

**Pappin v R****30 August 2004**

The applicant was sentenced in the Alice Springs Supreme Court to imprisonment for 2 years and 4 months to be suspended after 9 months with an operational period of 2 years from the date of release following his plea of guilty to one count of assault accompanied by the following circumstances of aggravation (i) the victim suffered bodily harm, (ii) the victim was a female and the offender a male, and (iii) the victim was under the age of 16 years and the offender was an adult.

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

1. by imposing a sentence which was manifestly excessive
2. by failing to have proper regard to various mitigating subjective circumstances of the applicant when fixing the unsuspended portion of the sentence
3. in regarding specific deterrence as an aspect in the sentencing process for this offence and
4. in finding that there was no rational explanation for the offence.

The Crown opposed the grant of leave on all grounds. Leave to appeal was granted on grounds 1 and 2 and refused on grounds 3 and 4.

The appeal was heard on 7 February 2005 and the court delivered its decision on 18 February 2005. See under Decisions for a further note of the case.