IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE
CRIMINAL DIVISION

Revised
Not Restricted
Suitable for Publication

DIRECTOR OF PUBLIC PROSECUTIONS

v

GREGORY JOHN CHALLENGER

JUDGE:	HER HONOUR JUDGE GAYNOR
WHERE HELD:	Melbourne
DATE OF HEARING:	
DATE OF SENTENCE:	26 June 2019
CASE MAY BE CITED AS:	DPP v Challenger
MEDIUM NEUTRAL CITATION:	[2019] VCC 894

REASONS FOR SENTENCE

Subject:
Catchwords:
Legislation Cited:
Cases Cited:
Sentence:

APPEARANCES:	Counsel	Solicitors
For the DPP	Mr Moore	
For the Accused	Mr Hartnett	

HER HONOUR:

1 Gregory John Challenger, a jury has found you guilty of three charges of aggravated rape. The facts underlying this offending are as follows.

2 On 31 December 1985, the victim, "D", a 21 year old clerical receptionist who lived in Geelong, travelled with her girlfriend, "M", and M's boyfriend, "P", to Lorne to participate in the New Year's Eve celebrations held there. They got to Lorne at about 8.30pm, walked around the town, had a few drinks at the hotel, then D and M went to a lawn section near the main street where a band was playing. They sat down there and just before midnight met a young man, "PC", who went with D and M to watch the fireworks.

3 M returned to the car to stay with her boyfriend, P, and D and PC decided to go for a walk along the beach. They started near the Lorne Surf Club and walked north along the beach toward the breakwater. There, they sat on a blanket, talked, kissed and cuddled, and then at some point D realised there were people hiding in the dunes. PC told them to go away, at which point those people came down and stood around D and PC. They saw that there were four men, one of whom sat on the blanket in front of D and said "How about a New Year's kiss?", to which D said "Get lost".

4 Two of the men started grabbing at D, who began screaming and yelling, and she could hear PC yelling out to the men to leave her alone. PC ran off to get help. One of the men, whom D described as having a moustache, told D to shut up, then hit her twice with his closed right fist, the first blow striking her on the right cheek just below her eye, and the second on the right side of her scalp. D felt her skin tear and she began bleeding. She became hysterical and started crying. It was the prosecution case that you were that man.

5 The man with the moustache then tore her jeans and underpants off and pulled his own jeans down to his knees. He tried to insert his penis into her vagina, but she clamped up and he was unable to achieve penetration.

6 These actions underlie Charge 1 on the indictment – attempted aggravated rape, of which charge you were acquitted.

7 Because he could not penetrate D's vagina, this man told her "suck on this" and then put his penis into her mouth while she was lying on the ground. He moved his penis in and out and, after what D thought was about 5 or 10 minutes, ejaculated semen into her mouth. D choked and spat out the semen onto the left shoulder and chest area of the yellow jumper that she wore.

8 Her attacker and a second man then pulled her to her feet, picked up the blanket and dragged her up to a barbed wire fence which they forced her over after first draping the blanket across it.

9 D said the man with the moustache dragged her across the fence and then threw her on top of the blanket, which had been carried by the other man, and then held her down. The second man took down his jeans and tried to penetrate D's vagina with his penis, managing to insert only the tip of his penis.

10 At this point, D began to cry again, asking the men to leave her alone. The man with the moustache told her to shut up or he would hit or hurt her again. The second man was unable to penetrate D's vagina completely, so he slid up on top of D and pushed his penis into her mouth, moving it in and out.

11 Someone suddenly shouted "Hey, is everything alright, what's going on there?" and D saw a male coming down a nearby walkway. The man on top of her said that everything was alright, but D yelled "yes, there's something wrong". As the man on top of her turned around to look, she jumped up and ran across to the fence, climbing over it, and encountered another man coming up the path. He asked what was going on and if she was alright, to which she replied that she was not and said "get me out of here".

12 D ran back down to where her clothes were on the beach and put her jeans back on. Her underwear was in the leg of her jeans.

13 The man who had interrupted this sexual assault ran with her, but she was too scared to trust him, so ran to the road, saw caravans across a paddock, and climbed a fence into the paddock, walked through the caravan park and then saw a girl and two men heading up the main road. She caught up with them and asked them to show her where the police station was. These people then walked with her to the police station, where she entered and reported the incident to the officer on duty.

