

N.B. Copyright in this transcript is the property of the Crown. If this transcript is copied without the authority of the Attorney-General of the Northern Territory, proceedings for infringement will be taken.

THE SUPREME COURT OF
THE NORTHERN TERRITORY

SC 20921764

THE QUEEN

and

JOACHIM GOLDER

(Sentence)

KELLY, J

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON THURSDAY 2 SEPTEMBER 2010

Certified a true transcript of a record.

Transcribed by:
Merrill Legal Solutions

HER HONOUR: Joachim Golder, you have been found guilty by a jury of the murder of your de facto wife, Leslie Tilmouth.

On the night of 29 June 2009, you and your de facto wife and her cousin-brother were sitting in the Todd Riverbed near a big tree, next to a fire which had been lit by your wife's brother. All three of you had been drinking earlier in the evening, although not together.

During the course of that evening, you launched a vicious and sustained attack on your wife with a number of large rocks you found in the vicinity of the Todd Riverbed. The medical and forensic evidence suggests that you inflicted at least four blows to the back of her head using severe force in the case of two of them and at the extreme end of a moderate to severe force in the case of the other two.

All wounds cut through the scalp. Two of them penetrated the membrane surrounding the skull. Your wife died as a result of a subarachnoid haemorrhage to the brain as a result of one of those blows.

Your attack upon your wife can only be described as a savage beating. Among the injuries you inflicted, were a ragged injury to the right ankle and a very deep cut to her left foot exposing the cartilage. Each of the wounds, those wounds and the head wounds, bled profusely. A post mortem examination revealed the large number of other less serious wounds to her body, including evidence that she had been punched in the mouth at least once and kicked in the torso, presumably while lying on the ground.

At some point during the attack, you dragged your wife away from the tree area, further into the riverbed where her body was eventually found. You then continued your attack upon her. You also violently tore her underpants off causing her further injury.

During the course of the attack your wife's brother heard her say, 'Don't hit me, I'm your wife.' She was crying and sad when she said that, then she did not say any more.

You ran away from the scene and your wife's brother went up on to Leichardt Terrace and waved down a car at about 11 o'clock. He asked the driver to contact police. The driver contacted the ambulance and police and your wife's dead body was discovered in the Todd River bed at about midnight.

Early the next morning you turned up at the police station wearing the same clothes you had been wearing the night before. You had your wife's blood spattered from the brim of your hat, across the front of your shirt and jacket, on your jeans and down to your boots.

This was a cowardly and vicious attack on a defenceless woman who should have been able to look to you for protection. You have offered no explanation at all for attacking her, other than that your counsel says you were very drunk at the time.

You have a lengthy criminal history, including a conviction for manslaughter in March 1993 for the unlawful killing of your brother and a conviction for unlawfully causing grievous harm in 2005, when you stabbed your then de facto wife. Both of these crimes were committed when you were intoxicated.

I am told that you are an initiated man with strong traditional values when you are not drinking and that you have, for long periods of time, worked out bush as a stockman and station worker, happily and contentedly away from alcohol and out of trouble. However, it appears from the sentencing remarks of her Honour Thomas J, on the grievous harm conviction, that you have had a continuing problem with alcohol since you were 15 years of age, and it is readily apparent from your criminal history and the current offence, that when you abuse alcohol you are an extreme danger to those around you, as the deceased lady found out too late.

You come from a respectable family from Santa Teresa. Your sisters have been in Court to support you throughout the course of your trial and are present today to hear you sentenced. It is a very sad matter for them. You have caused great sadness to your family from what you have done and the fact that you will now have to go gaol until you are an old man.

The penalty for murder is imprisonment for life. Pursuant to s 157(2) of the *Criminal Code*, that sentence is mandatory. S53A of the *Sentencing Act* provides for a standard non-parole period of 20 years or 25 years if certain specified aggravating circumstances apply. s53A(1)(b) and 53A(3)(f) together provide that if at the time an offender is convicted of murder, that offender had one or more previous convictions for unlawful homicide, the Court must impose a non-parole period of 25 years. As you were convicted of manslaughter in 1993, those provisions apply in your case.

The Court may refuse to fix a non-parole period if satisfied that the level of culpability in the commission of the offence is so extreme that the community interest in retribution, punishment and deterrence can only be met if the offender is in prison for the term of his natural life without the possibility of release on parole.

I am not satisfied that your level of culpability is so extreme as to warrant refusal to fix a non-parole period and the Crown is not suggesting that I should be so satisfied. The Court may fix a non-parole period longer than 25 years if satisfied that – because of any objective or subjective factors affecting the relative seriousness of the offence along the period, is warranted.

The Crown has not submitted that there are any objective or subjective factors which would warrant a non-parole period longer than 25 years, and I am not of the opinion that a longer non-parole period is warranted.

You will be convicted and sentenced to life imprisonment. I fix a non-parole period of 25 years. The sentence is to commence on 30 June 2009.

MR THOMAS: Your Honour pleases.

HER HONOUR: Anything further?

DR ROGERS: Your Honour pleases.

HER HONOUR: Thank you.
