

CITATION: *Police v Karpathios* [2026] NTLC 1

PARTIES: *Police*

v

Nikolas Karpathios

TITLE OF COURT: LOCAL COURT

JURISDICTION: CRIMINAL

FILE NO(s): 22433430

DELIVERED ON: 30 January 2026

DELIVERED AT: Darwin

HEARING DATE(s): October 2025, 1 December 2025 & 20 January 2026

DECISION OF: Judge Fong Lim

CATCHWORDS:

CRIMINAL LAW – Credibility of complainant – Unreliable witness – Inconsistent evidence – Murray direction – Offences against the person – Where complainant testimony is primary evidence.

REPRESENTATION:

Counsel:

Police: Mr Warner - Collins

Defendant: Mr Fernandez

Solicitors:

Police: Director of Public Prosecutions

Defendant:

Decision category classification: C
Decision ID number: [2026] NTLC 1
Number of paragraphs: 30

IN THE LOCAL COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. 22433430

BETWEEN:

Police

AND:

Nikolas Karpathios

Defendant

REASONS FOR DECISION
(Delivered 30 January 2026)

JUDGE FONG LIM

1. The Defendant appears before the court accused of four assaults on his former partner ('AA'). The alleged assaults occurred over a period from October 2023 to December 2023. Mr Karpathios and AA have a child of the relationship who was less than a year old when the relationship broke down. The dissolution of their relationship ended in a contested hearing in the Family Court in which AA produced a trial affidavit. It is common ground that the relationship was on and off, with AA leaving on more than one occasion.
2. The complaint was made in May 2024 after family law proceedings commenced for the custody of their child. By all accounts, the family law proceedings were contested and included allegations of violence by the Defendant on his former partner and the child.
3. The Court heard evidence from the Officer in charge, AA, the child forensic interview of AA's daughter (who was 13 years old at the time), and saw portions of AA's recorded interview. The Court also received documentary evidence from the Sonic Health clinic¹, Royal Darwin Hospital², and an optometrist³.
4. AA's relationship with the Defendant commenced 2021. They met while he was her daughter's Karate instructor and shortly became friendly, forming a relationship around May 2021. In about September 2021, AA and her daughter moved into the Defendant's house in Karama, where he and his two daughters from another relationship resided. She recounts that soon after she moved in, he became jealous and controlling. She couldn't speak on the phone with friends in Greece, and he was verbally abusive, almost daily calling her names such as dog, cunt, slut, and bitch. AA accepted that she was in an on/off relationship with the Defendant leaving him and returning to the relationship over a period from about December 2021 up until their most recent and final break up in January 2024. The relationship produced a child.

¹ P2

² P3

³ P4

5. The charges faced by the Defendant are as follows:
 - a. Charge 2(i)(ii) – aggravated assault particularised as an assault in the house in October 2023
 - b. Charge 3(i) (ii) (iii) aggravated assault between 1 December 2023, and 31 December 2023 particularised as an occasion where the Defendant threw, a Red bull can at AA which hit her in the left eye area.
 - c. Charge 4 (i) (ii) aggravated assault between 1 October 2023, and 31 December 2023 particularised as the second time and where the defendant had woken AA pushing her to the bed and striking her to the face and taking the child outside to the car.
 - d. Charge 5 (i)(ii)(iii) (iv) aggravated assault close to Christmas where a box for the Christmas tree was thrown at AA resulting in her falling to her side and hurting herself while holding the child.
6. I accepted evidence from AA of uncharged acts for context and to explain how the relationship had developed.
7. AA came to Australia from Greece about 9 years ago and, while she has a good command of English, views Greek as her first language. Her evidence was received as a combination of oral evidence and parts of her recorded interview to the police in May 2024.
8. One occasion on which she left him occurred January or February 2022. She returned to Greece to start a new life and discovered she was pregnant with the Defendant's child. She contacted him to inform him of the pregnancy and decided to reignite the relationship. Unfortunately, the jealousy and verbal abuse continued, particularly in the form of accusations regarding the paternity of the child.
9. The child was born in October 2022, and they continued the relationship until January 2024.
10. The incidents are described by AA as follows:
 - a. Charge 2 – In October 2023 AA attended the Motor Vehicle Registry with the Defendant to register his new van in her name. For some reason the Defendant became angry and threw the pen down. They then went to the McDonalds in Casuarina where the Defendant continued to be angry at her, swearing and accusing her of waiting for another man. Then on their journey home he drove so erratically that he caused her to hit her head and side on the car. The baby was in the car at the time and was crying. When they arrived home, she and the baby went inside while the defendant remained outside to smoke. When he came into the house, he continued to argue with her, took the baby from her, and pushed her down so that she fell upon some furniture. Following the fall they gave each other silent treatment. A short time later, she was in the bedroom with the baby playing on the bed. The Defendant continued the argument with her and pushed her again which caused her to fall on the corner of some furniture. Arising out of that incident AA says she went to the GP and

then the hospital because she was still suffering the effects of falling onto the furniture. She was finding it difficult to breathe without pain.⁴

