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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 22500358

THE KING

and

VINCENT LEO MOKETARINJA

(Sentence)

BLOKLAND J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON FRIDAY 15 MAY 2026

Transcribed by:
EPIQ

HER HONOUR: On 10 April 2026 in the Alice Springs Supreme Court, Vincent Mocketarinja pleaded guilty to four counts on an indictment dated 6 April 2026 as follows:

- 1) Had sexual intercourse with the victim who I will refer to as "VCDA" without her consent and being reckless as to her lack of consent.
- 2) Performing an act of gross indecency on the same victim without her consent and being reckless as to her lack of consent.
- 3) Having sexual intercourse with the same victim without her consent and being reckless as to her lack of consent.
- 4) Performing an act of gross indecency on the same victim without her consent and being reckless as to her lack of consent.

In brief, the facts are that in the evening of 25 September, VCDA was walking along Memorial Avenue towards Larapinta Drive. As she reached the cemetery, she noticed Vincent Mocketarinja, who she did not know, was walking behind her holding a stick. She began to walk faster away from him after noticing him, however, he maintained the same pace and walked faster.

After some time, the victim turned around and confronted him as to why he was following her. He told her that he was walking a different way. She then continued walking towards her destination. She walked through a path, through the Araluen Art Centre while he continued to follow her. Shortly after, when VCDA was approaching some scrubland, he approached her with the stick he was holding. He told her to take her pants off. She replied, "I'm not going to do it."

He then removed her pants and underwear by grabbing her waistline. Fearing for her safety, she said words to the effect of, and I quote, "Get it over and done with then. Just leave me alone." He then pushed her to her back which caused her to lean onto a power box she was standing near. She continued to shout "No" numerous times and attempted to put her pants back on.

She began trying to push him away, while he attempted to pull her towards him. He then attempted to put his penis inside her vagina, but was unable to do so. He continued to push his penis against her before inserting his fingers into her vagina. He was still armed with the stick. She began to plead with him not to kill her and tried to reason with him saying, and I quote, "Get it over and done with so I can go."

She offered him money to get him to go. He stopped struggling with her and she started walking home again. He held onto her arm to prevent her from fleeing. She tried to get into the view of some CCTV cameras. She climbed to the top of some stairs in the art precinct. He stood at the bottom of the stairs masturbating in front of her. The victim injected an unknown substance into her right arm. A few minutes later, he walked up the staircase and again engaged with her.

He had his left hand down the front of his shorts, moving around near his penis. After a number of incidents of him grabbing her, the victim created distance and was struggling against him. He dragged her by the arm and pulled her out of the camera's view. During a physical struggle, her shirt was ripped and he overpowered her. He pulled his pants down and forcefully pulled hers down. He attempted to insert his penis into her vagina, but could not.

He said he could not get hard, and the victim responded saying, "I don't give a fuck. You're fucken raping me." He then put his fingers into her vagina. The victim froze with fear. She pleaded with him to leave her alone. He followed her again. She gave him \$30 and he left. The victim walked home and told her partner and police attended.

Police then commenced the investigation, including referral of the victim to the Sexual Assault Referral Centre. He was spoken to by police on 21 November 2024. He declined to speak in an interview. I will discuss the gravity of the offending shortly. In terms of custody background, it should be noted, he was sentenced to 16 weeks' imprisonment on file 224291352 (sic?) to commence on 12 October 2024. He was then sentenced to 12 months' imprisonment with a non-parole period of 10 months on file 22422751. That sentenced commenced on 22 January 2025.

He was sentenced to 4 months' imprisonment on file 22525235, the 4 months was to be served cumulative on file 22422751. He was also sentenced to 18 months' imprisonment on file 22548745, which was cumulative on file 22422751. The total effective sentence in relation to that offending was 2 years and 4 months commencing on 22 January 2025.

Before the court are details of Vincent Mocketarinja's previous offending, including the facts for a number of the offences. He is a recidivist offender and has previous convictions for offences of indecent acts, aggravated assault and sexual intercourse without consent.

On 5 August 2010, he was sentenced to 4 years and 6 months for an offence of sexual intercourse without consent and 2 years for attempted sexual intercourse without consent arising in the same incident and proceedings. He was sentenced to 2 years and 5 months in 2014 for unlawfully cause serious harm. In 2017, he was dealt with for aggravated assault and received a sentenced of 6 months' imprisonment.

In 2022, he was sentenced for indecency in a public place and gross indecency and was sentenced to 3 years and 3 months' imprisonment. In 2024, he was sentenced to 16 weeks for aggravated assault, one of the circumstances of aggravation was indecency. In 2025, he was sentenced for offending that occurred in 2024 that involved indecent acts and an aggravated assault.

He has previously been assessed by a psychiatrist, and it was found there was no diagnosis of a mental illness which contributed to the offending. A previous presentence report had assessed him as a high risk of reoffending. One of his

previous offences was committed in custody and was an act of indecency against a Correctional Centre officer. He is on the Sexual Offenders Register.

In the earlier cases he was dealt with, he was given the benefit of being sentenced as a young offender, however, that time has long past and despite reasonably lengthy periods of imprisonment, plainly, rehabilitation has not been achieved.

He is now 36 years old and the court was told that he grew up across Central Australia in the regions of Tennant Creek and Hermannsburg.

