

**Godwin v R**

**18, 19 August, 12 September 2003  
(BF) Martin CJ, Thomas & Riley JJ  
[2003] NTCCA 7**

The appellant pleaded guilty in the Supreme Court to eight offences of dishonesty, namely, three counts of obtaining property by deception, one count of publishing a false statement with intent to deceive; three counts of forgery and one count of procuring the execution of a valuable security (a mortgage) by deception.

On 5 February 2002 after a hearing at which evidence was called and some of the victims were cross-examined, the appellant was sentenced to an aggregate term of 12 years imprisonment. A non-parole period of 6 years was fixed.

On 7 May 2002 the appellant was granted leave to appeal on the papers on the grounds that the sentence was manifestly excessive and that the sentence imposed infringed the totality principle.

The circumstances of the offending were complex and convoluted. They involved an ever escalating series of dishonest and deceitful acts in 1997 and 1998 resulting in many people suffering loss, including his then de facto wife, his father, his business partners and a private company that lent money to the business. Although the gross amount taken was not able to be determined, the net loss was in excess of \$570,000. There was no adequate explanation for the appellant's conduct other than the suggestion he wished to make money and did not balk at doing so by resort to deceit and dishonesty. There was no basis for concluding that the appellant's conduct arose out of need.

In unanimously dismissing the appeal, the court expressed the view that although the sentence should be seen as being at the top of the range for similar offending, it was not convinced that the sentence was outside that range or that it was manifestly excessive.