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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 22426994

THE KING

and

SCOTT DUMOO

(Sentence)

HUNTINGFORD J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON TUESDAY 28 APRIL 2026

Transcribed by:
EPIQ

HER HONOUR: Scott Dumoo, you have been found guilty by a jury of two offences.

Count 1 was a charge of attempted sexual intercourse without consent. The maximum penalty for that offence is imprisonment for 7 years.

Count 2 was a charge of aggravated assault, with the circumstance of aggravation being that the victim was female and you male and that the victim suffered harm. The maximum penalty for that offence is imprisonment for 5 years.

As you were found guilty following a trial, the court must find the facts relevant to the sentence consistent with the jury's verdict.

At trial, you denied that you were responsible for the offending against the victim, but the jury found that that was not the case. The victim was not cross-examined. I find the facts as follows.

On the night of Saturday 24 September 2022, the victim was in the Palmerston area with family and consumed alcohol. She became intoxicated. She was observed on police CCTV throughout the night walking around the Palmerston central business district and engaging with various persons.

In the early hours of Sunday 25 September 2022, sometime after 1 am, the victim was walking alone along Chung Wah Terrace towards the Escarpment. You grabbed her from behind, violently pulling her arms, dragged her about 2 metres into nearby bushland and forced her to the ground.

You pulled down her shorts and underwear. You lowered your own pants while pinning her to the ground with your bodyweight. The victim screamed for help. You punched her to the left side of her head. She managed to kick you and escape, moving to the Rydges Hotel, where she sought assistance and police were called.

As a result of the assault, the victim sustained pain and swelling to the left side of her face.

You were identified by a DNA examination in late November 2022. However, due to an oversight in the Forensic Science Branch, that information was not conveyed to police until November 2023. There was then a further delay due to police priorities and you were not spoken to about the offending until August 2024. At that time, you were in gaol serving a sentence in relation to other matters.

You were charged around early September 2024, nearly two years after the offending, and were remanded in custody by the Local Court in relation to these matters on 15 October 2024. The delay from November 2022 was not due to any fault on your part.

I have read the victim impact statement of the victim, PH, dated yesterday. It sets out the impact which this offending had upon her. The victim says that she

suffered immediate pain and dizziness when you punched her. She was disorientated. She was in great fear.

After the offending, she felt great shame, embarrassment and disgust. She lost trust in other people, especially men. She suffered anxiety, for which she has required assistance from a therapist. She often feels like she is on edge and has changed her behaviour, including that she no longer walks alone at night. The offending also affected her ability to work for a time.

This is serious offending. You attacked a vulnerable, intoxicated woman you did not know late at night in a public by isolated area. There was no one nearby and she was unable to easily get assistance.

The offending was degrading because you removed her shorts and underwear, exposing her lower body. The victim suffered harm as a result of the attack, namely pain and disorientation and she has continued to suffer mentally and emotionally as a result of the offending.

The aggravated assault immediately proceeded the attempted sexual assault. The harm suffered from the injuries consisted of pain and swelling to her head from where you punched her. Any blow to the head is, of course, serious because that is a vulnerable part of the body. You did not desist of your own account. The attack stopped when the victim fought back.

In relation to count 1, this was an attempted sexual intercourse without consent but it was an attempt which was well-advanced on the facts, as given in the trial.

In my view, this is a mid-range example of both offences.

Turning to your personal circumstances. You are now 35 years old. You are an Aboriginal man from Wadeye, where you grew up, and your first language is Murrinh Patha. You had a good upbringing with your parents, who are well-regarded in the community.

Your father is a community leader who participates in running local programs and activities. You have spent considerable time at your family's outstation near Wadeye, where your parents currently live. You are a single man with no children.

You have previously worked in the CDEP program and have, in the past, been a keen football player with the Wadeye Hawks when in community. You have also participated in other community activities. Your plan upon release is to return to Wadeye to live at the outstation with family and to avoid further trouble.

As to your criminal history, you have an extensive criminal record over the last 20 years. There are no sexual offences on your record; however, you have several convictions for violence.