14 Detectives in Geelong were called. They attended and drove D back to Geelong, where she was medically examined by police surgeon, Dr Fitzgerald, at about 11.45am on 1 January 1986. He noted bruising under D's right eye, marked swelling of the right cheek, a half centimetre abrasion above her right eye, swelling of her scalp and clotted blood in her hair, scratches inside her upper arm, an abrasion across her right breast and multiple scratch marks measuring 2-5 centimetres covering both buttocks. Dr Fitzgerald found that her presentation was consistent with recent superficial trauma and previous penetration. The clothing worn by D, together with other forensic samples taken by Dr Fitzgerald were collected by police following the examination and sent to Melbourne for analysis.

15 Later in 1986, John Scheffer, Manager of Biological Services at Forensic Science Laboratory then located at Spring Street, Melbourne, examined the clothing, which was preserved for later testing. A preliminary test to detect semen was conducted on D's jumper. Two areas on the front of the jumper where D said she spat out her attacker's ejaculate tested positive for semen, and samples were cut from that jumper and preserved.

16 Despite a police appeal for information in an article in the Geelong Advertiser containing a photo-fit picture which had been compiled by the Police Identification Squad, no offender was ever apprehended.

17 In late 1986, all crime scene exhibits believed to contain biological evidence were transported from the laboratory in Spring Street to a new McLeod facility, including the exhibits from this investigation. This all occurred before the advent of DNA technology. Those samples were preserved there undisturbed until 2012, when government funding established the Cold Case Freezer Project, which enabled DNA testing of samples from historical cases.

18 This resulted in a DNA profile being obtained from two pieces of the front of D's jumper, which found the presence of spermatozoa in both samples. DNA analysis results were placed on the National Database.

19 In August 2015, as part of an unrelated investigation, police obtained a saliva sample from you, which was then entered onto the National Database. A computer-generated comparison indicated a possible link between your DNA and the DNA from the semen stains on D's jumper. An investigation into the gang rape of D was then reactivated.

20 In June 2016, a sample of your DNA was compared with DNA results from further analysis of preserved samples from D's jumper. That analysis established that it was 100 billion times more likely that you were a contributor to that DNA, rather than any other person chosen at random from the Australian Caucasian population, providing extremely strong support for the proposition that the man who ejaculated into D's mouth was you.

21 On 3 March 2016, D was shown a folder of 12 photographic images, which included a photograph of you taken in about 1987. Detective Senior Constable Philip Payne, who showed D the photoboard, gave evidence that, on looking at your photo, D became startled, immediately turned away and began to shake. She then placed her finger on your photograph, saying "It's him. It is his eyes". Detective Senior Constable Payne said D then shut the photoboard, closed her eyes, and began taking deep breaths.

22 Police arrested you on 9 March 2016 at your home, at which time, in a covertly recorded conversation, you essentially denied being involved in the rape.

23 At a trial commencing on 30 April 2019, you pleaded not guilty to all charges and gave evidence that on New Year's Eve 1985 you attended a party where you were a bar manager at an address in Gravel Pits Road in South Geelong, which was held by what you described in your evidence as "the equivalent today of a man's cave". You said it was a get-together place where "guys worked on some bikes that they had or just drink". You said that you remained there until the early hours of the morning. You called two other witnesses in support of your alibi. That evidence was clearly rejected by the jury.

24 You were acquitted, as I have said, of Charge 1 of attempted aggravated rape, but convicted on the remaining three charges of aggravated rape.

25 Charge 2 on the indictment relates to your oral penetration of D. Charge 3 relates to the second man's vaginal rape of D in which you were complicit, and then his oral rape of D in which you were also complicit. The aggravating features of the rapes were that they were committed in company and accompanied by violence.

26 The maximum penalty for aggravated rape is 20 years' imprisonment.

Interpretation of jury verdict

27 Defence counsel, Mr Hartnett, submitted on your behalf that the appropriate interpretation of the jury's Not Guilty verdict on Charge 1, attempted aggravated rape, meant the jury was not satisfied that you were the person who hit D before she was raped. He submitted that the jury had been clearly instructed that both sides agreed the sexual assaults described by D amounted at law to the four charges on the Indictment and that the only issue for them was the identity of the offender.

