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THE SUPREME COURT OF

THE NORTHERN TERRITORY

SCC 22545855

THE KING

and

ROY MCDONALD

(Sentence)

BURNS J

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON TUESDAY 20 OCTOBER 2026

Transcribed by:
EPIQ

HIS HONOUR: Roy McDonald, on 13 October 2026, you entered pleas of guilty to the following 10 charges.

Count 1, a charge of aggravated burglary.

Count 2, a charge of damage to property.

Count 3, a further charge of aggravated burglary.

Count 4, a charge of theft.

Count 5, a further charge of aggravated burglary.

Count 6, a charge of theft.

Count 7, a charge of unlawfully driving or using a motor vehicle.

Count 8, a charge of aggravated burglary.

Count 9, a charge of aggravated burglary.

Count 10, a charge of damage to property.

The maximum penalties for the offences are life imprisonment for count 8; 20 years' imprisonment for counts 1, 3, 5 and 9; 10 years' imprisonment for counts 2, 4, 6 and 10; and 5 years' imprisonment for count 7.

You were 18 years old at the time of this offending and the offending was committed in company with ten co-offenders. There are four victims across the ten charges. All of the offences occurred as part of a spree on the one evening and early morning in August 2025.

On the evening of 31 August 2025, you and your co-offenders attended a property in Dalgety Road, Braitling with the common intention of unlawfully entering the building and stealing items.

Your co-offenders smashed a window to the building to manipulate a door and enter. You remained outside as a lookout. Once inside, your co-offenders ransacked the office before locating a safe within. Your co-offenders began searching for tools in a nearby shed to crack open the safe, however, they were interrupted when police were heard driving to the scene. You and your co-offenders drove away from the location before police arrived. This is the conduct relating to counts 1 and 2.

You and your co-offenders then attended business premises in Coulthard Court, Ciccone with the common intention of unlawfully entering the building and stealing items from within. Your co-offenders entered the building and ransacked the vehicles and office where one of your co-offenders stole a laptop valued at

approximately $2000. You again remained outside as a lookout for your co-offenders. This is the conduct relating to counts 3 and 4.

You and your co-offenders then used an adjoining fenceline to enter the next property located in Price Street, Ciccone with the common intention of unlawfully entering the building and stealing items from within. You and your co-offenders unlawfully entered the building through the door where you located vehicle keys to two Toyota HiLuxes.

You used one of the vehicle keys to steal a Toyota HiLux from inside the compound. Another of your co-offenders stole another Toyota HiLux with the other key. You and your co-offenders parked the vehicles behind a mound in nearby scrubland to conceal the location. Some of the other co-offenders then armed themselves with tools, including a crowbar and machete. You remained inside the stolen car while your co-offenders armed themselves with these weapons. This is the conduct relating to counts 5, 6 and 7.

You and your co-offenders then drove to a property on the Stuart Highway with the common intention of unlawfully entering the building. Upon arrival at the premises, your co-offenders unlawfully entered the residence with you remaining outside as a lookout. Once inside, your co-offenders confronted the victim who was in his bedroom sleeping. Your co-offenders shone a flashlight at the victim's face which roused him.

At first, the victim believed that it was a family member or friend, but then he noticed it was strangers armed with a crowbar and a machete. He described the crowbar as approximately 60 centimetres in length and black in colour. Your co-offenders demanded his car keys. He told them that he did not have the keys. They shouted, "Don't move. Don't move" and stole his phone from him inside his bedroom which was valued at about $1000.

They then continued to threaten the victim with weapons raised as he lay in his bed demanding his phone's PIN code. He did not supply that code, still fearing he would be hit in the head with the weapons. Whilst this was occurring inside the victim's bedroom, you remained with the vehicles, accompanied by two other co-offenders. After approximately 2 minutes, your co-offenders left the victim's bedroom and ran back towards the stolen motor vehicles.

They attempted to start one of the victim's vehicles located inside his compound but were interrupted by him running outside in an attempt to chase you all away. One of your co-offenders who was driving one of the stolen vehicles at this point with you in the front passenger seat, upon seeing the victim outside, drove directly at him causing him to take evasive action to avoid serious harm or death.

Another co-offender was standing on the rear tray and threw traffic management equipment at the victim. The victim ran back inside the premises and woke up the other occupants who then came outside with him and attempted to protect their compound from you and your co-offenders. As the victim was trying to shut the gate

to the compound to block you from re-entering the compound, your co-offenders revved the Toyota HiLux before driving it directly into the gate where the victim was standing.

Your co-offenders then drove in circles and barraged the victim with projectiles from the vehicle, which included a steel bar, before driving away. As a result of the offending, the victim suffered bleeding abrasions on both his left shoulder and right heel. The offending was partially captured on CCTV. This is the conduct relating to count 8.

