

The applicant was sentenced in the Darwin Supreme Court to 12 years imprisonment following his plea of guilty to 46 counts of dishonesty including 15 counts of aggravated unlawful entry of a building, 15 counts of stealing, one count of receiving, 13 counts of unlawful aggravated damage to property, one count of aggravated unlawful use of a motor vehicle and one count of aggravated robbery. A non-parole period of 6 years was fixed. The applicant sought an extension of time in which to file an application for leave to appeal against sentence on the grounds that the sentencing judge erred:

1. in imposing a sentence that was manifestly excessive.
2. in his application of the totality principle.
3. in failing to give sufficient weight to the applicant's age at the time he committed the offences and at the time of sentence
4. in failing to give sufficient weight to the applicant's pleas of guilty.
5. failing to give sufficient weight to the applicant's drug addiction, the age that the applicant began using illicit drugs and the causal relationship between the applicant's addiction to such drugs and the offences.

The Crown did not oppose the application for an extension of time, nor did it oppose the granting of leave in respect of any of the proposed grounds of appeal

The appeal was heard on 7 December 2004 and the court delivered its decision on 14 January 2005. See under Decisions for a further note of the case.