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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SC 20813202 and 20815593

THE QUEEN

and

ERNEST MULKATANA and
GRANT MULKATANA

REEVES J

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON THURSDAY 15 OCTOBER 2009

Certified a true transcript of a record.

Transcribed by:
Merrill Legal Solutions

HIS HONOUR: What I propose to do is to deliver, firstly, my reasons for ruling on the severance issue. I have already dismissed that application but I now publish my reasons for ruling on that issue and they should be available to you now, in Alice Springs.

MR NOBLE: Thank you, your Honour.

MR SINOCH: Thank you, sir.

HIS HONOUR: And then I proceed to publish my reasons on sentencing. They will deal with submissions that were made about, among other things, s 59 of the Sentencing Act and various other provisions of the Sentencing Act and Criminal Code. I publish my reasons on those aspects and also on sentencing and based on those reasons, I proceed to impose the following sentences:

In relation to Ernest Mulkatana, and Ernest Mulkatana should stand now.

MR SINOCH: He is on his feet, your Honour.

HIS HONOUR: Thank you.

Ernest Mulkatana, I sentence you to life imprisonment. I order that period of imprisonment is to commence from 11 May 2008. I fix a non-parole period of twenty-five years. That is on count 4, the murder count.

On the other counts, firstly in relation to count 1, I sentence you to eight years imprisonment.

On count 2, I sentence you to two years imprisonment.

On count 3, I sentence you to two years imprisonment.

I order that each of the terms of imprisonment I have imposed for those counts, that is counts 1 to 3 inclusive, are to commence from 11 May 2008. In the circumstances of this case, I do not consider it is appropriate to fix a non-parole period for any of the sentences that I have imposed for those counts.

Finally I would note that, as will appear in the reasons, I have not ordered that any of those sentences be served cumulatively, therefore s 50 of the Sentencing Act will apply and they will all be served concurrently.

In relation to Grant Mulkatana, the same thing applies. That is, I am not ordering that they be served other than concurrently, therefore, s 50 of the Sentencing Act will apply in relation to these sentences.

Firstly in relation to count 4 – Grant Mulkatana should now stand.

MR SINOCH: Yes, your Honour. He's on his feet.

HIS HONOUR: Grant Mulkatana, I sentence you to life imprisonment. I order that period of imprisonment is to commence from 5 June 2008. I fix a non-parole period of twenty years. That is on count 4.

On count 1, I sentence you to four years imprisonment.

On count 2, I sentence you to six months imprisonment.

On count 3, I sentence you to six months imprisonment.

I order that each of the terms of imprisonment I have imposed for counts 1 to 3 inclusive, are to commence from 5 June 2008. In the circumstances of this case, I do not consider it is appropriate to fix a non-parole period for any of the sentences that I have imposed for those counts.

Now that concludes that matter so far as I am concerned, unless either of you gentlemen wishes to raise anything?

Thank you. I will then conclude the video link.
