

Mr Quinn, you have pleaded guilty to the following crimes and offences:

- (a) In respect of your conduct on or about 1 September 2018, one count of aggravated assault and one count of trafficking in methylamphetamine. You have also pleaded guilty to the following summary offences: possession of a stolen firearm, possessing ammunition without the appropriate license, possession of a shortened firearm, possessing the firearm when not the holder of the necessary firearms license, injuring property and three counts of possession of a smoking device used for the administration of a controlled drug.
- (b) In respect of conduct between 29 and 30 September 2019, one count of dangerous driving, together with associated summary offences, which are evading police with aggravated circumstances, driving while disqualified, resisting a police officer, driving a motor vehicle while a prescribed illicit drug was present in your blood, using an unregistered motor vehicle, using a motor vehicle without premium cover, one count of breach of bail and 1 count of breach of a family violence order.

Further, your commission of the 2019 offences was in breach of the condition of suspension of two sentences imposed by a magistrate on 18 June 2019. The prosecution has applied for the activation of those sentences. You have conceded the breach of the said sentences.

I first will deal with the offending on 1 September 2018. At that time, you were 20 years of age. You had been in a relationship with Ms King for approximately 2½ years. You were living with Ms King in a bedroom in the home of her mother, the complainant in the aggravated assault, Ms Salter.

The firearms charges relate to a 12 gauge side-by-side shot gun. This firearm was stolen from its owner on 27 February 2018. Its barrels had been shortened and the wooden butt sawn off behind the pistol grip. You were also in possession of two 12 gauge cartridges suitable for use in this weapon. You were not licensed to possess the weapon nor the ammunition pursuant to the Firearms Act. You told police when interviewed after the events in question, that you had found the firearm under a tree, but at the sentencing proceedings, your counsel did not attempt to offer this or any other explanation for your possession of the stolen weapon. Of course, you are not to be punished for stealing it, but the possession of a stolen firearm is a serious matter, not least because of concern in the community about the theft and illegal use of firearms.

In the early hours of 1 September 2018, while you and Ms King were at Ms Salter's house, you became angry with Ms King. Your anger seems to have been sparked by her actions in paying money to another person in apparent response to a threat. The threat was communicated by words painted on her mother's house. In anger, you kicked the bonnet of her car, causing a dent. This constitutes the offence of injuring property. You then returned to the bedroom you shared with Ms King and took hold of the firearm. You obviously kept it in that room. Ms Salter entered the room when she heard her daughter scream. You committed the crime of aggravated assault, when you pointed the firearm at Ms Salter's head and said words to the effect of "I'll shoot both of you." Both Ms King and her mother were standing in the room at the time.

Ms King then persuaded Ms Salter to leave the bedroom. You continued to be verbally abusive towards Ms King but soon after you and she left the home for about 15 minutes. When you returned, the argument was over and there was no further incident that night. You were arrested by police the following morning. At that time, police found in your possession 9 snap lock bags each containing 0.1 g of methamphetamine, three smoking devices and a total sum of \$1115. You have not disputed that this sum represents the proceeds of drug sales. The possession of this money and the small number of bags of methyl amphetamine constitute the evidence supporting the charge of trafficking. I will proceed on the basis that the trafficking involved the sale of methyl amphetamine in small quantities to end users, and was on a comparatively small scale. I have not been given any other information about this crime.

I was told that Ms Salter did not know whether or not the shot gun was loaded at the time that you pointed it at her and was very scared. Apart from that, I have not been given any victim impact information. Despite being found in possession of 2 shells, it is not positively asserted that the firearm was loaded when you committed the aggravated assault, and I will accordingly sentence you on the most favourable basis, that is, that it was not loaded.

After being charged in respect of this conduct, you were released on bail. Between that time and the commission by you of the offences on 29 and 30 September 2019, you were dealt with by a court on a number of occasions. I will briefly summarise those proceedings as they are relevant to your moral culpability in respect of the offending in September 2019 and the suspended sentences. This conduct is also relevant to your general attitude to authority and compliance with the law.