28 Mr Hartnett argued that therefore the only logical interpretation of the verdict was that the jury were unable to be satisfied to the requisite standard that you

were the person who carried out the attempted rape and, hence, were not satisfied that you were the person who inflicted direct physical violence upon D immediately before that sexual assault. He correctly submitted that a jury verdict must always be interpreted in the way most favourable to an accused.

29 The prosecution rejected this argument. The prosecutor, Mr Moore, submitted that the clear evidence on the trial was that you were the man who struck D and orally penetrated her after you were unsuccessful in forcing your penis into her vagina. He submitted that the jury had been instructed as a matter of completeness, that the meaning of "attempt" meant being more than merely preparatory, so that the logical interpretation of the decision to acquit you on Charge 1 was because the jury was not satisfied to the requisite standard of the alleged attempt at penile/vaginal penetration.

30 After much consideration, I am unable to accept the defence submission. It was certainly the case that the jury were instructed that there was no issue between prosecution and defence, that the events described by D at law comprised each of the offences on the indictment, and that the only issue they had to decide was whether the prosecution had proved beyond reasonable doubt that it was you who committed the offences.

31 I did, however, include a definition of "attempt" on the jury question trail and, in brief terms, expanded upon that in my charge to them. I also accept, of course, that a jury verdict must be interpreted in a way that is most favourable to an accused.

32 I am, however, unable to accept that the interpretation submitted by the defence can logically be made out. The evidence was quite clear, that the man who struck D then tried to force his penis into her vagina but was unable to do so because she "clamped up", and he then penetrated her mouth in order to achieve, one could safely infer, sexual satisfaction. This he did, in that he

ultimately ejaculated into D's mouth, and it was through DNA analysis of the sperm that D then spat onto her jumper which led to your identification.

33 In my view, it makes no sense to interpret the jury's acquittal on Charge 1 as representing a lack of satisfaction by the jury as to your identity because, if that were so, given the prosecution scenario and the state of the narrative, as expounded by D, one would then logically expect an acquittal on the same grounds in relation to Charge 2, and, indeed, in relation to Charges 3 and 4, based, as they are, on the complicity of the offender clearly identified by D as the perpetrator in the sexual acts underlying Charges 1 and 2.

34 It is my view that the only logical interpretation of the jury's verdict is that they were not satisfied, despite direction to the contrary, the actions of the perpetrator in Charge 1 in fact amounted to "attempt".

35 If I be wrong in this, it nevertheless remains the fact that you were clearly found to have sexually assaulted D after she had been subdued by physical violence, to which you were present, and which you took advantage. It could not be argued, in my view, on either version, that the circumstances of aggravation attaching to Charges 2, 3 and 4, should amount to it only being offending in company but exclusive of violence which, at the very least, it must be said you were a party to on a complicity basis.

36 In other words, the logical interpretation of the acquittal on Charge 1 is due to a lack of satisfaction by the jury that your actions did not amount to an attempt and, in those circumstances, I am satisfied to the requisite standard, that is beyond reasonable doubt, that you punched D before sexually assaulting her.

37 In the end, however, for the reasons I have outlined, it does not seem to me to be of great significance in terms of the sentence which will ultimately be imposed.

38 I now turn to your personal circumstances.

39 You are now 56 years old and were aged 23 at the time of the offending. You were born in Western Australia, the youngest of four children. Your father was in the army so the family moved around a lot, primarily it would seem between Tasmania and Malaya, before settling in Geelong when you were 9 years old.

40 You attended primary school in Geelong between Grades 3 and 6, and then attended Geelong High School for Years 7-10. You had a difficult childhood in that your father had been a frontline trooper in Vietnam and was possibly exposed to chemicals there. He drank heavily, was difficult to deal with, was violent towards your mother, and occasionally to the children. He was medicated with Valium and Serapax which was apparently related to his experiences in Vietnam.

41 On leaving school, you undertook some construction work before working in a factory. You worked for a few years as a shelf stacker at Safeway, developing tendonitis in your shoulders. You underwent surgery which was successful. Thereafter, you had a number of short-term jobs as a delivery driver at an aluminium extrusion plant, as a panel beater and as a labourer. You worked as a security guard at a strip club in Geelong for 15 years to the age of 46. You worked at Neighbourhood Cable in Geelong and then at Avalon Airport for seven years as a utility cleaner. It was in this latter employment, your counsel told me, that your tendonitis re-emerged. You worked at BAE Systems in Williamstown as a scaffolder between 2011 and 2015, but again reinjured both shoulders and were conducting light duties between 2013 and 2015, when you were made redundant and thereafter were reliant on WorkCover and your wife's income. Between 2012 and 2014, you also had an interest in a tattoo shop.

