

Wrongly jailed drink-driver tells court of anguish

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A Canberra pensioner wrongfully imprisoned in Goulburn jail's maximum-security unit alongside murderers and rapists told an ACT court yesterday he still had nightmares and could not sleep.

In the first case of its kind in the territory, Paul Brian Morro, 56, and two other men are suing the ACT Government over separate decisions by the Sentencing Administration Board to revoke periodic detention sentences and imprison them full time. They are relying on the Human Rights Act for compensation.

Mr Morro told the ACT Supreme Court yesterday he had spent 212 weeks in Goulburn's maximum security unit alongside criminals such as serial backpacker murderer Ivan Milat before he was transferred to a minimum-security unit. "I haven't been able to sleep ever since this happened," he told the court yesterday. "I'm really upset about it. Even now I hate answering the door in case it's the police saying, 'We're here to arrest you for something else you haven't done.'"

In August 2006 Mr Morro a serial drink-driver on a disability pension was sentenced to nine months' weekend detention for refusing a breath test and driving an unregistered and uninsured car. Chief Magistrate Ron Cahill deferred sentencing him on one count of driving while disqualified, for which he remained on bail. One of Mr Morro's bail conditions was that he not consume alcohol.

In September 2006 he turned up drunk for a periodic detention appointment at Belconnen Remand Centre. In November he again came before Mr Cahill, who recorded a conviction for driving while disqualified in light of the breach, but did not alter the periodic detention order. In mid-December the Sentencing Administration Board cancelled his periodic detention, mistakenly believing he had been convicted of a new offence, and notified him by mail to surrender himself at the nearest police station to begin serving a custodial sentence. Mr Morro told the court he had called the periodic detention centre to report the mistake and was assured he would not be arrested until the courts reopened in early January after the Christmas break.

But on December 30, 2006, Mr Morro was arrested at his Scullin home and thereafter spent 73 days in jail, almost a third of them in Goulburn's maximum-security unit. Even in the lower-security area he was confined to a cockroach-infested cell for most of the day where he was subjected to intimidation from cellmates, inadequate medical treatment and little access to a telephone.

Counsel for the three men, John Purnell, told Justice Malcolm Gray his clients were entitled to compensation under the Human Rights Act that says, "Anyone who has been unlawfully arrested or detained has the right to compensation for the arrest or detention." Since these incidents the territory's laws have been amended so that a magistrate determines whether a person should have his or her periodic detention sentences cancelled. The hearing continues today.