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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 22424777

THE KING

and

STEPHEN JOSEPH RIOLI

(Sentence)

LASRY AJ

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON THURSDAY 7 AUGUST 2025

Transcribed by:
EPIQ

HIS HONOUR: Stephen Rioli, on 19 June 2025 you pleaded guilty to two counts on the indictment that has been filed. The first count was that on 15 July 2024 at Woodroffe in the Northern Territory of Australia, you drove a motor vehicle dangerously and caused the death of CN contrary to s 174F(1) of the *Criminal Code* 1983 (the 'Code'). The second count was that on the same day and the same incident, you were driving a motor vehicle which was involved in a collision that resulted in the death of CN and failed to stop the vehicle at the scene of the incident contrary to s 174F(a)(1) of the Code.

Following your plea of guilty, I heard an opening from the prosecutor setting out the agreed facts. I also received victim impact statements to which I will shortly refer and heard submissions on your behalf by your counsel. On 24 July 2025, I heard further submissions from the prosecutor and brief submissions from Ms Houen who then acted on your behalf. I offered her the opportunity to file further written submissions in response, particularly, to the prosecutor's detailed submissions and Mr Maley, on your behalf, filed further submissions several days ago and now appears on your behalf again.

Pursuant to s 174F(1) of the Code the maximum penalty for dangerous driving causing death is 10 years' imprisonment. Under s 174FA of the Code the maximum penalty for failing to stop at the scene of an incident- where an incident results in the death of a person is also 10 years' imprisonment.

It is now my responsibility to sentence you for these offences.

The agreed facts read to the Court by the prosecutor indicate that you are an Indigenous male and aged 36 years of age. CN was a 20-year-old Indigenous female. At 11:17 pm on 15 July 2024, you were driving a Toyota LandCruiser along Emery Avenue, Gray. Obviously, it was dark with street lighting, the road was dry, there was very little traffic.

What then occurred was captured on CCTV footage from a neighbouring residence. I have viewed that footage. As you drove along Emery Avenue, CN, wearing headphones, was standing on the road about a metre from the nature strip. As you approached, it can be seen, just from watching the video and compared with other vehicles, that you were moving at a speed significantly above the signposted limit of 60 kilometres an hour.

At 11:17:06 pm your vehicle struck CN on the passenger's side. Apparently, the immediate effect was that her head struck the bitumen surface. She came to rest still on the roadway. Watching the video, the collision with CN seemed to have had almost no effect on the speed of your vehicle and indeed, you continued to drive to premises at [redacted] Emery Avenue where your partner KS lived, driving your vehicle onto the front lawn.

As to your speed at the time of your collision, police calculation was that you were moving at 74 kilometres an hour in an area with a speed limit of 60 kilometres an hour. You then walked back to the victim about a minute after the collision. You

picked her up under the armpits and endeavoured to remove her from the roadway but failed in that attempt and she remained on the road.

You then returned to [redacted] Emery Avenue and attempted to contact your partner by phone. You then woke her up by knocking on the window and told her you had done something bad by “bumping someone” and that you were sorry.

Seventeen minutes after the incident, you returned to the scene of the collision where CN still lay, and from there, contacted emergency services on your phone and waited for their arrival. They arrived two minutes later.

CN was taken to the Royal Darwin Hospital with traumatic brain injury and other injuries. Examination revealed a large external haemorrhage. There were multiple fractures of the skull and a widespread acute traumatic subarachnoid haemorrhage. The conclusion reached by the neurosurgical and intensive care teams was a likely catastrophic unsurvivable injury. Brain death was confirmed on 19 July and on 22 July, circulatory support and ventilation was ceased and CN’s death was declared on that day.

You identified yourself to police as the driver of the vehicle that had struck CN and among other things, you were breath tested which revealed a reading of 0.158 per cent blood alcohol content. As you well know, it is a very high reading and more than three times the legal limit. The reading is indicative of a high level of intoxication with significant impairment of your skills and judgment. Clearly you were unable to drive safely.

Your counsel has told me that you had been stressed at work, suffering from mild depression and sought some refuge in alcohol. On that night, you had been drinking at a private residence and were on your way to your partner’s house. You had made the bad decision to drive.