42 You left home at the age of 18, moving in with your then girlfriend, Sandra, by whom you have three children now aged 37, 33 and 29. The relationship ended when you were 34, shortly after the birth of your youngest child, Sandra having difficulties with prescription pills and alcohol.

43 You began a relationship with your second wife in 1988, marrying her in 2000. In 1992, the Department of Health and Human Services became involved with your children due to reported substance abuse and neglect by their mother, and they were ultimately placed to live with you and your wife, and continued to do so until you were remanded in custody at the conclusion of the trial.

44 Your wife has worked for many years as a shoe designer, and you supported her in her career when your children were placed with you, staying at home as their full-time carer. Your three children continued to live with their step-mother after you were remanded in custody although your youngest child, a son, recently moved out with his girlfriend. He works in a factory in Melbourne and has one child. Your eldest son is a farm hand who is married and expecting his first child. Your second child, a daughter, has severe learning difficulties, is on a disability pension, and will probably never work.

45 You have some prior and criminal history. It began in 1981, when you were dealt with in the Geelong Magistrates' Court for theft, indecent language, assault, offensive behaviour and refusing a breath test. In 1988, you were jailed for 18 months on charges of aggravated burglary and criminal damage, resulting from an incident where your home was robbed. You identified the perpetrator and went to his residence with friends, where, unknown to you, the man's parents were also living.

46 There were appearances in 2008 and 2015 for cultivation, possession and use of cannabis, and also possession of cocaine, amphetamines and possession of a prohibited weapon in 2015, where you were fined.

47 Your family remains supportive of you. Your wife continues to support your children and indicated in court on oath that the relationship between you is a strong and enduring one, and that she will wait for you during any term of imprisonment that might be imposed.

48 You suffer from a number of health difficulties. You continue to suffer bilateral shoulder damage with torn ligaments arising from the tendonitis which re-emerged five or six years ago and have been advised that surgery is unlikely to be successful. You suffer chronic pain from this condition.

49 Your counsel informed me that your cultivation and use of marijuana over the years has been for pain management. You have learned over the years how to manage your pain at home, including daily medication comprising Panadol Osteo, Voltaren and Lyrica two to three times a day (the latter is an anti-inflammatory). You apply icepacks and, at one stage, had an electronic implant which was partially successful. You also make use of an ultrasound machine.

50 You suffer from ischemic heart disease. In October 2017, you underwent fairly urgent coronary artery graft surgery, arising from severe coronary disease from which you have recovered, but the disease is ongoing and you still suffer from angina for which you take Nitrolingual spray. You are also taking several medications for high blood pressure and Lipitor for cholesterol control.

51 In addition to reports from your treating surgeon I received a report dated 7 June 2019 from your general practitioner, Dr Adrian Jury, which outlined your surgery and concluded that you remain on cardiac medications. Dr Jury stated:

> "Greg has chronic neck bilateral shoulder pain and headaches. He has had multiple surgery and his treatment is now conservative. His pain is daily and severe and to such a disabling extent that Greg has no capacity for work. Please take this into account when considering Greg's case."

52 On being remanded in custody, you were at first held at the MAP for a week and in that time your counsel informed me that you received only two Panadol and one Voltaren. You were then moved to the MRC, where you have received no medication, including your heart medication, although your legal instructors eventually sent medical reports to the prison. I make the comment that this is an unacceptable situation. I also made this comment on the plea. Justice Health has an obligation to familiarise itself with your medical records and to ensure you are receiving appropriate medication.

53 You were assessed by psychologist, Gina Cidoni, who in her report dated 13 June 2019, diagnosed you as suffering a Major Depressive Disorder, according to the DSM-V, and a chronic pain condition defined as Somatic Symptom Disorder describing "both conditions as debilitating and exacerbated in his current environment" (that is, jail). She said you had a high level of situational stress linked to your circumstances and that "concerningly" you expressed suicidal ideation. She said you had some antisocial traits linked to past matters and she described you as mildly paranoid.

