

### Smmmoooking!

It was inevitable. The NT government's new smoking law has forced those committed puffers to take "drastic" action.

For some, the new law means a change of brekkie habits and Muster Room is reliably informed that there has been a "move" from other eateries to The Cavanagh for the early morning feed.

Those outdoor venues seem well placed to make a killing!

### Ouch

That's gotta hurt. Which well-known barrister came off his beloved motorbike before Christmas? He suffered a few nasty cuts and bruises and was seen sporting some heavy duty bandaging but otherwise he was fine. Still, not a nice way to start the festive season.

### Movers and Shakers

Forgive us if these are a tad old but better late than never!

**Jacqueline Presbury** has moved from Withnalls to Hunt & Hunt.

**Melissa Dunn** has moved to Priestley Walsh.

**Donna Dreier** is due to start at the Department of Justice.

**Chris Rowe** has also moved from Cridlands to the Department of Justice.

**Richard Crane** has ceased practising. **Sinclair Whitborne** is leaving Ward Keller and Darwin to go to the ACT.

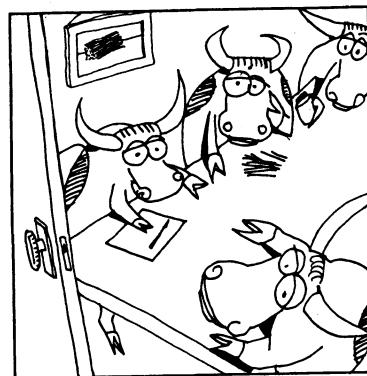
**Brett Davies** is leaving Ward Keller to consult for Anindilyakwa Air.

**David Elix** has left De Silva Hebron.

**Jim Moore** has left Hunt & Hunt for the Sunshine Coast.

His new contact details are ph: 07 54295624, email: amorejb@hotmail.com

### The Muster Room



### Sydney merger

Cridlands Lawyers have recently merged with Sydney's Dickson Fisher Macansh. Cridlands have had an office in Sydney for two years and the merger means the firm will be now known in the Emerald City as *Cridlands, incorporating Dickson Fisher Macansh*.

## An uneasy tension

David Dalrymple draws upon a recent Northern Territory case to explore the difficult task of reconciling Victim Impact Statements with jury acquittals.

On 26 June 2001 Isador Munar, a 19-year-old from Port Keats, was in the Millner/Jingili area of Darwin and came across a 43-year-old woman from Victoria who was in Darwin visiting her sister.

The woman was jogging on a cycle track adjacent to Rapid Creek, about 200 metres from Kimmorley Bridge on McMillan's Road.

A savage and unprovoked attack ensued in which Munar struck his victim many times in an attempt to force her to submit to having sexual intercourse with him. The victim has identified herself in the media, but out of an abundance of caution I will refer to her only as "the victim".

The victim suffered injuries which included fractures, scratches, bruising, and a life-threatening pneumothorax.

Munar was arrested the next day and charged with offences arising from the attack.

The charges which were set out on indictment in the Supreme Court were:

1. unlawfully causing grievous harm (s.181 of the *Criminal Code*);
2. deprivation of liberty (s.196 of the *Criminal Code*);
3. having sexual intercourse (digital penetration) without consent (s.192 of the *Criminal Code*);
4. assault with intent to commit an offence, namely having sexual intercourse without consent (s.183 of the *Criminal Code*).

Munar entered pleas of guilty to counts 1, 2, and 4 and pleaded not guilty to count 3. After a highly publicised trial ending on 17 September 2002, he was found not guilty of

count 3, but guilty of the alternative charge available on the evidence of attempting to have sexual intercourse without consent.

The trial judge (Justice Thomas) noted in her sentencing remarks that the jury must have been satisfied beyond reasonable doubt that Munar attempted digital penetration of the victim's vagina.

Sentencing proceedings in relation to this matter were spread over a number of dates, culminating on 17 December 2002 with the imposing of the actual sentence on Munar and the statement of reasons for the sentencing decision.

### sentenced

Munar was sentenced to seven years for count 1, two years (the first of which was concurrent) for count 2, three years (the first of which was concurrent) for the alternative charge to count 3 of which Munar was found guilty by the jury, and one year concurrent for count 4.

The total sentence was 10 years with a non-parole period of seven years. Justice Thomas' sentencing remarks are available from the Supreme Court website.

After the trial and prior to the finalisation of the sentencing process, the victim let it be known through the media that she disagreed with the jury verdict.

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