

DISTRICT COURT  
APPELLATE JURISDICTION  
JUDGE TUTT

No 3343 of 2008

PAUL RAYMOND ROBBINS

Appellant

and

TROY JUSTIN HOWARD

Respondent

BRISBANE

..DATE 20/04/2009

ORDER

HIS HONOUR: My orders in this matter will be that the appeal that you have lodged is dismissed for the reasons that, firstly, you were dealt with before the Magistrates Court on the 12th of August 2008 after you entered pleas of guilty to the three offences referred to in the Magistrate's order.

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They being one of unlawful stalking and one of entering a dwelling and committing an indictable offence, namely, wilful damage to the door and, thirdly, a breach of domestic violence order.

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You were legally represented on both occasions that those matters came before the Court on the 1st of August 2008 at which time you entered pleas of guilty to each of those offences and on the 12th of August 2008 when submissions were made in the sentence hearing, the Magistrate heard the submissions and delivered her decision after hearing those submissions in which she imposed the penalty previously referred to, namely, a six months wholly suspended sentence for an operational period of three years and that, after clarification, was in respect of each of those offences.

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I am not persuaded that there was any miscarriage of justice in respect of the matter in respect of which pleas of guilty were entered nor am I persuaded that the sentence imposed was manifestly excessive. The sentence imposed was well within the range of punishment to be imposed at that time. No doubt the Magistrate took into account the 22 days which you had apparently spent in custody and I am of the view that the

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sentence imposed was reasonable and that it should have been wholly suspended as the Magistrate, indeed, ordered.

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In fact, the sentence imposed was slightly less than that which was submitted by both parties as being reasonable so far as the head sentence was concerned and although it does not appear in the record that the Magistrate took your plea of guilty into account, no doubt, it can be very safely assumed that she did and imposed the sentence accordingly. In all the circumstances, I am of the view that the appeal before this Court should be dismissed and I make no order as to costs.

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Thank you, Mr Robbins.

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