



Judgment Summary

Supreme Court
Australian Capital Territory
Court Of Appeal

Tuesday, 7 July 2026

Paterson v DPP (No 2) [2026] ACTCA 20

McCallum CJ, Baker and Vandongen JJ

The Court of Appeal has unanimously dismissed an appeal against sentence imposed for the offences of aggravated burglary and theft. The primary judge sentenced the appellant, Mr Paterson, to a total effective sentence of three years, five months and 20 days' imprisonment on 15 August 2025. The relevant offending involved unlawfully entering the victim's apartment complex with a co-offender and stealing items with a collective value of over \$50,000.

The appellant submitted that the total effective sentence imposed by the sentencing judge was manifestly excessive. In particular, the appellant contended that the sentencing judge imposed the wrong type of sentence by not imposing an intensive correction order or partially suspending the sentence. In the alternative, the appellant contended the sentence was too long. The appellant submitted that the primary judge's conclusion that the offending was 'mid-range' with respect to objective seriousness did not align with the sentences imposed when viewed in light of the respective maximum penalties.

The Court of Appeal found that the offences of aggravated burglary and theft were serious and that the offender had few mitigating factors beyond his guilty plea. The Court of Appeal noted that there was a need for specific deterrence due to the appellant's history of disregarding good behaviour orders.

The appellant also contended that the sentences for the offences should have been fully concurrent or had greater concurrency. The Court of Appeal dismissed this, finding that the sentence imposed reflected the overall criminality of the offences whilst ensuring the appellant was not doubly punished for intending to commit theft.

This summary has been prepared for general information only. It is not intended to be a substitute for the judgment of the Court or to be used in any later consideration of the Court's judgment.

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