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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 21818911

THE QUEEN

and

NORBERT MULLADAD

(Sentence)

MILDREN AJ

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON TUESDAY 15 OCTOBER 2019

Transcribed by:
EPIQ

HIS HONOUR: Norbert Mulladad, you have been found guilty by a jury of the crime of murder. You have been found guilty of murdering your partner whose name I will not mention on 25 April last year. I will very briefly deal with the facts relating to that.

About three weeks before 25 April 2018, your then-partner left to go to Mount Isa with her son and she stayed there for two weeks. While she was away, you tried to telephone her and she did not want to speak to you. When she came back about a week before 25 April, she did not come and live with you, as no doubt you were hoping, at Santa Teresa and you realised that the relationship was probably over.

On Anzac Day, sometime shortly after 3 o'clock in the afternoon, you went to Charles Creek Camp. You went to House 3 and you went there in order to take her home. When you arrived, you began drinking. You had already been drinking that day. You were probably drunk by the time this happened.

At some time during the afternoon, you tried to wake up the deceased. The deceased was very drunk. She did not want to talk to you. She told you to "Fuck off," and you then waited for the opportunity to kill her.

Sometime before 9 o'clock, or thereabouts, you stabbed her a number of times, nine times in all, with the knife while she was lying prone on the floor of the veranda. She was probably unconscious, or very nearly so, when you began to stab her. You intended to kill her and you succeeded.

She attempted to defend herself from you. At one stage, she grabbed the knife as a result of which there were significant cuts to her hand. That did not deter you. You continued to attack her. You intended to kill her and you made sure that you did.

Shortly after that, I cannot be sure exactly when, you left House 3, Charles Creek. You took the knife with you. You left the knife at a tree on the way back to town.

You were seen walking around town. You probably went to Domino's Pizza for a while. You knew exactly what you had done. I have no doubt that you regretted it and you decided to hand yourself in.

And so it was, at 10:23pm, you arrived at the Alice Springs police station and you told Constable Burton that you had stabbed your wife. You were arrested for assault. Later on, you were told that she had died and you were arrested for murder.

I have no doubt that you regretted what you did, but it was all too late. The trial has proceeded on the basis that you did not form a relevant intent to kill or cause serious harm because you were so intoxicated that you either did not or could not form the relevant intent; or, at least, the Crown could not prove that you had formed the relevant intent to kill or cause serious harm.

Despite the efforts of your counsel, the jury found you guilty of murder and, in those circumstances, there is only one penalty available and that is that you be sentenced to imprisonment for life.

I have heard the victim impact statements read and there is also a victim impact statement from Pamela Smith, in which she describes that she is the younger sister of the deceased and how her loss has had such a significant impact on her as an individual and on the kinship structure, as she was the matriarch of the family.

It is a very sad victim impact statement that describes how she has been suffering from depression and how it has affected her social and emotional well-being, as well as her health, which has deteriorated both physically and mentally to the point where she has to have regular visits to the doctor.

She has been prescribed anti-depressants to help her sleep and to function properly as she has restless nights thinking about the way her sister was killed and why it happened. This depressed state impacts on her ability to find paid employment because she has lost her self-confidence.

You have a very long history of prior offending, Mr Mulladad, going back to 1981 when you were 18. I will not go through your record in detail, suffice it to say that your record indicates that you have been convicted of serious assaults on numerous occasions, not only against the deceased, but also apparently against other people, including police, and you have been sentenced to imprisonment from time to time as a result.

Included in this list of prior offences is a conviction for unlawfully causing grievous harm in 1998, for which you received a sentence of 4 years, with a non-parole period of 2 years and 3 months. The most recent offence for assault was only on 4 April 2014, when you received a sentence of imprisonment for 4 months.

There is, in this case, a mandatory minimum non-parole period of 20 years. That is the law. I do not have any discretion to reduce it, except on very strict conditions, none of which apply to you. It is not in contention, by either the Crown or by your barrister, that anything other than a non-parole period of 20 years should be set.

Accordingly, you are convicted. You are sentenced to imprisonment for life. I backdate your sentence and non-parole period to 25 April 2018, and I fix a non-parole period of 20 years, dated from 25 April 2018.

I accept, Mr Mulladad, what was put on your behalf. I also should accept, and I do accept, what was written in a letter on your behalf, which came in exhibit D7. This was written by the Parish assistant from the Catholic Parish of Santa Teresa who has known you for over ten years. What she has to say is that she wants to preface her comments by saying that your greatest difficulty is your inability to act your best when influenced by alcohol, and that any problems that you have had to face in the past have always been a result of drinking to excess.

She does say, I presume when you are sober, that she has found you to be an utter gentleman, always polite, warm and friendly, and always ready to be of assistance to all; and that you and your former wife were regular attendants at Sunday Mass. She goes on to say that you are trustworthy, very reliable, and hard-working, a good listener, patient, level-headed and that she would trust you with her life; and that she sincerely values your friendship.

She then goes onto say it is unfortunate that when you are influenced by alcohol your fine qualities abandon you and you deeply regret the actions which follow. Well, Mr Mulladad, what that really says, I guess, is that when you are sober you are a good man. But when you are drunk, you are anything but a good man.

I guess it is too late now for you to change, but you will have 20 years at least in prison where you will not be able to drink. As Mr Tippett has pointed out, you will be 79 years of age before you are considered for parole. So, the likelihood is that you will, in fact, die in prison.

Anything else?

MR ROBSON: No, thank you, your Honour.

MR TIPPETT: No, your Honour.

HIS HONOUR: Thank you.

Court is now adjourned.
