ages of ten and 15 years at the time of the offences.

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8 For the purposes of this sentence, it is sufficient for me to state that on the Redacted charges, 1, 2, 4 and 7: on Charge 1, you rubbed her genital area with your fingers, ultimately penetrating her vagina digitally; on Charge 2, you were on top of Redacted in her bed and you penetrated her vagina with your penis; on Charge 4, you put your penis into her mouth; and on Charge 7, you penetrated her vagina with your fingers. These occurred on separate occasions when Redacted was at home, being looked after by you.

9 Charge 3 took place at the same occasion as Charge 4, as did Charge 5.

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Charge 3 and 5, being indecent acts with a child under 16: Charge 3 encompassed the evidence of forcing [Redacted] to put her hand on your penis to masturbate you; and Charge 5 encompassed the evidence of touching her on her breasts over her clothes. Charge 6, of attempted [Redacted] occurred at the time of Charge 7, the digital penetration, another [Redacted] charge. That offence was preceded by attempts by you to penetrate her vagina by your penis whilst she resisted, until you did penetrate her with your finger. That is Charge 7.

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The first thing to note is the length of time, from 2005-2011, during which you committed these offences. It may not have been said to have been sustained offending but it lasted for a substantial period of time.

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[Redacted] is a particularly heinous offence involving a profound breach of trust from a person, usually an adult, who is entrusted with the care and supervision of a young child [Redacted]. This offence is not only abhorrent because of this fundamental breach but because it is performed by physical acts, like in this case, which are a vile violation of the most important rights of a child, that of safety, security, physical integrity and inherent innocence, all in the context of that trust they are entitled to enjoy as children.

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The law and the community rightly abhor such criminal conduct and the Court must denounce it in the strongest possible terms. The sentence of the Court must hold this purpose as very important, as well as acting as a clear and unequivocal message of deterrence to any who intend or are minded to

offend in this way, who must know that such criminality will be met with stern punishment.

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31 Taking all of these matters into account, I sentence you on the following terms:

32 In relation to each of the **Redacted** charges, you are convicted and sentenced to four years' imprisonment.

33 On the attempted **Redacted** you are convicted and sentenced to two and a half years' imprisonment.

34 On the indecent act with a child under 16, Charges 3 and 5, you are convicted and sentenced to 18 months' imprisonment on each charge.

35 I order that 12 months of each of Counts 2, 4 and 7, six months on the attempted **Redacted** charge, and three months of each of the two indecent act charges, 3 and 5, be served cumulatively on each other and cumulative on the sentence for Charge 1, the base sentence, making a total effective sentence of eight years. I fix a non parole period of six years.

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37 As a result of this conviction and sentence, you have become liable to be registered as a sex offender and subject to mandatory registration for life.

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