

Kotis v R

20 May 2005

The appellant was sentenced in the Darwin Supreme Court to cumulative terms of 6 months, 4 years and 6 months and 9 months imprisonment (a total effective sentence of 5 years and 9 months imprisonment) with a non-parole period of 4 years and 1 month following his pleas of guilty to one count of indecent assault of a child, one count of maintaining a sexual relationship with a child under the age of 16 years aggravated by having sexual intercourse with the child, and one count of unlawfully dealing with a child under the age of 16 years.

The applicant sought leave to appeal against sentence on the grounds that the sentencing judge erred -

1. in imposing individual sentences which were manifestly excessive,
2. in ordering cumulation of the sentences, and
3. in imposing a non-parole period instead of partially suspending the sentence.

The Crown did not oppose the grant of leave.

Leave to appeal was granted on all grounds.

The appeal was listed for hearing on 26 August 2005.