

# Supreme Court Notes

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the authorities

3. Imposing a manifestly excessive sentence
4. Not giving sufficient consideration to a community service work order
5. Gave undue weight to the appellants prior record, and
6. The disparity between the appellant sentence and the sentences of his co-offenders.

Grounds 1 and 2 of the appeal failed because His Honour decided that sufficient weight had been given to these matters.

In considering ground 3 of the appeal His Honour found that the sentence was not "manifestly unjust", and therefore this ground of appeal failed.

His Honour decided that ground 4 of the appeal "must fail" and that "It is presumed that a Court in exercising its sentencing discretion will

keep the alternative dispositions in mind" (*Wanabi v Thompson*, unreported, 12 December 1994).

Ground 5 of the appeal failed because His Honour found that His Worship had only concluded that the appellant's previous record militated against leniency, and that the appellants previous records was relevant and could be taken into account. His Honour also found that His Worship had not taken into account 'without conviction' offence.

On the question of ground 6 of the appeal His Honour allowed the appeal in relation to possession of stolen goods.

He quashed the sentence and substituted a fine of \$100 with a victim assistance levy of \$20. The individual sentences in relation to the other offences were affirmed.

G Dooley for the appellant.

I Glasgow for the respondent.

**RB**

## It's Hypothetical...

A Darwin company hits financial problems, the director has dubious motives, creditors are angry, banks concerned. Accountants and lawyers from all over Darwin are consulted and are busy advising the various parties.....Sounds Familiar?

This is the fictitious scenario which will be presented to guests attending the Australia Securities Commission forthcoming Dinner "A Hypothetical". The evening deals with many of the issues surrounding honesty and fairness in business, with roles such as, accountants, lawyers and company directors being 'played' by local ASC practitioners ASC Chairman Alan Cameron will act as moderator.

The dinner will be held at the Plaza Hotel on Thursday 16th November 1995. Tickets at a cost of \$35 per person (drinks additional) can be purchased by contacting Tania Fleming at the ASC's regional office on 430906. Group bookings can also be arranged for firms. Numbers are limited and bookings close Tuesday 14 November 1995

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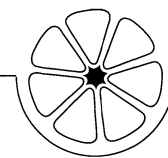
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