The most recent convictions include two robberies of aggravation of a bottle shop in Darwin, which were committed within a week after this offending. You were sentenced by Riley AJ on 15 September 2023 to a total effective sentence of 4 years, with a non-parole period of 2 years, commencing on 3 October 2022. That was the day upon which you were arrested for those robberies.

That non-parole period would have expired in early October 2024, a short time after you were charged with these offences and before you had appeared in court and were remanded in custody in respect of these charges. As a result of your remand, you were unable to apply for parole.

You have five previous convictions for aggravated assault, two of which involved circumstances of aggravation of male and female. You have convictions for going armed in public, affray, riotous behaviour, failing to comply with an order relating to a riot and endangering serious harm.

You also have convictions for property offending, breaching domestic violence orders, breaching bail and breaching terms of a suspended sentence. Those last matters indicate that you have difficulty complying with court orders.

Some of your offending history indicates that you have difficulties with alcohol, and Riley AJ found that was the case when he sentenced you in September 2023 for the robberies in September and October 2022.

You are not being sentenced again today for any of your old matters; however, you do not come before the court as a person of good character and you are not entitled to any leniency on that account. Your history is also relevant to your rehabilitation prospects.

The maximum penalties are an indication of the seriousness of this offending. The most relevant sentencing principles are denunciation, deterrence, punishment and community protection. Women in our community are entitled to be safe from attacks such as this, and this court must do what it can to protect them.

The community abhors such behaviour and requires that it be denounced. There is a need to place some significant weight upon general deterrence so that other people will know that those who commit these sorts of offences can expect severe punishment.

Your moral culpability for the offending is high. You took advantage of a vulnerable woman in an isolated area. Your previous history of violent offending, including offending against women, indicates that there is a need to impress upon you that you must not do this again. Unfortunately, it appears that at the time of this offending you had not learnt from previous sentences imposed upon you for violent behaviour.

Your rehabilitation prospects are difficult to assess at this time. You have been in prison for over three and a half years now, more than two and a half years has

been spent as a sentenced prisoner. I do not have any information as to your progress in gaol, including as to participation in programs and the like.

Although you are a relatively young man, you are no longer young for sentencing purposes, either now or at the time of the offending. However, in view of your history, I consider that it is appropriate that a non-parole period be set, and it will be a matter for the Parole Board to assess your prospects in due course.

You took this matter to trial, as was your right. You do not receive any increased sentence for that but nor are you entitled to any discount. There is no evidence that you are remorseful for this offending.

This is a sexual offence within the meaning of s 78F of the *Sentencing Act*. That means you must be convicted and sentenced to a term of imprisonment which may be suspended in part but not in whole.

The two offences for which you are being sentenced today occurred as part of the same course of conduct. The sentences for those offences can, in my view, be concurrent because a sentence for the most serious offence in count 1 also, in my view, adequately reflects the total criminality in your conduct.

Questions of totality arise because you have also been in gaol for a considerable period as a result of the completely different offending, which I have described. It would not be appropriate to make the sentence for these offences completely concurrent with your previous sentences.

However, some concurrency is appropriate for reasons of totality, in my view, backdating to the time when you were remanded in custody in relation to these offences adequately addresses that situation. I will also take into account the time you spent in gaol overall in considering the question of a non-parole period.

Had this matter progressed in a more timely fashion, a single non-parole period would likely have been fixed at an earlier time. In recognition of that fact, I will impose a non-parole period for this offending, which is a little less than 50 percent of the total of your sentence.

Can you stand up, please, Mr Dumoo?

On count 1, you are convicted and sentenced to imprisonment for 3 years and 9 months, backdated to 15 October 2024.

On count 2, you are convicted and sentenced to imprisonment for 1 year and 6 months, concurrent with count 1.

So the total effective sentence is 3 years and 9 months from 15 October 2024. The non-parole period is 1 year and 6 months from that date.

You can take a seat, please.

Are there any further orders sought?

MR PHILLIPS: No, your Honour.

HER HONOUR: All right. Thank you, counsel, for your assistance.

We will adjourn.
