

***Carter v Firth* [2020] NTSC 62 (16 September 2020) – Northern Territory Supreme Court**

‘Appeal against sentence’ – ‘Assault’ – ‘Threat to kill’ – ‘Weapon’

Charges: Using a carriage service to make threat to kill x 1; Unlawfully entering a building with intent to commit assault x 1; Unlawful assault x 1; Threat to kill x 2; Aggravated assault x 1.

Proceedings: Appeal against sentence.

Facts: The male appellant and KC had been in a domestic relationship for 18 months. KC ended the relationship. The offending escalated over a 2-hour period and included threats to kill, physical violence and use of weapons. The appellant pleaded guilty and was sentenced to an overall effective sentence of 4 years imprisonment, suspended after 12 months.

Grounds of appeal: The overall sentence was manifestly excessive.

Held: Appeal dismissed. The sentences could not be said to be manifestly excessive. While the appellant had compelling subjective circumstances, “the subjective circumstances of an offender can never justify a sentence that does not adequately reflect the objective seriousness of the offences. In the present case, the objective circumstances reveal[ed] serious criminal offending, including significant violence utilising weapons, in the context of threats having been made by the appellant to kill his former domestic partner”: at [60].