

***R v Teel (a pseudonym)* [2021] ACTSC 183 (17 August 2021) – Australian Capital Territory Supreme Court**

‘Intimate images’ – ‘Intimate video footage’ – ‘Sentencing’ – ‘Stepchild’ – ‘Technology facilitate abuse’

Charges: Sexual intercourse without consent x 4; committing an act of indecency without consent x 8; committing an act of indecency in presence of a young person x 3; non-consensual distribution of intimate images x 7.

Proceedings: Sentence.

Facts: Between 1 January 2011 and 22 April 2012 the male accused committed the first series of offences against his then partner, KD. Between 12 December 2017 and 28 September 2018 the accused committed the second series of offences against his then wife, NM. Following her separation from the accused NM discovered evidence the accused had taken photographs of her naked while she was asleep, which she later reported to police. Coincidentally KD’s mother discovered an SD card containing images and videos of the accused committing sexual offences against KD while she was unconscious. The execution of a search warrant on the accused’s premises revealed further images and videos of sexual offences committed against NM, including some committed in the presence of NM and the accused’s son. A number of the images and videos were uploaded to pornographic websites without the consent of either victim, and a number were distributed to another person via email.

The accused was a victim of childhood sexual abuse and multiple psychological report suggested he had symptoms consistent with PTSD, major depressive disorder, ADHD and alcohol misuse disorder, although it was apparent he did not disclose the full extent of his offending to all of the report-writers. He entered pleas of guilty at an early stage.

Decision and Reasoning: Aggregate sentence of 9 years and 10 months’ imprisonment, with a non-parole period of 5 years and 10 months’ imprisonment.

Only sentences of full-time imprisonment were appropriate and Burns J noted at [115]:

It is also important that the sentences I impose mark the community’s abhorrence of sexual offending, particularly against intimate partners. All women have the right to feel safe in their domestic relationships. Like all members of the community, they have the right to have their physical integrity respected.