You and your co-offenders then attended business premises in Wilkinson Street, Ciccone with the common intention of unlawfully entering the business. To gain access, you and your co-offenders moved a piece of signage out of the way of the main door before using the stolen Toyota HiLux to ram through the main door which was protected by a roller shutter. Damages to the roller shutter are expected to cost $30,000.

Your co-offenders then entered the store where they stole five motorbikes with a total value of $15,550 and a motorcycle helmet with a value of $400. You remained outside in the stolen vehicle while your co-offenders stole the motorbikes and attempted to steal a sixth, placing it on the bonnet of one of the stolen vehicles resting on the bull bar. You and your co-offenders then drove away with haste causing the sixth motorbike to fall from the vehicle and sustain damage. This offending is also partially captured on Closed-Circuit TV.

You were then dropped off on Percy Court by one of your co-offenders who was still driving the stolen Toyota HiLux. You were then later picked up by another co-offender driving the other stolen Toyota HiLux. You and your co-offenders then rode around Ghan Pans before again being engaged in a pursuit by police. At one point in the police pursuit, one of the stolen vehicles driven by a co-offender rammed a marked police vehicle containing two police officers who had pulled their vehicle over to the side of the road to avoid collision with the stolen vehicle. This is the conduct relating to counts 9 and 10.

On 1 September 2025, one of your co-offenders provided a statement to police placing you as the driver of one of the stolen motor vehicles. On 5 September 2025 at 7:45 am, you were located at an address in Bloomfield Street in Gillen and arrested. You were conveyed to the Alice Springs watchhouse. You participated in an electronic record of interview and made admissions to participating in some of the offending, either directly or as a lookout for the co-offenders.

I received a victim impact statement from the proprietor of the business premises in Wilkinson Street, Ciccone. She describes that the offending makes her angry, really stressed and worried that the offenders will try and come back. She described her financial loss as upward of $50,000 and wants those involved sentenced to imprisonment for what they did.

In assessing the objective seriousness of the offending in counts 1 and 2, I take into account that the offending occurred at night-time. The property was an unattended commercial property and was therefore vulnerable. Force was used to enter the premises occasioning minor damage to the property. The offending was not spontaneous. You and your co-offenders travelled to the property for the purpose of committing the offence. I accept that the offence was not sophisticated and that your role was limited, but nevertheless an important role.

With regards to counts 3 and 4, I take into account again that the offending occurred at night. The property was again an unattended commercial property and therefore vulnerable. The premises were ransacked. The offending was not spontaneous; you and your co-offenders travelled to the property to commit the offence. I accept that the offending was not sophisticated and the value of the property stolen was low to moderate. I also accept that your role was again limited, but was nevertheless an important one.

With regards to counts 5, 6 and 7, the offending again occurred at night. The premises were unoccupied commercial premises and therefore vulnerable. The choice of premises may have been opportunistic, but you and your co-offenders travelled to the area to commit offences. I accept that the offending was not sophisticated.

But on this occasion, the property stolen was of significant value and was of importance to the ongoing operation of the business from which the items were stolen. I also take into account that the vehicles were stolen for the purpose of committing further offences. I note that on this occasion, your role was greater than in the earlier offences. You located one of the vehicles and drove it away from the premises.

I now turn to count 8. The offending occurred at a time where it could be expected that an occupant would be at home, therefore increasing the risk of confrontation, and indeed this is exactly what occurred. The offending was premeditated and there was some planning involved. You also knew that your co-offenders were armed with weapons. I accept that your role was limited.

I now turn to counts 9 and 10. The offending again occurred at night and the premises were unoccupied commercial premises and therefore vulnerable. Force was used to gain entry. Significant damage was occasioned to premises which had a significant impact on the business. I accept that you played a limited role in this offence, but again it was an important role.

You did not give evidence at your sentence hearing, but your lawyer provided me with some information about your background. You are a Western Arrernte man raised in the remote community of Hermannsburg. In your early years, you were raised by your mother and father. You instructed your lawyers that you remember witnessing significant alcohol abuse and violence whilst being raised by your parents.

You recall seeing your father hitting your mother on multiple occasions and dragging her around by the hair. You do not recall your exact age at the time beyond knowing that you were little. Your parents were unable to provide ongoing care and supervision to you and your mother would drink a lot and reside predominantly in Adelaide when you were younger.

Your father did not really take care of you and was also drinking outside of the community and was regularly incarcerated. You are currently remanded in the same facility as your father. There were reports to the child welfare department regarding neglect that you experienced as a youth. As a result, you were raised by your grandmother, your grandfather and your aunty in Ntaria.

You had inadequate access to education in your early years. Your attendance was below 50 percent from preschool to Year 1, above 50 percent from Year 1 to Year 7 and then below 50 percent for Years 8 and 9. You did not attend school following Year 9. You experienced a significant instability in your early years. Teachers from Ntaria School noted your difficulty in classroom participation and they had concerns about family neglect.