His counsel told the court that he accepts that he faces a significant term of imprisonment. On his behalf, the characterisation of the level of seriousness of the offending as characterised by the Crown has been accepted. Counsel for the Crown submitted that given his serious previous offending, the court can draw the conclusion that he has a clear tendency to inflict significant violence on women. Such a conclusion can plainly be drawn. The offending on this occasion, taken with his history of offending, does allow such a conclusion to be drawn.

This offending was not an aberration. This offending illustrates his pattern of offending. A number of his previous offences have the hallmarks of predatory behaviour which is a feature of the offending on this occasion. The Crown submitted that, given his history of disregard of previous court orders, the court can have no confidence that he would work towards rehabilitation and that if he obtains early release of any kind, women in the community are plainly at risk from him.

While this is a case where protection of the community must be prioritised, a sentence proportionate to the offending must be passed. However, in my view, the goal of community protection is more readily achieved if, at the very end of what will be a lengthy sentence, there is at least a short period of supervision by a parole officer. In my view, it would be counterproductive to community safety for this offender to be released from prison, albeit in many years to come, without any supervision or reporting or assistance to reintegrate into the community.

As with other cases of this kind, he may well be subject in the future to the serious sex offender regime. However, it is not usually appropriate to take that factor into account in sentencing and it is unknown whether there would be such an application made. Although, overall, his compliance with orders has been poor, there have also been periods of apparent compliance. When he is eventually released, the community would be better served with him being under supervision of some kind.

While I agree with the sentiment offered on behalf of the Crown, in my view, it is supportive of community safety rather than detrimental to it, to order a non-parole period at least for a brief period towards the end of what will need to be a lengthy sentence. The maximum penalties for counts 1 and 3 is life imprisonment and for counts 2 and 4, 14 years' imprisonment.

The offending had predatory elements. It was sustained and frightening. The victim was clearly terrified, thinking he may kill her. She was vulnerable. I am cognisant of the fact this is a digital penetration case in terms of the sexual intercourse without consent. It is a serious example of sexual offending of that kind and it was accompanied by the further prolonged indecencies.

His background is that he is an Aboriginal man, Western Arrernte with ties which include Hermannsburg, Lajamanu, Santa Teresa and Alice Springs. He was raised primarily in remote communities, often moving between locations with extended family. He has participated in cultural ceremonies and maintains connections to family and culture, particularly around community of the Ntaria or Hermannsburg.

The court was told that his upbringing was marked by significant disadvantage and instability with minimal connection to his parents. His father passed away when he was around 9 years old and his mother suffered chronic abuse. He was raised by extended family, including his grandmother and aunt. As a young person, he was regularly exposed to alcohol abuse and violence from extended family members.

He has had limited formal education. He left school probably at around the age of 13. During stable periods of his life, he has engaged in community-style work from Tjuwanpa Resource Centre in Hermannsburg. He has a longstanding and severe history of substance misuse which includes alcohol, cannabis and a history of petrol sniffing and inhalant abuse from a very young age. And in later years, has used other drugs including methamphetamine and heroin.

He typically accesses alcohol and drugs when he is in Alice Springs and regrettably, as is so often the case, access to alcohol and drugs drives a deterioration in his behaviour and subsequent criminal offending. While earlier reports have not diagnosed any psychological or psychiatric illness, previous sentencing remarks have noted that those reports referred to limited social skills, difficulty interpreting interpersonal cues and a tendency towards social isolation.

It has been previously queried whether fetal alcohol spectrum disorder is present, but that has never been confirmed. Notwithstanding, no evidence of formal mental illness diagnosis. It has been previously reported, he had a history of engaging with the community-based mental health nurse at Hermannsburg Health Centre, usually in response to family members raising concerns about his displays of unusual behaviour.

He believes he has been cursed and there may be cultural elements to his own perception of his mental health and what he can do about that in terms of seeking out treatment or healers. Given his previous sexual offending, he has been unable to access community-based alcohol and drug residential rehabilitation services as he is excluded given the understandable requirements of those centres.

Deterrence, both general and specific, and protection of the community by way of a sentence proportionate to the offending are the principles to be prioritised. The pleas of guilty are valuable and there will be a reduction in the order of 25 percent.

As noted, he is currently serving a 2 year, 4 month sentence which commenced on 22 January 2025. This sentence should, in my view, commence today, the date of the sentence. I think that that is more appropriate, even though there will be some concurrency with the Local Court sentence rather than this sentence commencing sometime in the future.

The non-parole period will also be ordered to commence today, notwithstanding he has been in custody for the antecedent period. There are a number of episodes of indecency and gross indecency within the course of conduct. There will need to be both accumulation and concurrency to reflect the total course of conduct.

Count 1, convicted and sentenced to 8 years' imprisonment.

Count 2, convicted and sentenced to 3 years' imprisonment concurrent with count 1.

Count 3, convicted and sentenced to 8 years' imprisonment to commence after the service of 4 years of the sentence for count 1.

Count 4, convicted and sentenced 3 years' imprisonment concurrent with count 3.

The total sentence of 12 years' imprisonment is to commence today, 15 May and I fix a non-parole period of 10 years, which will also commence today.

All right. I think that concludes the sentence.

MR MEANEY: Nothing arising, your Honour.

MS RAHEEM: Nothing arising, your Honour.

HER HONOUR: All right. Thank you both very much. Thank you everyone else who was involved. All right.

We will stand down now until the next matter.