On 16 January 2019, you were convicted of a number of driving offences which had been committed by you throughout July 2018. These offences were committed over 3 separate occasions. On each occasion, you had driven an unregistered and uninsured motor vehicle without a licence and while a prescribed illicit drug was present in your blood. A magistrate made a community corrections order and imposed a 20 month driving disqualification, which commenced on 16 January 2019. On 30 April 2019, you were convicted of several counts of breaching an interim family violence order made for the protection of Ms King which prevented you from contacting her, as well as numerous counts of breach of bail constituted by your failure to comply with the family violence order. These offences had been committed during late January and early February 2019. It would seem that you had been denied bail from 7 February 2019 in respect of these offences, and a sentence of imprisonment for this offending was backdated to that date, with the balance, a very short period, being suspended for two years. On 18 June 2019, you were sentenced for a number of other traffic offences, which had been committed throughout 2018. These included 10 separate instances of unlicensed driving, five counts of driving a motor vehicle while prescribed illicit drug was present in your blood and one count of evading police with aggravated circumstances. The sentences imposed included two separate sentences of imprisonment, one of two months and one of six months, each of which was suspended for a period of 18 months. The conditions of suspension were that you were not to commit another offence punishable by imprisonment during the 18 month period, and satisfactorily complete a community correction order. A driving disqualification for a total period of 36 months commencing on 18 June 2019 was also imposed. It is these two suspended sentences which are the subject of the prosecution's application for activation in these proceedings.

You committed the driving offences with which I am dealing just over three months later. Those offences were committed during a course of conduct, which commenced when you drove

past a police vehicle on the Brooker Highway at 11:30pm on 29 September 2019. The vehicle being driven by you was unregistered and uninsured and you were obviously still subject to the order of disqualification which had been imposed on 18 June. A blood test taken after your eventual arrest revealed the presence of methylamphetamine, amphetamine and THC in your blood. Ms King was in the front passenger seat of your vehicle. The fact that she was present in your vehicle constituted the breach by you of a family violence order made on 5 October 2018, a condition of which was that you were not to be within 50 metres of her. You were also in breach of bail conditions which had a similar effect. Finally, you were in breach of a bail condition which required you not to be absent from your residence unless in the company of a person, whom I assume was your surety.

After driving past the police vehicle, you accelerated away at a speed in excess of 120 km/h. You were then travelling in an 80 km/h zone. Police lost sight of you as you entered the CBD. They deployed a number of vehicles to search for you. You were next seen by police at about 11:45 pm on the Southern Outlet. You were travelling at a speed of 130 km/h in a 110 km/h zone. You continued to travel at that speed into an 80 km/h zone and then at 120 km/h in a 60 km/h zone. You continued your journey on the Channel Highway at Kingston at a speed of 120 km/h. At one point on that Highway, you turned off the headlights of your vehicle and drove on the wrong side of the road. You swerved a number of times within the oncoming traffic lane. You then came back onto the correct side of the road and turned the headlights back on as you approached a roundabout. This occurred at the speed of 120 km/h notwithstanding that you were travelling in a 60 km/h zone.

As you continued your journey, at excessive speed, you were being followed by one or more police vehicles. You eventually drove through Snug. As you were about to exit the town, you conducted a sudden U-turn at speed and drove back towards one of the following police vehicles. You drove towards that vehicle at speed, while fishtailing back and forth across the whole width of the roadway. Your manner of driving resulted in a collision with the front driver's side and the driver's side rear passenger door area of that vehicle. The police vehicle was forced to stop, but you drove away. Shortly after, you drove your vehicle over road spikes which had been deployed by police in an attempt to stop you. This caused all four tyres to begin to deflate, but you continued to drive the vehicle anyway. You successfully avoided a second set of road spikes, which had been deployed some distance away.

A few minutes later, another police vehicle commenced to follow you with emergency lights and sirens activated. The speed of your vehicle was about 60 km/h. Sparks were coming from the wheels and you were struggling to maintain control of the vehicle. In fact, your vehicle was swerving over the road and on several occasions almost drove off the road. Eventually, a number of police vehicles managed to surround your vehicle and forced it to stop. One of the police vehicles was a divisional van, which parked one and a half metres behind your vehicle. After stopping, you reversed your vehicle and rammed the divisional van. There were two police officers seated in that van at the time. Fortunately, they were not injured as a result of your actions.