54 Ms Cidoni said you indicated binge drinking in your early adulthood and some use of drugs with later use of cannabis reportedly for pain control. She said that your situational stress was not surprising in view of your circumstances, these including the prospect of a term of imprisonment, together with the serious medical conditions that you suffer. She was concerned over your safety in prison and said you should be closely monitored as you present as a great risk to yourself.

55 In addition to the physical difficulties you have suffered in jail, when you were first placed in mainstream in custody, the publicity surrounding your trial resulted in an approach in your cell by several persons who told you to leave, and you were then placed in a management unit where you were held in lockdown for seven days. That is, you were given one hour of exercise out of your cell, in 24.

56 You are now in a protection unit at the MRC and it is likely you will remain in protection throughout any term of imprisonment that may be imposed.

57 I received a large number of references from family and friends. They all attest to your qualities as a husband and father – you have clearly been a devoted father to your children, you have an enduring and loving relationship with your wife. I accept, since meeting your wife, and her taking on the care of your children, you have led a largely, not wholly, law abiding life, and that the

continued support of your family is a strong protective factor and indicative of the rehabilitation you have undergone over the years.

58 The effect of your actions upon your victim, D, was profound and ongoing. In her Victim Impact Statement, which she did not wish to be read out to court, D stated:

> "When I started writing this statement I struggled to continue as presenting personal details to the court in such a public forum feels like yet another loss of control over my life. The intrusive thoughts, unexpected emotions, feelings and unanswered questions from being reminded repeatedly again in recent years have been distressing, exhausting and extremely difficult to live with all over again."

59 She described your attack upon her as the worst event of her life. She said she had never lost the feeling of being unsafe and described movingly a struggle over the years to return to "normal". The failure to apprehend the offender appeared to remove any likelihood of closure so she just had to let what she termed "it" go. At the time of this offending, there was much less understanding about dealing with trauma and she received little recognition of the ordeal she had been through, writing:

> "It became this huge unspoken trauma that wasn't acknowledged. I understand people might be afraid of what I might say hearing something they don't want to hear, scared of saying the wrong thing or don't want to remind me. This means I haven't been able to talk to them about how the violence affected me. The clenched fist coming towards my face remains a most vivid memory and the one that wakes me from nightmares."

60 D has had to learn many ways of coping when the remembered feelings come back. She wrote of the exhaustion of having to be constantly alert when out, and only feeling safe at home. The following paragraph, in my view, well-describes the day to day effect of the trauma inflicted upon her so many years ago, and D's own continuing courageous attempts to overcome and live with its effects.

> "I tell people I get claustrophobic because it's easier than explaining why I don't always cope well with being jostled in a crowd, being surrounded by people I don't know. I'm the one who tends to hang out on the edge or goes out with a large group. Social events are tiring when you're 'on alert' always knowing where the exit is but I persevere because I actually really enjoy meeting and talking with people. Heads up – don't grab my arm or

> touch me though if I don't know that you're there yet. I'll leave before the end because I don't want to ever be left alone at the end of the night."

61 The process of this appalling assault being re-enlivened when police contacted D in 2016, of making the photobook identification, of giving evidence at committal and then trial, was clearly a most traumatic one. Thankfully, however, it has proved to some extent to be therapeutic. She stated:

> "Interestingly, I haven't had a nightmare since giving evidence and felt immense relief later that week realising I was walking into a shopping centre without scanning people. I cried again that night. Tears of sadness at what I've done to cope and relief that this part is over with."

62 Might I say that this was a beautifully written Victim Impact Statement redolent with determination and courage on the part of its author to refuse to be, as she described, defined by fear and describing vividly her continuing struggles to lead a fulfilling life.

63 It was conceded that no other disposition other than a term of imprisonment to be immediately served is appropriate in this case. The offence of aggravated rape now no longer exists and has been incorporated into the offence of rape, which has a maximum term of 25 years' imprisonment. Of course, I must consider only the maximum term, that is 20 years, that applied to the offences for which you have been convicted at the time you committed them.

64 As required by the *Sentencing Act* 1991, I must assess the gravity of your offending, your moral culpability, the impact on the victim, your prior criminal history, your prospects of rehabilitation – the latter affecting the principle of community protection which so often applies in cases of this kind.

65 It was conceded by the prosecution that you do not present a danger to the community and that you have taken extensive rehabilitative steps in the years that have elapsed since the commission of these offences. As I have said, I accept that you have largely rehabilitated yourself over the years and I accept that community protection and, indeed, specific deterrence are not sentencing principles to which I must have regard.

