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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 21838853

THE QUEEN

and

MELDON MORRIS

(Sentence)

MILDREN AJ

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON MONDAY 30 SEPTEMBER 2019

Transcribed by:
EPIQ

HIS HONOUR: Meldon Morris, you have pleaded guilty to one count of aggravated assault.

I think the maximum penalty for that is 5 years. Is that correct?

MS LOUDON: Yes, your Honour, it is 5 years.

HIS HONOUR: The maximum penalty is 5 years' imprisonment.

Your co-offender is your brother, Stewart and the victim in this matter is your cousin, David Byrne.

The facts are that on Saturday 25 August last year, you, your brother and your cousin travelled to Alice Springs from Yuendumu Community. When you arrived, each of you attended the Eastside IGA.

Your cousin, Mr Byrne, purchased two cartons of VB Beer, a bottle of rum and a bottle of vodka, it says in the facts, to share. After purchasing the alcohol, you and your brother argued with your cousin because you and your brother wanted to take the alcohol back to Yuendumu Community.

Your cousin did not want to do that because he knew you cannot consume alcohol there. He took possession of the alcohol and left the Eastside IGA alone.

In the early hours of Tuesday 28 August, your cousin was riding a bicycle from his address in Nicker Crescent to the Puma Service Station on the Stuart Highway. When he arrived at the service station, he was confronted by you. You pushed him in the back when you approached him. He turned around and faced you and he said to you, "What's the problem?" You said, "Remember, you left me last night and took the grog with you."

You tried to push him again but your cousin pushed your hands away and walked into the service station, where he purchased some items before leaving. He rode his bike south along the Stuart Highway towards Larapinta Drive.

You, your brother and three other male persons were in a black Holden Commodore. You were driving and your brother was sitting in the front passenger seat. You drove the vehicle near to the victim, you got out of your car and you threw two bottles of chardonnay at him, although they missed.

Your cousin rode his bike as fast as he could in an attempt to get away from you and the other. You returned to the vehicle and you followed behind him as he rode his bike. You and your co-offender and the other passengers saw your cousin on Bloomfield Street.

Your brother and one of the male passengers got out of the vehicle and ran towards him. They grabbed him and pushed him off his bike. They held him down on the nature strip whilst the victim was lying on his back. You got out of the car and

you ran to where he was being held down and you placed yourself on his ribs. Your cousin grabbed your legs. You then kicked the victim and you watched while your brother and two other men kicked and stomped on his head.

Your brother, who was wearing yellow work boots, kicked him as he was lying on his back a number of times to the left-hand side of his face. Your cousin managed to stand up and he grabbed you by your shirt. You then punched him a number of times to his head and face.

Mr Byrne made his way back to his unit on Nicker Crescent. He did not have a telephone or mobile phone to call the police, so he stopped a woman and asked her to call the police for him. He then changed his mind and caught a taxi to the police station, where he reported the matter.

As a result of the assault, he suffered pain and had a number of bruises on his forehead, cheek, neck and chest and a laceration to the inside of his mouth. He sought medical treatment from the Alice Springs Hospital. He did not give permission to anyone to assault him.

You were arrested on 12 September 2018. You declined the opportunity to participate in an interview with the police.

I have seen photos of the injuries sustained by Mr Byrne. They do not amount to serious harm. They certainly amounted to significant discomfort. As I have been informed by the prosecutor, he suffered a lot of pain and he was scared for his life because he knew he could not defend himself against four attackers.

You have spent a total of eight months and ten days in custody and it is agreed that I should backdate whatever sentence I impose to 20 January 2019.

You have a very bad record for a man of 25. You have five prior convictions for aggravated assaults. The last two, being on 20 September 2019, which was causing harm to a female. You were sentenced to imprisonment for 3 months. That was a straight sentence.

You were also convicted of an aggravated assault on 14 July 2017, when you have a sentence of 5 months; again, a female victim, causing harm and defenceless, was alleged.

You were released on a partly suspended sentence. That sentence was also made concurrent with another sentence of resist police in the execution of their duty, for which you got a sentence of 2 months.

In fact, there was a second resist police in the execution of their duty, which was also dealt with at the same time, for which a sentence of 2 months was imposed.

The assault matters appear to have been imposed by the Youth Justice Court. There was an aggravated assault imposed on 20 February 2013. Again, male-female, harm, weapon used. You got 3 months for that.

That was an unlawfully causing serious harm on 20 February 2013. You got 8 months for that, suspended after seven months, with an operative period of two years. That was breached on 14 August and the balance of the sentence was restored.

There are others as well, but they go back longer in time, to 2010, an unlawfully cause serious harm and an aggravated assault.

It is not a good record, Mr Morris.

In this case, you pleaded guilty at an early time and you have accepted responsibility for your actions. I do not think imposing a sentence which would be partly suspended is appropriate. It is obvious that you have difficulty in complying with the law.

Your most recent breach of an order suspending a sentence was on 20 September of this year, when your sentence of imprisonment in relation to another matter, which I am not quite sure which one it is but I will find it. Driving an uninsured motor vehicle, apparently, resulted in imprisonment being restored.

You are, as I have said, a 25-year-old Warlpiri man. Although your native tongue is your principal language, you are able to speak English and you can read and write a little English. When you were aged 13, your father passed away. You appear to have been raised thereafter by your mother.

Currently, you live at Willowra. You have a 4-year-old son and 6-month year old daughter who has a birth defect, and you are waiting on word from the Outpatient Department of the Alice Springs Hospital to see what surgical intervention for your daughter can be obtained in Adelaide.

You have been living in the same household with your brother, Stewart. Stewart is your co-offender. You have been living with him and, I gather, with your mother and grandmother, who I note are present in court.

Since you have been on bail, you have been residing at Willowra Community and you have not got into any further trouble, apart from a drive medium-range blood-alcohol content on 12 September 2018. But that pre-dated the date of your bail, which was 22 May, and there seems to be no record of you committing any offences since then.

You say that you have not been drinking whilst at Willowra and you have been working in a voluntary capacity with the Willowra Learning Centre. I have received a reference from them, and it appears that you have been providing appropriate assistance. And what you have being accepted as useful and important.

You have also worked as a volunteer at, I understand, at the Yuendumu Learning Centre. And you have in the past been employed fixing fences.

You are entitled to a discount for your early plea, which I would fix at approximately 25 per cent.

But for your plea, I would have sentenced you to around about 12 months' imprisonment. Having regard to the fact that you have already spend eight months and ten days in custody, I am going to impose a sentence of 8 months and 10 days, backdated to 20 January 2019.

That means you are free to go.

Anything arising?

MS LOUDON: No, your Honour.

MR ANDERSON: Nothing further, your Honour.
