

48A/80**SUPREME COURT OF VICTORIA — COURT OF CRIMINAL APPEAL*****R v ROBERT JOHN TUTCHELL*****Starke, Anderson and Fullagar JJ****6 February 1980****SENTENCING - CONCURRENCY - WHEN TO MAKE SENTENCES CONCURRENT - RAPE OFFENCES - SENTENCING CONSIDERATIONS.**

STARKE J: (With whom Anderson and Fullagar JJ agreed) There are, I think, speaking broadly, two reasons for making sentences concurrent. One is if there is a sudden temporary indulgence in criminal activity over a short period. The other is even though there is no association in time or otherwise between the offences, that if no concurrency is ordered the totality of the sentence imposed will have a crushing effect. ... I have said that the rapes were of a terrifying nature for the women concerned. The conduct of the applicant, in my view, is indefensible. It must not be our aim to inflict a sentence which will protect the community, but it is appropriate for us to take into account the outrage of the community in contemplating crimes of this nature and I am of opinion that if we were to interfere with those sentences the community's conscience would be disturbed that the Court was not doing its duty. I am not of opinion that the sentence is of such a length that it leaves the applicant without hope.
