

Donny Jeremy Ray, you have pleaded guilty to five crimes and to four summary offences that I am going to deal with under s 385A of the *Criminal Code*. All of these charges relate to incidents that occurred on the morning of 13 October last year when you were under the influence of Ice. Around midnight that night, you used some Ice. You certainly would not have done any of the things you did that night if you had not taken Ice. One of the summary charges that you have pleaded guilty to is a charge of using a controlled drug, namely crystal methamphetamine.

You decided to enter an apartment that people were living in, and steal a car. You have pleaded guilty to a charge of aggravated burglary. That means you acknowledge that you entered the apartment in question, without permission, intending to steal a car, and you were armed with a knife. I accept that, in your intoxicated state, you thought that, as there was a window that was not locked and the lights were off, there was probably nobody home. However, when you got inside, you found that there were people home. A couple were living in the apartment that you entered. They were asleep. They woke up to you coming in through the window. You were dressed all in black. You had clothing that left only your eyes visible. That makes things worse because that makes the experience more terrifying for your victims. You had pulled out your knife. Its blade was about 10 centimetres long. And you demanded their car keys. You took their car keys and went out and drove off in their vehicle. You pleaded guilty to aggravated carjacking. The word "aggravated" refers to the fact that you were armed with that knife.

Then, as you were driving, you passed a police vehicle that was going the other way. The theft of the vehicle that you were driving had been reported to the police. They turned to follow you. You tried to get away from them. You increased your speed to 100 kilometres an hour when the speed limit was 50. You pleaded guilty to exceeding the speed limit in a built-up area. As it happens, you only had a learner's licence – one from Victoria. You were on your own. You pleaded guilty to a charge of driving when you were not accompanied by a licensed driver.

You have also pleaded guilty to evading the police. You tried to outdistance them, even though they were following you with their lights and sirens activated. You went up a road that ends in a dead end. You turned around and were heading back towards the police vehicle. The road was not wide enough for you to go past it. You drove straight into it. You pleaded guilty to two charges of unlawfully injuring property – one relating to the police divisional van, and one relating to the stolen car that you were driving.

You have also pleaded guilty to a charge of aggravated assault. That relates to the fact that you drove into a vehicle with two police officers in it. The collision no doubt shook them. An assault occurs when force is applied to the body of another person. So, by crashing into the vehicle and shaking the two officers, you committed an assault, and it is the crime of aggravated assault because it is something you did when you were trying to prevent your lawful apprehension by those police officers.

Those are all the charges – aggravated burglary, aggravated carjacking, aggravated assault, two counts of unlawfully injuring property, evading police, speeding, driving as an unaccompanied learner, and using a controlled drug.

Neither the couple whose apartment you invaded, nor either of the police officers have provided victim impact statements. It must have been a terrifying thing for the sleeping couple whose home you invaded, and so I regard the charges of aggravated burglary and aggravated carjacking as the most serious charges in this collection of charges.

You are 36 years old. You have been in trouble a couple of times before, but it has not been anything nearly as serious as this. You have convictions for breaching a police family violence order and for resisting a police officer. You suffer from schizophrenia and bipolar disorder. Your mental health problems were not being managed when you committed all these crimes and offences. You got into this because of drug problems. It is probably not surprising that you have drug problems because you had a terrible, unstable childhood and adolescence. I was going to say a terrible upbringing, but I do not think that is the right word. I do not know that you had much of an upbringing.

To your credit, you did not start using hard drugs until your late 20s. You are now 36, and, since the night in question, you have been doing all the right things. You have been clean for months. You want to make arrangements to have regular contact with your children, but not until you get out, because you do not want them to see you in your present circumstances. Your mental health problems are being managed. You know better than I do how hard it is to get off hard drugs. You know better than I do about the risk of relapse, the risk of trying to stay clean, and giving in to temptation. And it is a terrible time to be in custody now. To your credit, you decided not to apply for bail, but to start serving your sentence and get it over with.

I am going to impose the shortest possible non-parole period because you have been doing all the right things, and because I think it is likely that you will benefit from supervised conditional release in due course. But I have to give you a substantial sentence for what you have done, and I have to give you a separate sentence for evading police.

I convict you on all charges. On the charges on the indictment, and the charge of using a controlled drug, I sentence you to 2 years 9 months' imprisonment with effect from 13 October 2019. You will not be eligible for parole until you have served half that sentence. On the charge of evading police, I sentence you to a cumulative term of 1 month's imprisonment. You will not be eligible for parole until you have served half of that sentence as well. For the purposes of s 92A of the *Sentencing Act*, I specify that the total of the two sentences is 2 years 10 months, and the total of the non-parole periods is 1 year 5 months. On the charge of evading police, I disqualify you from driving for 3 years as from today.

I order that you pay the Department of Police, Fire and Emergency Management compensation to be assessed for the damage to the police vehicle. I order that you pay Mahammad Quershi compensation to be assessed for the damage to his vehicle. I adjourn both assessments of damages sine die.