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NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT

No: 21915123

THE QUEEN

and

BELZHAR MORGAN

(Sentence)

MILDREN AJ

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON THURSDAY 17 OCTOBER 2019

Transcribed by:  
EPIQ

HIS HONOUR: Belzhar Morgan, you can remain seated.

You have pleaded guilty to unlawfully causing serious harm to Talia Morton at Ali Curung on 28 December last year. The maximum penalty for that offence is imprisonment for 14 years.

The facts are that on Friday, 28 December, you had been with family members at the Wauchope Hotel, where you were consuming alcohol. You became intoxicated. You returned to Ali Curung later that afternoon with family members.

In the meantime, the victim in the matter, Talia Morton, who had been your partner for two to three months, returned to Ali Curung after spending the day at the Wauchope Hotel with her aunty. She had consumed quite a lot of alcohol as well. When she returned, she went with her auntie to a house in Ali Curung to play cards.

You yelled out to her from a nearby house to come home to House 220, where you had been living together. An argument commenced between you. You pushed Ms Morton to the ground. You picked up a large metal bar and you hit her once on the back of the foot before walking off. The large metal bar was quite a formidable instrument, as shown in the photos. It has a sharp edge.

This hit caused a laceration to the rear of Ms Morton's left foot, which caused her severe pain. And it also involved an injury to the left Achilles tendon. You walked to your mother's home, where you sat in the front yard. Your mother saw that you were angry and sat down with you and attempted to calm you down.

You again became angry and you stood up and you lifted that metal bar behind your head in a manner that caused your mother to be afraid that she would be next. But you did not strike her. You went inside the house and that was that.

Approximately 10:30 pm that night, police were detached to the incident and they attended the location, where they located Ms Morton limping along a fence-line at House 220. The police assisted her by conveying her to the Ali Curung Clinic for treatment.

She was then conveyed, first to the Tennant Creek Hospital and then to the Alice Springs Hospital, where she was admitted on 29 December 2018. The doctor from the hospital, his name is Mocopa Dayo, described her injury as a deep laceration over the left Achilles tendon with 100 per cent tendon rupture.

He described that the left Achilles tendon was repaired in theatre by an orthopaedic surgeon who went on to describe the injury as serious harm on the basis that, if it was left untreated, the tendon would have been unlikely to heal and it was likely to have developed infection. And this would have left a significant impact on Ms Morton's ability to walk in the long-term.

Ms Morton was discharged from the Alice Springs Hospital on 31 December 2018. It was not until 16 April 2019 that the police arrested you. That came about in

the circumstances described, where you were at the Goldfields Hotel in Tennant Creek with Ms Morton and the hotel thought that Ms Morton was using a false ID.

When police arrived, they spoke to you and asked you for your name and you told the police that your name was Nicholas Thompson a number of times. Eventually, you were identified as being Belzhar Morgan and you were arrested for the assault that took place on 28 December.

And you were then conveyed to the Tennant Creek Police Station, where you declined to take part in an electronic record of interview after taking legal advice. And Ms Morton, when spoken to by police on 29 December, described her emotional state as being scared that this will happen again. And she then said that she did not think that she would want to be with you for a while because of this. She apparently has changed her mind.

At that time, she wanted you to go to gaol for this for a long time. Now Mr Morton, you have a long history of aggravated assaults; first being on 27 July 2012 for an offence on 23 July when you caused harm to a female victim and you were sentenced to a month. There was another one dealt with on the same date, where again you assaulted a female victim causing her harm, for which you got 2 months. That offence was on 21 March 2012.

On 27 November 2012, you committed another aggravated assault. That does not appear to have involved a female. You were dealt with on 14 December 2012 and you got 3 months partly suspended on supervision. You were also charged with engaging in conduct that contravened a DVO on the same day and you were fined \$100.

And then, on 15 May 2013, you were convicted again of aggravated assault. It took place on 8 March. This time, you got 10 months. Again, there is a female victim. It was suspended after 6 months. You were dealt with again for a breach of a DVO the same day and you got 2 months for that, and for breach of the suspended sentence that you had been given earlier. And you were resentenced to that for 14 days cumulative.

There was also another breach dealt with and you got 46 days.

