

The Ballard of Kyle Horace, the 15 year-old boy sentenced to 7 years in Berrimah Prison,

or 'Lazy May Day holiday in Darwin town'

A song performed and written by Rob Inder-Smith

(The words are to the tune of 'Hurricane', by Bob Dylan.)

1) Lazy May Day holiday in Darwin town

Two bored teenage girls in a bus stop biding their time

Watch the tall stranger walking down the road

He asks for directions ignites the motherlode

B: Here comes the story of Kyle Horace

Someone jailed in the usual chorus

Of justice being seen to be done

Sentenced in the NT Supreme Court

For something that never happened three years before

2) Two good white girls aged just 13

Wondering 'bout the mysteries of life and all that's unseen

One decides it's time to shed her innocence

Goes off with the boy for him there's no defence

Behind a schoolyard bush Kyle and the girl

Loosen up their gear give it a whirl

Clumsy and anticlimactic passer by calls out, 'Hey'

And two would-be daylight lovers dress quickly

And for minutes together would stay

3) A witness would tell the court that he saw the young pair talk

No sign of grief or fear nothing untoward

Then Kyle went happily on his way

And for another bus he waited that fateful day

Oblivious to the fuse that he'd lit

Slow burning and rotten every bit

Thinking about his dear old grandma

Who loved and raised and him treated him like a star

4) At just 15 Kyle Horace was a worldly youth

He'd known girls before that's surely the truth

Cheeky, spry, hot-blooded but a rapist he was not

Despite the story told back in the cop shop

Where a guilt-struck girl turned on the tears

'He raped me,' she sobbed, to wipe away her fears
Falsely accusing a young man
Even though she'd gone with him willingly and knew he was innocent

5) Nothin' more came of it three long years pass
Mayday tryst forgotten no sign of looming farce
Life goes on and the boy is now a man
Nothing to fear! He never saw the cop van
While walkin' carefree down the street
Cop said, 'Get in the cage! A judge you'll shortly meet'
Just as Bob sung of Patterson
In Darwin, if you're black you're as good as a marked man.

Woman cop blamed her marriage break-up stress
For taking 36 months to make the arrest
Kyle locked up in a bolt from the blue
Coz of a mixed-up a girl he hardly even knew
In court the evidence didn't stack up
Alleged victim lied Kyle never even spoke
But Judge Martin didn't care
To hell with proven beyond doubt
The bewigged messiah decided a jail term he would wear

Our criminal justice system prides itself
On being fair and in good health
With judges on high rewarded with wealth
And many backroom deals conducted in stealth
All of these learned sit in judgment
Martin feeling guilty once said, 'I'm only human'!
Yet he sprouts noble words of law
Martin et al are untouchable and therein lies the festering sore

Arrested at 15; charged at 17 tried as an adult, sentenced at 18
Seven years in Berrimah that's what Kyle got
For a crime he never did thanks to a pompous judge's rot
And of the poor girl the one who's to blame
For Kyle's long nightmare is she insane
With terrible guilt for what she did?
Or has she simply blocked it all from her memory?

9) Justice Brian Martin was never called to account
For the miscarriage of justice that he dished out
Inconsistent evidence did not matter, he said
The boy before me is unrepentant
How can one red-robed fool
Make an innocent man's life so terrible?
So the question must be asked,
Because Kyle was not white or contrite was Martin J being racist?

10) Kyle Horace should never have been tried
The charge was rape but a teenager lied
That's clear as day in the testimony
But not to the judge or the all-white jury
She was from a good family
Well brought up Dad's in the army
Before a judge looking to atone
For what he once decreed
The press cried, 'Stupid' and everyone agreed.

11) Here in the NT justice is not blind
It's entirely random and often you'll find
Racist cops and judges who pontificate
Destroying lives, determining fates
That's the story of Kyle Horace
The man jailed in the usual chorus
Of justice being seen to be done
Locked up in a prison cell for seven years even though he did nothing wrong.

Note: Chief Justice Brian Martin retired, saying "Enough is Enough". He was brought out of retirement to officiate in the trial of Lloyd Rainey in The Western Australian Supreme Court in 2012. In a 'judge alone' decision, Martin found Rainey not guilty beyond reasonable doubt of murdering his wife.

In Kyle's case, a 15 year-old boy was sentenced to 7 years when all the witnesses questioned the complainant's version of events, surely making her an unreliable witness. In these circumstances why wasn't Kyle also found not guilty beyond reasonable doubt. BD