"What Justice?" Letter of the Day, NT News, 28 November, 2018, page 33.

I have recently spent over a week sitting in on a trial in the Supreme Court. I now realise that the so-called justice system is an absolute farce...We have counsel for the defence and counsel for the prosecution. The smartest and most persuasive debater wins the case... [The jury] are persuaded in their verdict by the most skilled counsellor...

Comment: In the case of The Queen v Graham X, held in the Darwin Supreme Court in November 2006, the accused was represented by Alan Woodcock, appointed by Legal Aid. Woodcock was an ambitious man, who has since been appointed as a judge, as magistrates are now known, in the Darwin District Court. He advised Graham X not to speak during the trial. The reason is not known. He did not appeal the verdict. In recent years I witnessed a farcical trial of a local identity, Trevor Jenkins, AKA "The Rubbish Warrior", before Woodcock. Jenkins defended himself, testing the patience of Woodcock, who frequently lost his temper with the defendant. The only time I have spoken with Woodcock was after I had sent him my comments on Graham X's trial transcripts. Woodcock rang me at home to say he was very offended by my direct quote of an observation by Graham X's stepfather who attended the police station on the night that Graham X was taken in for questioning. The stepfather told me that he saw the complainant with her mother at the police station and noted, "She looked like a 20-year-old whore," who looked across the room at him and smiled smugly. Woodcock said angrily, something to the effect, "She was only a young girl." My reply was, "The stepfather was there on the night, and we were not," remembering that the trial was held three and a half years after the events. In fact I cannot understand why the stepfather was not called as a defence witness, firstly of what he observed of Graham X's demeanor on the night, and secondly his description of the complainant. Also I questioned why Woodcock seemed more concerned about the girl than the boy whom he was supposed to be defending.

In the three years since the alleged assault, the complainant had received counselling, which in my opinion tainted her retelling of the events, such as her claim in 2006 that Graham X told her, "This will be our little secret." Perhaps more importantly, her statement varied from the statement given to police on the night, and her account varied from the accounts given by other witnesses (the passer-by, the school caretaker, and the girlfriend) and the forensic evidence.

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LETTER OF THE DAY

What justice?

I HAVE recently spent over a week sitting in on a trial in the Supreme Court.

I now realise that the so-called justice system is an absolute farce.

There is absolutely no way that justice can be assured.

Two high-profile convictions have been overturned this month alone. Sadly after the accused have spent years in prison.

Why does this happen?

The reason as I observed is the jury-based system.

We have counsel for the defence and counsel for the prosecution.

The smartest and most persuasive debater wins the case.

The judge acts as a legal referee but imposes minimal control over the defence or prosecution counsel, leaving it up to the two players to object if lines are crossed.

If the defence wins, a guilty person may go free.

If the prosecution is more persuasive the jury may convict an innocent person.

It's a game played at the expense of other people by individuals who have no accountability to the person accused.

The jury is often an unwilling partner in this game and no monitoring of their decisions occurs.

They are persuaded in their verdict by the most skilled counsellor.

Time to get rid of jury trials and go with a system like the French of multiple judges assessing the case.

Name and address supplied