

On 5th June 2003, magistrate Dick Wallace in the Darwin Court of Summary Jurisdiction found Robert Inder-Smith and Mr Stuart Highway and others guilty of “intentionally disturbing the Northern Territory Legislative Assembly while in session on 14 May 2002” in a politically-motivated protest action. Robert Inder-Smith was given a sentence of 21 months imprisonment and Highway was sentenced to 18 months, to be suspended after they had served five months imprisonment.

All the sentenced protesters appealed because the periods of imprisonment were “disproportionate to the objective seriousness of the offending” and the sentence was “manifestly excessive”. After many delays, the appeals were eventually heard together on 12 February 2007.

The newspaper reported in February 2007: “Self-represented, Highway and Inder-Smith - members of the controversial pro-drug law-reform Network Against Prohibition – exhausted their avenues of appeal late last year when they tried unsuccessfully to have their case taken to the High Court of Australia.”

On 26 February 2007, following the appeal hearing, Judge Southwood in the Darwin Supreme Court found that the appeal should succeed mainly because “the sentences of imprisonment were excessive”.

Judge Southwood quoted from *Hoare v The Queen* (1989) which found, “a basic principle of sentencing law is that a sentence of imprisonment imposed by a court should never exceed that which can be justified as appropriate or proportionate to the gravity of the crime considered in light of its objective circumstances”.

Judge Southwood re-sentenced Inder-Smith to eight months in Berrimah prison, to be suspended after serving one month on the condition he was not to enter Parliament House in Darwin for a period of two years and not to associate with Stuart Highway and others for a period of one year from his release from prison. Stuart Highway was re-sentenced to six months in Berrimah prison to be suspended immediately on condition that he did not enter Parliament House for two years and not to associate with Inder-Smith or any of the other appellants for one year.

Stuart Highway had served three months in Berrimah in 2005/6 for allegedly smashing a police van windscreen at the notorious “sixth smoke-in” in Raintree Park in Darwin.

Highway and Inder-Smith, with fellow protester Gary Meyerhoff, had been wrongfully imprisoned in late 2004 for two days after an administrative error, which occurred while they were free on bail and while the appeal process was still in train.

Rob Inder-Smith was incarcerated in Berrimah prison from February 26 to the end of March, 2007. Graham X's daughter was born on 2 February, 2007, while Graham was on remand in Berrimah Prison waiting to be sentenced.

While Rob Inder-Smith was doing time, Graham X was escorted from Berrimah to be sentenced by Chief Justice Brian Martin. On 22 March 2007 in the Darwin Supreme Court, the judge sentenced Graham X to seven years in Berrimah prison, backdated to the trial verdict on 23 November 2006.

On 24 March 2007, Graham turned 19. He served the full seven years.

There was no appeal in *Graham X v The Queen*.

Graham X's defence lawyer, Alan Woodcock, went on to become a Judge in the Darwin court.