

Herald Sun

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NICK Stevens was convicted of 13 charges over brutal bashings of his ex-partner, but has been sentenced over just three of them. Here's why.

[As Stevens fronted court today](#) he was fighting to stay out of jail, after pleading guilty to just two assault related charges — and one other — over the bashing of his former partner.

[VERDICT TWO: Stevens jailed for bashing ex-partner](#)

In March a magistrate sentenced him to eight months behind bars after he was convicted of 13 charges.

They included inflicting serious injury, making threats to kill and five counts of assault.

Along with a jail term, he was ordered to complete a 12-month community corrections order that included 90 hours of community service. He was also fined \$400.

He appealed immediately, did not spend a night in jail, and has now managed to shake off 10 charges in a plea deal with prosecutors.

How that is possible has caused equal parts confusion and outrage among the general public

When an appeal is heard in the County Court, following a hearing in the Magistrates Court, it is conducted as a hearing “de novo”, meaning ‘afresh’, or new.

The convicted offender is not bound by pleas entered or verdicts delivered in the lower court. They have the chance to plead anew, and the hearing starts afresh, almost as if the original case never happened.

Stevens has used this to his advantage.

Had he abandoned or dropped his appeal against the 13 convictions and his sentence, the original penalty and convictions would stand.

The decision to plead guilty to any of the charges is a strange move for a man who, on originally being charged with 30 offences in 2014, vehemently denied any wrong doing. In fact, he claimed he was the victim, telling the *Herald Sun* the allegations were untrue and would be fought in court.

“The whole thing is 150 per cent false,” Stevens said at the time.

“I wish I could go into it more. I have done the right thing and am being slammed for it, I can tell you I have done absolutely nothing wrong.” Stevens said.

Stevens returned to court today for the pre-sentence hearing and was jailed for bashing his ex-partner.

His last-ditch bid to avoid a prison term failed, and has been jailed for three months, with a further three months suspended.

Criminal lawyer George Balot said there was nothing inherently controversial about an appellant reaching an agreement with the prosecution on an appeal to the County Court.

“The fact is that our unique County Court appeal process, allowing a change of plea, and a fresh hearing, contemplates such a course,” he said.

“There are a number of possible reasons why the prosecution would negotiate down the number of charges in this case. It may be that the charges to which Mr Stevens is now pleading guilty adequately reflect the totality of his conduct.

“It's often more important to analyse the particulars of criminal charges rather than the number of them.”