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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 22423625

THE KING

and

MERVYN ANDREWS

(Sentence)

BLOKLAND J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON FRIDAY 15 MAY 2026

Transcribed by:
EPIQ

HER HONOUR: On 21 April of this year Mervyn Andrews pleaded guilty to two counts on an indictment dated 19 April 2026 as follows. Unlawfully assault of JA. This count involved the following circumstances of aggravation, JA suffered harm; JA was female and Mervyn Andrews was male and JA was threatened with an offensive, namely a chair, scissors and a mobile phone. The maximum penalty for this count is five years' imprisonment.

Count 2, unlawfully causing serious harm to JA. The maximum penalty for this count is 14 years' imprisonment.

The facts on file 22423622 which covers count 1, in short, are that at approximately 6 pm on 12 February 2023 Mervyn Andrews was with the victim at the front of an address in Laramba Community. An argument began between them regarding a mobile phone. Mervyn Andres picked up a child's chair and hit the victim in the ankle, left hip and top of the head.

The victim's parents tried to de-escalate the situation after hearing the victim calling out to them for help. Mervyn Andres then took the victim's mobile phone and used it to hit her to the right hip. He then grabbed scissors from his right pocket and stabbed her to her left arm. He then left the location.

The offence was reported to police the following morning and the victim sought medical attention for her injuries. She suffered bruising to her left hip, soreness to her ankles, swelling to her head and a laceration to the left arm. She and her children had to be taken by police to a place of safety following that offending.

The facts on file 22423621 which covers count 2 are that on 15 August 2023 Mervyn Andrews and the same victim were together at that same address. At around 10 pm he was intoxicated and began to attempt to start an argument with her. The reasons for this argument are unknown.

He grabbed a large wooden-handled solid rubber sledgehammer and struck her to the left ankle. She begged him to leave her alone as she was in pain. He continued swinging the weapon near her. The next day he refused to allow her to attend the clinic to seek medical attention for her injury and pain telling her, "No. You might call the police." The victim had to crawl on the floor due pain and swelling for that injury. Two days after the offence on 17 August 2023 she attended the clinic after he left their residence. She was then taken to Alice Springs Hospital where she disclosed that it was Mervyn Andrews who injured her.

As a result of that assault she suffered an extended culminated fracture through the distal fibular at the level of syndesmosis with a further predominantly undisplaced fracture through the medial malleolus extending to the fibular talar joint at its anterior aspect. This required surgery.

A nationally recognised domestic violence order was placed on Mr Andrews by JA on 8 January 2020 for a period of five years. The restraints, which were

comprehensive, are set out in the Crown facts. At the conclusion of the sentencing I will be ordering a further domestic violence order.

Both offences occurred while that previous domestic violence order was in force. In terms of assessing the gravity of the offending, the violent nature of the offending is not the only factor to consider however it is important in terms of sentencing. Both offences involved considerable violence and cruelty, particularly the use of weapons and the resultant injuries including, for count 2, serious harm. And all of this offending took place when he was subject to a domestic violence order.

He has seven pages of criminal history. He appears to have entered the criminal justice system when he was 18. The previous entries on the information for courts include motor vehicle offences, aggravated assault, escaping lawful custody, unlawfully cause serious harm, engaging in conduct that breaches a domestic violence order among other previous offences. His most recent offending prior to the offending he is being sentenced for today was an assault of a female which took place on 22 November 2018.

It was submitted on his behalf the offences are not towards the upper range of objective seriousness due to the weapon count 1 causing fairly limited injury, the use of the weapon in count 1 being opportunistic. And with respect to count 2 there was no evidence of ongoing disability or disfigurement following the surgery and so forth. While all of that may be so he also tried to dissuade the victim from getting help. This illustrates the level of cruelty which is an aggravating factor.

Counsel told the court that Mervyn Andrews was subject to disadvantage and instability throughout his childhood. That is accepted and acknowledged. The disadvantage that he was subject to and has played out in his life includes his father spending periods of time in custody due to domestic violence offences. The court was told Mervyn Andrews has limited education which is also a factor of disadvantage. He reached around Year 8 or 9 at school.

He has regularly engaged in CDP work when in community at Laramba. He is from Laramba and alongside of the CDP work he has had some periods of paid employment. During his time in custody he has gained employment as a foreman supervising other inmates.

The court was told he has a long history of alcohol misuse and in the period leading up to the offending in August he was consuming alcohol heavily. The court was told he has not engaged in alcohol rehabilitation following previous offences and incarceration as he frequently returned to community shortly after release from custody.

It was pointed out that he has demonstrated positive behaviours towards addressing his offending while he has been in custody. This has included successfully completed the Men's Behavioural Change Program and he has told his counsel that he plans to transition to the Barkly Work Camp and continue employment following release.

He pleaded guilty at an early time and this will be reflected in an adjustment in the order of 25 per cent. He has been in custody since 6 July 2024. These are serious offences, count 2 in particular. I do not know why certain men treat their partners so badly, criminally, but it is prevalent. It is shocking. It is a blight on the community.

While imprisonment previously has not stopped Mervyn Andrews from offending in this way there are no other realistic options. I appreciate he comes from difficult circumstances and continues to lead a difficult life but he cannot behave and continue to behave in this way.

On count 1, namely unlawfully assaulting JA, convicted and sentenced to 12 months' imprisonment.

On count 2, namely unlawfully causing serious harm to JA, convicted and sentenced to 3 years' imprisonment to commence after serving 8 months of the sentence in count 1.

That is a total of 3 years and 8 months' imprisonment to commence on 6 July 2024. I fix a non-parole period of 2 years' and 6 months also to run from that date.

Pursuant to s 83 of the *Domestic and Family Violence Act* for the protection of the protected person JA I order the following domestic violence:

- 1) The respondent Mervyn Andrews is prohibited from committing domestic violence against the protected person.
- 2) He is prohibited from approaching, contacting or remaining in the company of the protected person directly or indirectly. Contact includes by mail, via text messages, email, social media or other form of communication except via or in the presence of a solicitor, family dispute practitioner or a nominated third party as agreeable by the protected person for the purpose of making arrangements for the children.
- 3) Prohibited from approaching, entering or remaining at any place where the protected person is living, working, staying, visiting or located.
- 4) Prohibited from causing damage to the property or attempting or threatening to cause damage to property of the protected person.
- 5) Intimidating or harassing or verbally abusing the protected person.
- 6) Prohibited from exposing a child or children of the protected to domestic violence.
- 7) And the order is for a period for 10 years from today.

And that completes the sentence for Mervyn Andrews.

MS ROTH: Please the court. Your Honour, I rise to my feet on my instructions that there is a charge on a form 6 that was never nollied by the Crown. We propose to deal with that upon Ms McKinney's return from leave.

HER HONOUR: I am not sure if I do that have. Could you contact my Chambers with, you know, cc'ing Mr Meaney and I will give that date and work something out with that.

MS ROTH: May it please the court.

MR MEANEY: Actually, it will not require a date, your Honour. It should hopefully just require formal nollie being entered. It was one of those unusual form 6 matters that your Honour took into account and that was before your Honour on the last occasion.

HER HONOUR: So I actually took that matter into account? There was not a separate plea for it?

MR MEANEY: No, your Honour. It was a form 6, yes. And I understand it is used a lot more in other jurisdictions and I have never seen it the territory before but the Director agreed to place that matter on a form 6. And I think all that needs to occur is a nollie entered so that charge can be formally discontinued.

HER HONOUR: Could you look into that, Ms Roth, and contact my Chambers if there is a problem with that?

MS ROTH: Yes, your Honour.