You were not diagnosed with an intellectual disability until 2023. So the disability supports in the classroom were likely not made available to you during your school years. You did have positive experiences, being raised in a remote community. You identified that your grandparents were strong role models for you and taught you how to hunt, and also taught you your cultural obligations.

You are a keen football player. During your interview with police, you told them about your involvement with the Federal Football Club in Alice Springs. You also play for Western Arrernte Bulldogs. You told your lawyers that you began drinking alcohol at the very young age of 11. In more recent years, you have struggled with drinking to excess when in Alice Springs and say that this is the context of your offending.

You instructed your lawyers that you would be willing to engage in any rehabilitation services offered to you. A multi-disciplinary report was tendered at your sentence hearing. I note that that report is now somewhat dated as it is about three years old. You were diagnosed with a mild intellectual disability due to impaired intellectual abilities which were below the first percentile in conjunction with functional difficulties in daily life.

Your cognitive testing evidenced that amongst other impairments, your executive functioning is severely impaired. Your daily functioning is impacted, particularly when it comes to understanding and navigating social relationships, social vulnerability and your ability to understand the consequences of your actions and self-advocating is impacted.

You have a prior criminal history which includes previous unlawful entry offences, damage to property, theft and driving a motor vehicle dangerously and unlicensed. The kind of offending that you engaged in on this occasion is prevalent,

particularly among young people. It causes much disquiet and upset in the community. I accept that your deprived upbringing, your exposure to violence and substance abuse and your commencement of alcohol abuse at an early age reduce your moral culpability.

I also accept that your low cognitive functioning also reduces your level of moral culpability. I further accept that you were a very young adult at the time of this offending. Your criminal history disentitles you to any leniency in sentencing for the present offences. You are also unfortunately recorded for breaching court orders. I do accept that you provided assistance to the authorities by participating in a recorded interview.

You have spent some time in custody now awaiting sentence and I accept that the appropriate date to commence any sentences is 5 September 2025. It is accepted that you entered pleas of guilty to these charges at an early time, thus saving the community the cost of a defended trial. I accept that your pleas of guilty evidence some remorse; however, I do note that the case against you was strong.

I will reduce the otherwise appropriate sentence by about 20 percent because of your pleas of guilty. It is difficult to assess your prospects for rehabilitation. This series of offences is an escalation in your offending. While your moral culpability is reduced for the reasons I have given, there is nothing before me to suggest that the factors which are relevant to the reduction in your moral culpability are currently being addressed or can be adequately addressed, and therefore the protection of the community becomes a very important sentencing consideration.

I do accept that your willingness to accept responsibility for your offending is important. Also, this is the first time that you have been held in an adult prison which may well have an increased deterrent effect upon you. The only appropriate sentence for this offending is imprisonment. I accept that all of these offences occurred as part of a continuous offending spree, such that significant concurrency is appropriate. But it would be inappropriate to make all sentences concurrent. Some degree of accumulation is inevitable.

On count 8, I record a conviction and you are sentenced to 3 years and 6 months' imprisonment commencing on 5 September 2025 and expiring on 4 March 2029.

On count 10, I record a conviction and you are sentenced to 2 years and 5 months' imprisonment commencing on 5 April 2027 and expiring on 4 September 2029.

On count 9, I record a conviction and you are sentenced to 2 years and 10 months' imprisonment commencing on 5 February 2027 and expiring on 4 December 2029.

On count 1, I record a conviction and you are sentenced to 2 years and 4 months' imprisonment commencing on 5 February 2028 and expiring on 4 June 2030.

On count 2, I record a conviction and you are sentenced to 6 months' imprisonment commencing on 5 February 2028 and expiring on 4 August 2028.

On count 3, you are convicted and sentenced to 2 years' imprisonment commencing on 5 September 2028 and expiring on 4 September 2030.

On count 4, you are convicted and sentenced to 6 months' imprisonment commencing on 5 September 2028 and expiring on 4 March 2029.

On count 5, you are convicted and sentenced to 2 years' imprisonment commencing on 5 March 2029 and expiring on 4 March 2031.

On count 6, you are convicted and sentenced to 12 months' imprisonment commencing on 5 June 2030 and expiring on 4 June 2031.

On count 7, you are convicted and sentenced to 6 months' imprisonment commencing on 5 January 2031 and expiring on 4 July 2031.

The total sentence of imprisonment is therefore one of 5 years and 10 months' imprisonment commencing on 5 September 2025 and expiring on 4 July 2031.

I will set a non-parole period of 2 years and 11 months commencing on 5 September 2025 and expiring on 4 August 2028.

Now, is there anything arising from that?

MS LEONARD: Not from defence. Thank you, your Honour.

MS HOUSTON: Not from the Crown, your Honour.

HIS HONOUR: Thank you. I will adjourn.
