



DISTRICT COURT

CRIMINAL JURISDICTION

JUDGE SHANAHAN

THE QUEEN

v.

BCH

BRISBANE

..DATE 03/12/2004

SENTENCE

HIS HONOUR: Would you stand up, please? BCH the jury have convicted you of five counts of unlawful and indecent assault and one count of attempted rape. The offences occurred in September or early October of 1988 and the complainant, the victim, is your daughter. She was aged around 17 years at the time. You were 40 years old at the time.

In my view the offences have clearly an element of hypocrisy about them. You were purporting to the community to be a

God-fearing man and member of your church but at home you were subjecting your daughter to unwanted and unwarranted sexual advances.

Those sexual advances and contact were repeated over a number of occasions. They were in the face of her resistance. They involved fondling, digital penetration, and as the jury has found one count of attempted rape where you must have intended to have sexual intercourse with your daughter.

They are very serious offences in my view. They obviously involve contact, sexual contact with your own daughter and have had a lasting and lifelong impact upon her from the victim impact statement placed before me.

In my view, the seriousness of the offences themselves outweigh your personal circumstances and I take into account the fact that you have got no previous convictions, and I take into account these references that have been tendered on your

behalf, but in my view the serious nature of these offences outweigh those and other matters personal to you.

There is some element of delay in this. The offences occurred in 1988. You faced trial on a number of occasions and through no fault of your own the matter has continued for quite some time. It's obviously caused not only difficulties to you, but also to the witnesses, particularly the complainant.

Taking all those matters into account, I am of the view that

imprisonment of three years is warranted in relation to the offence of attempted rape. I set that sentence in terms of the entire conduct involved here which, as I say, involved repeated sexual assaults upon your daughter.

In relation to count 5, I order that you be imprisoned for a period of three years.

In relation to each of counts 1, 2, 3, 4, and 6 I order that you be imprisoned for a period of 18 months.

Those sentences are to be served concurrently with each other.

I see no reason to ameliorate that sentence in any way.

I am also satisfied it is appropriate to make the order sought by the Crown in relation to you having no contact with the complainant and her sister, your other daughter. My order is as initialled by me and placed with the papers.

The content of that order is that you are to have no contact directly or indirectly with the complainant or

BCK for a period of 10 years from your release from custody. It also involves prohibiting you from attending within 1,000 metres of either women's place of residence or work for that period of time.

-----