

CITATION: *Gavin Dean Kennedy v James Anthony Grigor* [2008] NTMC 018

PARTIES: GAVIN DEAN KENNEDY

v

JAMES ANTHONY GRIGOR

TITLE OF COURT: COURT OF SUMMARY JURISDICTION

JURISDICTION: CRIMINAL

FILE NO(s): 20626867

DELIVERED ON: 18 March 2008

DELIVERED AT: Darwin

HEARING DATE(s): 05 March 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 018
Number of paragraphs:

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

No. 20626867

[2008] NTMC 018

BETWEEN:

GAVIN DEAN KENNEDY
Plaintiff

AND:

JAMES ANTHONY GRIGOR
Defendant

REASONS FOR DECISION
(Delivered as an Oral Decision 5 March 2008)

Dr JA Lowndes SM:

Dated this 18th March 2008.

John Allan Lowndes

STIPENDIARY MAGISTRATE