- b. Charge 4 – AA describes an incident where she was woken up in the early morning by the Defendant. He was already angry and abusive. She says he pushed her to the ground and proceeded to either punch or slap her in the face while she was on the ground. The Defendant then took the baby and put her in the car. AA followed him and tried to take the baby from the car. This is when the Defendant grabbed her from behind and threw her to the ground. It was then that the Defendant's daughter came out and removed the baby from the situation. That is when AA saw the Defendant had blood on his nose.⁵
- c. Charge 3 – AA describes being at home with the Defendant outside having a smoke at about 5.00 pm when an argument ensued, culminating in the Defendant throwing an empty Red Bull can at her. The Red Bull can hit her in the eye area, and she thinks scratched her eye.⁶ She also alleges that the Defendant elbowed her in the same eye the next day. From that incident AA claims she had persistent pain and redness in the eye causing her to go to the GP, then the optometrist a week later for assessment and treatment.
- d. Charge 5 – AA describes this incident as the worst because the child had been endangered by the actions of the Defendant. It was a short time before Christmas 2023. It was in the evening, and she was holding the baby in her arms. The Defendant became angry and started throwing things around including a cardboard Christmas tree box. The box hit her and caused her to fall onto some garbage bags full of saucepans.⁷ She says she sustained bruising to her side from the incident and was scared, fearing for the safety of the baby.

- 11. AA was thoroughly cross-examined on her allegations. In particular, she was referred to some affidavits she had relied upon in this Court in an application for a domestic violence order and in the Family Court in relation to the custody of the child of the relationship. It seems that her descriptions of events in those documents were not the same as her oral evidence and her interview with the police in May 2024. AA was challenged regarding these inconsistencies and accepted that the earlier affidavits may have been wrong. She confirmed she had corrected those inconsistencies during cross-examination in the Family Court. She agreed that she had legal representation up to the Consent Orders made in the Family court in July 2023 and that the Family Court had confirmed with her the orders and her consent.
- 12. There is no suggestion that AA's evidence in this court is inconsistent with her "corrected" evidence under cross examination in the Family Court.
- 13. AA also confirmed that, as part of the Family Court process, she had signed another document in support of the Consent Orders which confirmed the risk of family violence had been addressed at that stage. She says she signed the Consent Orders and the form referred in the

⁴ Time stamp 46.55 - 1.19.09 of the AA's recorded interview exhibit P7

⁵ Time stamp 1.19.09 -1.52.35 of the recorded interview exhibit P7

⁶ Time stamp 1.54.58 – 2.16 of the recorded interview exhibit P7

⁷ Time stamp 2.23.14 – 2.39.54 of the recorded interview exhibit P7

Defendant's lawyer's office and was pressured to do so. She also confirmed she had reconciled with the Defendant at this stage.

14. AA was directly challenged as to the truthfulness of her evidence and was steadfast that she suffered physical abuse at the hands of the Defendant as alleged. She was also adamant that she did not make up these allegations to sway the Family Court in her favour for the custody of her youngest daughter – who she shares with the Defendant. She described the inconsistencies in her affidavit evidence before the Family Court as mistakes (mistakes she accepted in her evidence in the Family Court) and explained the reason for those mistakes was the difficult situation and that communication between her and her lawyer at the time was problematic.
15. The child forensic interview of AA's teenage daughter was tendered. She only disclosed one incident where she says she was a witness to trouble between her mother and the Defendant. She described an incident at Lake Alexander where the whole family had gone for a barbeque. There was some arguing between her mother and the defendant about her mother putting the baby down near the barbeque plate. AA's daughter attested that after some name calling the Defendant's daughters, she and her mother separated from them and called a taxi. When the taxi came, they went home and packed to go. The Defendant came back to the house and was told by AA that she and her daughter were leaving. She described him as crying and begging her mother to stay.
16. The child was asked if she wanted to say anything else about her mother and the Defendant. She did not disclose anything physical between them, although she did confirm that there was a lot of arguing. She recounted having seen bruises on her mother and one time bruising near her eye. She described the Defendant as always arguing with her mother and calling her names. She also said she witnessed him on one occasion punching his daughters' computer. But then in cross-examination confirmed she did not see this, nor did she see the Defendant break the lock on her door and did not see him damage his daughter's computer screen.
17. The child confirmed she did not discuss her evidence with her mother.
18. The Court did not hear from the Defendant's daughters or the neighbour all of whom AA said had heard or witnessed some of these incidents. There was no explanation for this. The Officer in Charge gave evidence that he had not spoken to the neighbour or made any extensive enquiries of the friend, Tequila, who AA had confided in, explaining he was not provided with the resources to do so. The investigation of these offences was incomplete and unsatisfactory.
19. The evidence of the AA's teenage daughter was reliable and credible. She was 13 at the time and gave her interview with the police officer in an unaffected manner. She was given many opportunities to add to her statement, to describe the alleged violence between her mother and the Defendant and did not. Had she been coached by her mother it would be expected that she would have given further details of physical violence. However, she did confirm that she saw bruises on her mother during her relationship with the Defendant but could not provide any details of when or how those bruises were acquired.
20. The child's evidence, earlier reports of domestic violence to the GP, and applications for a Domestic Violence Order in 2022 support a finding that this, was at the very least, a troubled and verbally abusive relationship.

