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THE SUPREME COURT OF  
THE NORTHERN TERRITORY

SCC 20807410

THE QUEEN

and

BRADLEY STEPHEN NORRIS

(Sentence)

SOUTHWOOD J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON MONDAY 19 OCTOBER 2009

Transcribed by:  
Merrill Legal Solutions

HIS HONOUR: Bradley Stephen Norris, the offender, has pleaded guilty to a single count on an indictment dated 6 July 2009. The count pleads that contrary to section 188(1) and (2)(a) of the *Criminal Code* (NT), on 26 January 2008 at Darwin, the offender unlawfully assaulted Angelo Paul Maglieri who suffered harm. The maximum penalty for this offence is imprisonment for five years.

The offender was born in Melbourne on 7 June 1983. He is 26 years of age. He was 2 years of age when he and his family moved to Darwin. His father died of cancer in 1998 when the offender was 15 years of age and he had to fulfil the fatherly role in his family. This was difficult as he has a younger brother who suffers from schizophrenia.

The offender completed at Year 11 of high school. He is currently employed as a casual storeman at the CSR Giprock Trade Centre. He has recently been offered full-time employment by his employer. A character reference from his current employer was tendered in evidence. He has a reputation as a committed, diligent and responsible employee.

The offender has a good work record. When he left school at the age of 15 years, he obtained employment as a labourer with Wilson and Co Landscaping. He has also been employed as a storeman, a leading hand in the cold room at Parmalat and as a labourer with Trade Link.

The offender is currently in a meaningful relationship with a young lady. Prior to that he was in two failed relationships. Each of his previous partners became pregnant before the relationships were well-established and the offender has a child from each of these relationships. His last failed relationship was with a lady called Jade Albion. This relationship was characterised by jealousy and domestic violence. The offender is paying child support for the child of this relationship and he has access to his son, Brandon, on every second weekend.

In addition to paying child support for his son, Brandon, the offender is currently living at home with his mother. He pays a substantial part of the rent on the house that she rents. The offender's mother is unable to work as she suffers from a back injury and chronic anxiety.

The offender has a criminal history which extends for six pages. Of relevance, he has previously been convicted of two aggravated assaults and of 15 breaches of restraining orders. He last offended in 2005.

The facts of the offending are:

On 26 January 2008, the offender was walking past the Throb nightclub in Smith Street when Warren McGrath came out of the club. The offender followed Mr McGrath who made his way to join a group of his friends, including the victim, Mr Maglieri, and his girlfriend.

As the offender reached Mr McGrath, he asked him to tell him the whereabouts of his ex-partner. The offender received no response and he kept asking the same question. The victim's girlfriend intervened and told the offender to leave Mr McGrath alone.

The victim then approached the offender and the offender struck him twice in the face with a closed fist. The force of the offender's punches caused the victim to fall back onto the bitumen.

Police and paramedics were called to attend and the victim was taken to Royal Darwin Hospital. The victim was treated for a broken nose, lacerations to his left eyebrow and a fracture of the large orbital floor of his left eye. On 14 February 2008, the victim underwent surgery to repair his fractured nose and his fractured eye socket.

Before he assaulted the victim, the offender had consumed several bottles of pre-mixed alcoholic drinks.

Mr Smith, who appeared on behalf of the offender admitted the truth and accuracy of the facts to which I have referred. I find the facts proven and I convict the offender of the aggravated assault of Mr Maglieri.

A victim impact statement was tendered in evidence. In his victim impact statement Mr Maglieri stated, the assault upon him has affected his general sense of well-being. He suffered a loss of sensation to the left side of his face. He had to take time off work and, as at 31 January 2008, he was still undergoing medical treatment and rehabilitation. His clothes were ruined from blood stains.

By way of explanation for the offending, Mr Smith told the court that at this time the offender was still in a relationship with Jade Albion. He wanted to find out where she was as he believed she had been unfaithful to him. He believed Mr McGrath would be able to assist him as he was a friend of hers, and so he decided to ask for his assistance when he saw him by chance outside the Throb nightclub.

The assault committed by the offender was a serious assault. Such crimes are prevalent. The victim had no opportunity to defend himself and he sustained significant injuries. There was no justification for the offender continuing to press Mr McGrath as to the whereabouts of the offender's ex-partner and his friends were entitled to prevail on the offender to desist.

By way of mitigation, Mr Smith told the Court the offender was shocked that his conduct had caused such serious injury to the victim and he was genuinely remorseful. The level of the offender's remorse is supported by a number of character references that were tendered in evidence.

Since the assault of the victim the offender has also undertaken an anger management counselling at Amity Community Services. In the last report, the offender's anger management counsellor stated the offender completed eight

sessions of management intervention planning. He was punctual and polite and he participated in his counselling sessions. He mostly engaged with the content of his counselling, despite reporting that he did not think that it was relevant to his current situation. His counsellor still has reservations about whether the offender has gained full insight into his behaviour, and she was concerned that between counselling sessions he did not practice some of the relaxation techniques that he had been taught.

In all of the circumstances I have given the greatest weight to rehabilitation and to denunciation. The offender is at the cross roads. He has taken significant steps to try and turn his life around and he has good prospects of rehabilitation. He has shown genuine remorse for his conduct and he has undertaken some anger management counselling. The sentence to be imposed should express the community's strong disapproval of such offences and at the same time, facilitate the rehabilitation of the offender.

As a result of the offender's guilty plea, I have reduced the sentence that I would otherwise have imposed on the offender by 25 percent.

I turn to sentence the offender.

I sentence the offender to 12 months imprisonment. I note that the offender has been in custody since 9 am this morning. He has been in custody for seven hours. The sentence of imprisonment is to be suspended on the rising of the court on the following conditions:

- (1) For a period of 12 months from today, the offender is to be under the supervision of the Director of Correctional Services or his delegate.
- (2) For a period of 12 months from today, the offender is to obey the reasonable directions of the Director of Correctional Services as to reporting and the undertaking of further assessment; counselling; and/or treatment to address his anger management.
- (3) Under the direction of the Director of Correctional Services or his delegate, the offender is to complete 60 hours of community service work, which is to be undertaken on the weekends that the offender does not have access to his son, Brandon. The 60 hours of community service is to be completed within six months from today.

Under section 40(6) of the *Sentencing Act*, I specify that for a period of two years from today the offender is not to commit another offence punishable by a term of imprisonment.

Mr Norris, when you leave the Court today you will have a period of imprisonment of 12 months hanging over your head. I warn you that if you fail to comply with the conditions of your suspended sentence, or if you commit another offence that is punishable by a term of imprisonment within the next two years, it is likely that you will be brought back before this Court, and in addition to any other sentence that may be imposed upon you, the suspension

of the period of 12 months imprisonment will be revoked and you will be ordered to serve that time in actual imprisonment. Do you understand that?

THE DEFENDANT: Yes.

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