This was a very serious incident and viewing the footage is a confronting experience. It vividly illustrates the high level of danger to the public in combining speed and alcohol behind the wheel of a vehicle.

The court has received victim impact statements from PN, the father of CN and TJ, the grandmother of CN. These are, in the original form, heartfelt statements of loss and impact. In their own way they are also compassionate and do not demand substantial prison punishment. The sentiments are also generous.

TJ understands why you left the scene in panic and expresses her gratitude to you that you went back. There is a further victim impact statement from TJ which has been referred to in the course of discussions with counsel. I have also received a victim impact statement today from SS.

The effect of your conduct on these people will affect their lives indefinitely and I take their statements into account in deciding the sentence that I will impose on you.

You are now 37 years of age. You have been driving a motor vehicle in the Northern Territory for nearly 20 years and apparently doing so without official blemish.

I am told that you were born and raised in Darwin and your education extended through to Year 12 at Palmerston High School.

Your present relationship is stable with a 5-month-old child with three stepchildren ages 12 and two twins that are 5 years of age. Two of these children have high needs apparently.

You have an excellent work history; gardening, labouring, sheet metal worker and since 2023 you have worked for the Aboriginal Sea Company harvesting mud crabs for commercial sale.

You regularly drive to and from Roper River, a distance of well over 400 kilometres. You earn \$2600 a fortnight. You pay rent of \$450 a fortnight and all the other costs associated with supporting a family.

You have no relevant prior criminal history and I would conclude that you are a person of good character. Your good character is attested to in letters provided to the court by RK from the Aboriginal Sea Company, KS, RT and DH. They are impressive testimonials, and I have no doubt of their accuracy. In combination, they demonstrate that you have lived a good life and you are entitled to be proud of it.

Also, the report I ordered pursuant to s 103 of the *Sentencing Act 1995* reveals that you have a high level of insight into your offending.

You pleaded guilty at an early stage and this case was never going to be a contest on the facts. I accept that although the case against you is strong, your plea of guilty reflects your remorse and that you take responsibility for what happened.

In his submissions, Mr McMaster, the prosecutor, essentially submitted that your offending was objectively serious because of your alcohol and speed and your failure to remain at the scene.

The prosecutor also accepted your history as being a law abiding one and though not in terms we accept, that you are a person of good character. The prosecutor also accepts that you are genuinely remorseful for what occurred, as do I.

Mr McMaster also emphasised the significance of general deterrence and the significance of protecting the community from conduct such as this.

Your counsel pointed to your personal circumstances including your stable relationship, family responsibilities and excellent work history. He points to the fact that you are remorseful, demonstrating that by your early plea. Your prospects for rehabilitation are said to be good and I am told that since the incident you have abstained from alcohol altogether.

All of the arguments that Mr Maley has made in his recent written submissions are valid. But the question is whether any of them are strong enough to justify the imposition of an Intensive Community Corrections Order, rather than actual custody. The arguments are based primarily on your personal circumstances and on the negative consequences that a term of imprisonment will have for you.

These are difficult cases, you are a man of good character, you have shown remorse and you have pleaded guilty at an early stage as a sign of your remorse and acceptance of responsibility. I have no doubt, as I have said, that your prospects for rehabilitation are good and that the prospect of you behaving like this again is very low.

However, you made three serious mistakes. First, you drove a car when you must have known it was not safe to do so. Secondly, you drove that car at a speed which was dangerous in the circumstances. And third, these mistakes were compounded in a tragic way by your actions causing the death of CN.

As the prosecutor submitted, there was nothing about the environment in which this collision occurred which contributed to its cause. Two other drivers proximate to this incident obviously saw CN in the position she was in and were able to avoid any incident.

The inevitable conclusion is that your moral culpability is high. I accept that the reason you did not stop immediately was because of panic as to what had occurred rather than a desire to conceal your involvement. You did return to the scene, called emergency services and remained there.

In relation to the current sentence practices, the Court of Criminal Appeal of the Northern Territory has identified several sentencing principles that will apply in these kinds of cases in the following terms:

General deterrence will be a primary purpose of the sentencing exercise when determining an appropriate sentence for offences of dangerous driving causing death. That is especially so where the driving was reckless and the moral culpability of the offender is high.

