

CITATION: *Gavin Dean Kennedy v James Anthony Grigor* [2008] NTMC 017

PARTIES: GAVIN DEAN KENNEDY

v

JAMES ANTHONY GRIGOR

TITLE OF COURT: COURT OF SUMMARY JURISDICTION

JURISDICTION: CRIMINAL

FILE NO(s): 20626867

DELIVERED ON: 29 February 2008

DELIVERED AT: Darwin

HEARING DATE(s): 22 February 2008

JUDGMENT OF: Dr JA Lowndes

**CATCHWORDS:**

CRIMINAL LAW – ELEMENTS OF OFFENCE CONTRARY TO S 132(2)(b)  
CRIMINAL CODE (NT) – STATUTORY PROHIBITION ON WARNINGS IN  
RELATION TO UNRELIABLE CLASSES OF WITNESSES – EVIDENCE OF  
COMPLAINT – IDENTITY ESTABLISHED BY CIRCUMSTANCIAL EVIDENCE –  
HYPOTHESES CONSISTENT WITH INNOCENCE – EXCULPATORY  
STATEMENTS IN A RECORD OF INTERVIEW AS EVIDENCE – EVIDENTIARY  
VALUE OF SUCH STATEMENTS.

Ss 31, 132(2)(b) *Criminal Code* (NT)  
S 4(5)(A) *Sexual Offences Act* (NT)  
S 59 *Evidence Act* (NT)  
*Drago v R* (1992) followed  
*Festa v R* (2001) 185 ALR 394 applied  
*R v Clout* (1995) 41 NSWLR 312 applied

**REPRESENTATION:**

*Counsel:*

Prosecutor:	Ms Sharafelin
Defendant:	Mr Lee

*Solicitors:*

Prosecutor:	DPP
Defendant:	Withnalls

Judgment category classification:	B
Judgment ID number:	[2008] NTMC 017
Number of paragraphs:	

IN THE COURT OF SUMMARY JURISDICTION  
AT DARWIN IN THE NORTHERN  
TERRITORY OF AUSTRALIA

No. 20626867

*[2008] NTMC 017*

BETWEEN:

GAVIN DEAN KENNEDY  
Plaintiff

AND:

JAMES ANTHONY GRIGOR  
Defendant

REASONS FOR DECISION  
(Delivered as an Oral Decision 29 February 2008)

Dr JA Lowndes SM:

Dated this 29<sup>th</sup> February 2008.

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John Allan Lowndes

STIPENDIARY MAGISTRATE