66 I further accept that limbs 5 and 6 of *Verdins* have application in your case. That is, I accept that because of your medical and psychological illnesses, service of a term of imprisonment will weigh considerably more heavily upon you than the normal prisoner, and that incarceration is likely to adversely impact both conditions.

67 I have had regard to the authorities referred to me as relevant for sentencing purposes. In my view, the case of *DPP v Mush* [2018] VCC 1509, a decision of his Honour Judge Mullaly of this Court, can be distinguished primarily on the basis of that offender's far greater and far more serious offending history which included subsequent convictions for manslaughter and another rape. The case of *DPP v Christoforidis* [2016] VCC 2038, a gang rape committed in 1982 and also a successful prosecution of a cold case via DNA analysis, bears some similarities. But, in that case, the offender was 17 years old and found not to be a ring leader in the callous rape committed on that young woman.

68 In that case, however, her Honour Judge Hampel made what I regard as remarks pertinent to this case. She noted that the median sentence for aggravated rape in 1982 was six years. Her Honour stated at paragraph 18:

> "Even then, it was recognised that women were entitled to be treated as the autonomous beings they were, with the right to choose whether, in what circumstances, and with whom they wanted to engage in sexual activity."

69 Her Honour went on to describe that offending in terms which I regard as having application to your offending against D. She described the victim in that case as being treated as "as if she were just an object, an empty vessel for your sexual gratification". That precisely, in my view, describes your offending in 1986.

70 As was clear from D's Victim Impact Statement, the sensitivity and care meted out to a rape victim in 1986 was sadly lacking but, again, as her Honour stated at paragraph 19 of *Christoforidis*:

> "Even then it was clear that denunciation, deterrence and just punishment loomed large in the sentencing mix, and they still do today."

71 Again, Her Honour's remarks have application to your case.

72 Her Honour's observations were borne out by the Court of Appeal decision in *The Queen v Michael Aucello* [1988] VSC 523*,* which was delivered on 6 October 1988. That case involved aggravated rape of the victim by a single offender at her home. Little description was given of the circumstances of aggravation beyond (see Young CJ) describing those aggravating circumstances as "serious personal violence", and that "the girl was roughly treated". In that case, the sentence of the trial judge involving a term of seven and a half years for aggravated rape, and terms of four years each for two further charges of rape resulting with cumulation, in a total effective sentence of eight and a half years with a seven year minimum was upheld.

73 This was a terrible crime. It was a brutal gang rape. In the company of others, you savagely punched a clearly terrified and vulnerable young woman to the face. You raped her orally and then ejaculated in her mouth. You helped drag her over a barbed wire fence and held her down so that your co-offender could rape her both vaginally and orally. The offending was terrifying, humiliating, degrading and violent. It was, in my view, a serious example of a serious crime.

74 You played a leading and continuing role in this offending. I regard your moral culpability as high. Principles of denunciation and condemnation of your conduct and just punishment loom large in the sentencing exercise before me, as does the principle of general deterrence, that is the imposition of a sentence designed to deter others from engaging in appalling crimes of sexual violence such as this. You have shown no remorse. D has been subjected to the trauma of giving evidence and being cross-examined notwithstanding that ultimately this trial has resulted finally in some closure for her after more than 30 years.

75 In sentencing you I take into account your years of rehabilitation, your significant health and psychological difficulties which will be adversely impacted by jail, and the ongoing support of your pro-social partner and children.

76 You are to be sentenced as a serious sexual offender on Charge 4 on the indictment, but appropriately in my view, the prosecution does not seek a disproportionate sentence. In the circumstances of this case, I find that to be appropriate.

77 I therefore sentence you as follows.

78 Could you stand up please.

79 On Charge 2, you are sentenced to seven years' imprisonment.

80 On Charge 3, you are sentenced to seven years' imprisonment.

81 On Charge 4, you are sentenced to seven years' imprisonment.

82 I order that the base sentence be the term imposed on Charge 2. I order that 18 months of each of the sentences imposed on Charges 3 and 4 be served cumulatively to the sentence imposed on Charge 2 and to each other, giving a total effective sentence of 10 years' imprisonment. I order that you serve a minimum term of seven years becoming eligible for parole.