The other sentencing principles which are relevant for present purposes include:

- (a) The taking of a human life by driving of a motor vehicle dangerously. It is to be regarded as a crime of very significant seriousness and the real substance of the offence is not just for dangerous but the dangerous driving in association with the taking of human life.
- (b) A custodial sentence will usually be appropriate except in cases where the offender's level of moral culpability is very low in relative terms.

- (c) The driver's moral culpability must be taken into account, together with the objective dangerousness of the driving and a person who drives dangerously knowing of a risk associated with his driving will, all other things being equal, be adjudged more blameworthy than one who drives in the same dangerous manner without that knowledge.
- (d) The primacy of general deterrence is such that ordinarily it outweighs remorse or the rehabilitation of an offender.

In a similar case in *R v Hodson*, on 27 June 2025, I was required to sentence a young man who pleaded guilty to four counts of dangerous driving causing serious harm where alcohol and speed were, again, significant factors. Imposing that sentence I said:

In *Storey v the Queen* [1998] 1 VR 359 the Victorian Court of Appeal sitting as a Bench of five said in relation to the discretionary exercise of imposing sentence, "There is no single right answer which can be determined by the application of principle. Different minds will attribute different weight to various factors in arriving at the instinctive sentences which takes account of various purposes for which sentences are imposed. Just punishment, deterrence, rehabilitation, denunciation, protection of the community and which pays due regard to the principle of totality, parity, parsimony and the like."

I went on:

The principle of parsimony there mentioned by the Court holds that a sentencing judge may satisfy him or herself that no other sentence is appropriate before imposing a term of imprisonment.

In this case, your counsel submitted that I should consider dealing with you in a way that does not involve an actual term of imprisonment to be served. Although I have no doubt that you are a person of good character, given the magnitude of the damage in this case I regret that I am unable to accede to that submission.

I realise that custody for you will be difficult, but I am of the view that in the circumstances of this case nothing less than a period of imprisonment to be actually served is required to be imposed on you.

Among the purposes for which sentences are imposed, in this case punishment, deterrence and denunciation, are particularly significant without in any way diminishing the other mitigating situations which apply and which I have already discussed.

Somehow the community needs to continue to be reminded that if you drink and drive dangerously as you did in this case and cause very serious harm to other innocent road users, you will encounter heavy punishment. I would add

that I do not consider protection of the community from you as a significant factor. I am confident there will be no repetition of conduct like this by you again.

In this case I have reluctantly come to the same conclusions to the sentence I should impose on you. Your driving has caused the death of a young woman. In addition, your vehicle having struck her, you left the scene at a stage where the law effectively required you to remain and render such assistance as you could and of course, immediately contact emergency services. In this case police and ambulance did not arrive for 19 minutes.

I do not conclude, because I simply do not know, whether the delay made any difference to the chances of CN surviving, but the obligation to remain at the scene is clear on drivers in your situation and for good reason. The sooner help is obtained, the better.

The public interest is served by imposing a sentence which, among other things, will, I hope, deter others from making the same mistakes you made. The sentence I will impose on you is as follows.

On Count 1, the charge of dangerous driving causing death, you will be sentenced to be imprisoned for a period of 3 years.

On Count 2, the charge of failing to stop after the incident, you will be sentenced to be in prison for 1 year. I direct that six months of the sentence on Count 2 be served cumulatively with the sentence on Count 1.

That makes an effective sentence of 3 years and 6 months.

Given the level of your remorse, your good character and your good prospects of rehabilitation, I fix a period of 18 months to be served before you are eligible to apply for release on parole. I record that if you had not pleaded guilty to these charges, the total effective sentence I would have imposed on you would have been 5 years' imprisonment with a minimum term to be served before eligibility for parole of 3 years.

I further order, pursuant to s 98 of the *Sentencing Act 1995*, that any licence you hold to drive a motor vehicle in the Northern Territory is cancelled as of this day for a period of 2 years. This period is intended to reflect the seriousness of the offending and the need to ensure public safety.

Do either counsel have anything they want to raise in relation to that sentence?

MR MCMASTER: Nothing arising, your Honour.

MR MALEY: Nothing arising, your Honour.

HIS HONOUR: The court will adjourn to a date to be fixed.