21. The medical records from the hospital in October 2023 do not record any report of violence between the Defendant and AA. She gave evidence that she went to the hospital because of the continued effects of the alleged assault (subject of charge 2), despite being prescribed antibiotics from the GP. The hospital records note that the diagnosis was “Pleuritic chest pain likely LRTI secondary to chest wall trauma”. There is no mention of domestic violence. She was prescribed antibiotics, Ibuprofen, and Paracetamol for the pain.
22. There was no record produced to the court of her attendance on a GP in October 2023, but AA agreed in cross-examination that on that occasion the GP told her to stop smoking. AA could not remember the name of the doctor or the surgery she attended on that day. Defence counsel clearly had access to records the Court did not.
23. AA attended an optometrist examination in January 2024. The report recorded the reason for the attendance as involving DV, and that she was hit with a fist in the right eye about a week prior and that the swelling had not gotten any better despite being prescribed antibiotics for a week. The report records observations of a “swollen inner lower R lid- potential styte but no obvious head”. It is important to note that AA was cross-examined on the fact that the optometrist had not observed any swelling. There is some inconsistency, as AA refers to swelling under her right eye on her upper cheek, and there is no report of such swelling in the optometrist’s observation.
24. The patient records from AA’s GP reported domestic violence in March 2022, but nothing after that, noting the last attendance on the practice was in November 2022 regarding post-natal care.
25. I accept that the defence has shown, through cross-examination, that AA had previously given an inaccurate history of some of the DV history between her and the Defendant in the Family Court proceedings. She accepted that she had made mistakes in her Family Court affidavit. Prosecution pointed out these inaccuracies only related to one incident (the incident subject of charge 2). It is also important to note that the affidavit and the interview with the police all occurred at a highly emotional time for AA as she was in a relationship where she had suffered at least verbal abuse and controlling behaviour from the Defendant, and during a time where she had given birth to the Defendant’s daughter, and was in Family Court proceedings to get access to her said daughter.
26. Given the state of the evidence is such that I only have AA evidence of the physical violence and no corroborating evidence, I have to carefully consider her evidence, and the credibility and reliability of that evidence. The submission by the Defence is that AA had made up the incidents of physical violence where the baby was present, *knowing* that it would be a significant consideration in her application in the Family Court. I do not find that AA has made up these incidents for that reason. She is a woman who has come out of an abusive relationship which lasted about 2.5 years, and her recollection of the details is understandable. However, she maintained in cross examination that the Defendant had physically abused her on at least 4 occasions.
27. The failure of the prosecution to call evidence from relevant witnesses, such as the Defendant’s daughters, the neighbours, and “Tequila” the friend to whom AA made

the first complaint in late December, also has to be considered. I cannot assume the evidence from those people would be averse to the Prosecution case, but as I only have AA's evidence, I must consider whether the absence of that evidence could give rise to reasonable doubt.

28. I find that the evidence of AA has the ring of truth about it in that is she has suffered constant verbal abuse and controlling behaviour from the Defendant. Him begging for her to stay after the barbeque incident at Lake Alexander (as described by her daughter) is an indication of a man who is emotional and inconsistent in his behaviour towards AA. I find him to have been mercurial in his temper and verbally abusive in his treatment of her throughout their relationship as corroborated by her young daughter.
 29. In relation to the physical violence, subject of these proceedings, AA evidence was inconsistent in the details, which is of course understandable as the alleged incidents occurred over 2 years ago, and was in an abusive relationship with the Defendant. However, there is no corroborating evidence of the physical violence that AA alleges, no evidence from the Defendants daughters who may have witnessed the incidents, nor any evidence from a neighbour that could have witnessed some of the physical interactions between her and the Defendant. The absence of that evidence creates doubt as to the allegations, and I cannot be satisfied beyond a reasonable doubt that the Defendant assaulted her in the manner that she alleges.
 30. The Defendant must be found not guilty and discharged.
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