Not long after that, you breached again and the operative period was extended. Then, there was an aggravated assault on 4 December 2014, which happened on 22 November. You got 8 months with a non-parole period of 10 months.

That sentence was cumulative on a breach sentence where a 6 sentence was fully restored.

You then breached your parole in 2015 and your parole was revoked. You had an aggravated assault on 22 March 2017, dealt with in the Alice Springs Local Court on 5 June and you got, again, this time a weapon was used. It caused harm and it

was a female victim. You got 10 months. You were dealt with late on 30 November 2017 for breaching a DVO for which you got 4 months and you were also dealt with for breach of an order suspending sentence for which 6 months of your suspended sentence was restored.

So, what all this shows, Mr Morgan, is that you are a violent man. You have committed a number of aggravated assaults. You have been given the opportunity on a number of occasions to prove that you are capable of reform, because the sentences being partly suspended.

You have been given parole also. But you continue to disobey the law. And in those circumstances, the Crown says I should fix a non-parole period, rather than give you another suspended sentence. And frankly, I agree entirely.

It was put on your behalf that you are a young man for sentencing purposes. Well, I am sorry, I do not accept that. You are no longer a young man for sentencing purposes. You are 25 years of age. You are a Warlpiri man. You were raised by your parents in Ali Curung.

You are the eldest of three children. You were raised with your younger brothers. You grew up with an extensive extended family in Ali Curung where both of your parents were raised. Unfortunately, your father passed away when you were only 7 years old. Your mother and brothers continued to reside with you in Ali Curung.

Now, you did quite well at school. You moved to Tennant Creek to complete your education and you lived with your grandmother there until she passed away, when you were about 18. You completed Year 12 when you were 19 and that is very good.

Your first language is Warlpiri, but you are fluent and literate in English also. After leaving school, you returned to Ali Curung where you started working at the Art Centre and you have maintained this employment for about 2 years.

You have had two significant domestic relationships. Your first relationship was with a woman from Canteen Creek which lasted for about 15 months. And your second relationship is with Talia Morton, which has been ongoing. You have a daughter, Tania, who I expect is from your first domestic relationship. I am told she is now 5.

One thing I noticed in your prior record is that you had no convictions as a juvenile. Your first conviction appears to have happened after you became an adult and when you were relatively young. And it seems to me that that was the time when you started drinking alcohol. Maybe your offending is alcohol-related. Certainly in this case, it is.

You say to me, through your counsel, you do not drink every day, but when you do drink, it is often to excess. It invariably involves drinking with family and friends.

Between February and September 2018 while you were serving a term of imprisonment at Barkly Work Camp, you were given the opportunity to work at the Tennant Creek IGA. You enjoyed doing that work and you hope to get a job there once you are released.

You intended, when you were released in September 2018, to return to Ali Curung to connect with your family, your intention being to go back to Tennant Creek to work at the IGA after spending some time with them. And it remains your ambition now to resettle in Tennant Creek and to find fulltime employment when you are eventually released.

I accept that your prospects of rehabilitation are not hopeless. There are a number of good features about your life that suggests that, if you can learn to stay off alcohol, excessive consumption of alcohol particularly, and get fulltime work, you could become a useful citizen.

Having regard to all of the circumstances, you must understand that I am required to give primary consideration in a case such as this to punishment, denunciation and deterrence. You have to understand that, if you commit offences of this kind, you are going to spend a long time in gaol.

Also, other people have to understand that this kind of behaviour is not acceptable and those who engage in it will be punished severely. I take into account that you have accepted responsibility. I accept that you are remorseful. You have expressed your remorse to your partner. I note that you have become reconciled with each other.

I am going to give you a discount of 25 per cent for the value of your plea, taking into account your remorse.

In all the circumstances, you are convicted. I would have sentenced you to imprisonment for 3 years. I reduce that to 2 years and 3 months to reflect the value of your plea.

I fix a non-parole period of 14 months. Your sentence and non-parole period is backdated to commence on 16 April 2019.

Anything arising?

MR DOOLEY: Not from the Crown, your Honour, no.

MS COOPER: No, your Honour.

HIS HONOUR: We will adjourn until 10 o'clock.

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