

The Trial of Mark Pickled Parrot

Mark Johnson,
Barrister,
William Forster Chambers



On Saturday 24 August, the Darwin Supreme Court, the venue of so many prominent criminal trials of bygone years, was the venue for a criminal trial, somewhat of an unusual kind. This trial involved an allegation of *stalking* with the accused being a local man, Mark Pickled Parrot.

As part of the events involved in the Supreme Court Open Day, the Northern Territory Bar Association (NTBA) was asked to present a mock trial, being for the benefit of those members of the public who turned up at the court to find out more about our courts and our judicial system. The NTBA was pleased, yet again, to take part in this, so as to demonstrate what happens in a criminal trial and also to try and dispel some of the mystique involved in the conduct of a criminal trial and sentencing proceedings.

After being educated and advised (we don't like to use the term *indoctrinated*) by the Chief Justice on sentencing in our criminal courts, the participants assembled in Court 3 for the mock trial.

The trial was presided over by Judge Peacock (a.k.a. our own, Justice Judith Kelly). The accused, Mark Pickled Parrot (alias David Baldry from William Forster Chambers), was very ably

represented by barrister, Walter Woodpecker (a.k.a. Mark Thomas, from John Toohey Chambers). The prosecutor, Percy Pidgeon (a.k.a. Matthew Nathan, from ODPP), very ably put the case for the prosecution, principally involving the sadly aggrieved and very emotional Molly Polly Canary (a.k.a. Felicity Gerry from William Forster Chambers), who almost exhausted the Court's supply of tissues on the day. Also testifying for the prosecution was Molly's friend and new lover, Philip Finch (a.k.a. Tony Young from William Forster Chambers), who attempted to bring some sense and reason into the whole matter. In addition to the lawyers who took part, we were pleased to have two of the current judges associates, Bella Maxwell-Williams and Thomas Bland, take on the roles of Judge's associate and Sheriff's Officer respectively. The Security Officer was Peter Shew, a real security officer.

All involved came suitably attired, with Molly Polly Canary dressed in a very bright and appropriate canary yellow blouse, while Mark Pickled Parrot came presented as if he was extra in *The Sopranos* or, as Judge Peacock commented, looking somewhat more like a *Klinton*.

To add a touch of reality, we called upon 12 good men (and



women) and true, to act as the jury. Having heard all the evidence and being guided by excellent closing addresses by Messrs Pidgeon and Woodpecker, the jury returned a verdict of *Not Guilty*. At this stage, as is normal in a criminal trial, Judge Peacock informed that the Accused that he was discharged and could therefore leave the dock. However, such was not his fortune, as he was then informed that, despite his acquittal on the charge, he would be sentenced nevertheless, something for which he was none too pleased. But,

despite the clear potential for injustice, the reason for this was so that we could present to the jury an example of a sentence hearing.

As a departure from a sentence hearing in a real situation, we asked the jury to remain, so as to take part in the sentencing exercise. The prosecutor, Percy Pidgeon, made his sentencing submissions, in which he dealt with the seriousness of the offence, but still left it open for some moderation in the sentencing process. Then, the defence counsel, Walter Woodpecker, made impassioned submissions seeking the mercy of



sentence, a straw-poll was taken of the audience, in which the majority indicated a sentence more in line with that which was later delivered by Judge Peacock.

The mock trial was generally considered to be a success and was well attended by members of the public. To quote the Chief Justice,

“The mock trial was once more a ‘standing room only’ event.... As you know the mock trial is a great attraction for the Open Day and I am sure that

it was a significant factor in us achieving the best attendance ever to this event. The good thing about the mock trial is that not only is it entertaining but it fulfils a significant educative role as to the workings of the Court.”

I would like to thank all involved in the mock trial in giving their time so freely and positively, but also to Malika Okeil, for the work in setting it up.. ●

the court, particularly asking that no conviction should be recorded. After deliberating (for a mere five minutes, as they were limited), the jury returned to deliver a sentence, which involved a three-month jail sentence, wholly suspended, subject to conditions which effectively amounted to a form of restraining order. Unusually, for sentencing exercise of this kind, Judge Peacock delivered a less severe sentence, in the form of a good behaviour bond. It is interesting to note that, while the jury were out deliberating on the