You refused to respond to police demands to exit the vehicle. Police were required to use force and deploy OC spray in order to take you into custody.

This is obviously an extremely serious case of dangerous driving. The course of driving continued over a considerable distance and time. The prosecution facts reveal that the entire course of driving lasted for approximately 45 minutes. During the majority of that time, you

were travelling at excessive speed, including through limited speed areas. You performed a number of dangerous manoeuvres and actually collided with police vehicles on two separate occasions. Both collisions resulted from you driving your vehicle at police vehicles, presumably in an effort to evade interception. You must have been aware that these vehicles were occupied by police officers. In my view, you deliberately drove your vehicle throughout these events in a dangerous manner and with complete disregard to the safety and welfare of the police involved, as well as that of Ms King and yourself. You are extremely fortunate that nobody suffered serious injury or worse as a result of your actions. Further, your conduct is aggravated by the fact that it took place in the context of your desperate attempt to escape police pursuit, and while you had illicit drugs in your body.

A further aspect of concern is the absolute contempt for the authority of the police and the law demonstrated by your conduct. It is apparent not only from the evasion of lawful interception, but also the fact that you did all this so soon after the imposition of a significant period of disqualification, together with two separate suspended sentences for driving offences which included evading police. Further, you were in breach of a family violence order, bail orders and, of course, were driving an unregistered and uninsured motor vehicle. Your lengthy criminal record demonstrates that this attitude to lawful authority is a long-standing feature of your character. You are now 21 years of age. Your record of offending commences when you were 12, and has continued consistently throughout your teenage and then adult years. In addition to the history already described, there are numerous earlier convictions for various offences, including unlicensed driving and driving an uninsured and unregistered motor vehicle. You also have convictions for other family violence offences. There is an earlier example of evade police. I do note however that there is no earlier example of dangerous driving, nor of firearms offences. I have been told something of the evade police which is relevant to one of the suspended sentences. Although it involved a clear defiance of the authority of police, it did not involve driving of the nature demonstrated by you on this occasion. Further, I observe that you have not been previously been convicted of assault.

Your counsel has told me that you had an unstable childhood, marred by family breakup and conflict. You developed a major problem with methylamphetamine in 2018, and were in the grip of this addiction when you committed the offending with which I am dealing. Your counsel submits that you are remorseful, particularly in respect of the 2018 offences. After being released on bail in respect of these offences you made an effort to avoid the use of drugs, but were unsuccessful in doing so. He tells me that you want to rehabilitate, but realise now that you will need assistance to do so when you are released from prison.

It is clear that general deterrence is an important sentencing consideration, particularly in respect of the dangerous driving. Further, the contempt you have shown for lawful authority, including orders of the court, requires that some emphasis be placed on personal deterrence. However, I am very conscious of your age. This fact alone requires reasonable consideration to be given to the need to encourage and support your rehabilitation. I accept your pleas of guilty as some indication of remorse and, at the very least, a current desire to rehabilitate. However, in order to proceed genuinely with rehabilitation, you will need to deal with the consequences of your past conduct and that will necessarily involve some further time in custody. However, upon your release, it will be necessary for you to deal with your drug problem, and this will require support. Further, in formulating sentence, I will take account the principles of totality. Although the two courses of criminal conduct for which you are to be sentenced involved completely separate and unrelated criminal conduct, it is necessary to

ensure that the final overall sentence is proportionate to the totality of the criminal conduct, and that it is not crushing having regard to your background and prospects.

In respect of the application for the activation of the suspended sentences, I am required to activate those sentences unless I am of the opinion that it would be unjust to do so. Your counsel has not submitted that activation is unjust, and in the circumstances, this is an appropriate position for him to take. Accordingly, those sentences must be and will be activated.

The orders I make are as follows:

- 1 You are convicted of the crimes and the offences to which you have pleaded guilty;
- 2 The suspended sentence of two months' imprisonment imposed by the Magistrates Court on 18 June 2019 is activated. It will be backdated and served from 2 August 2019. I should say that that is my calculation that takes into account the time you have spent in custody. You will not be eligible for parole until you have served one half of that sentence.
- 3 The suspended sentence of six months' imprisonment imposed by the Magistrates Court on 18 June 2019 is activated. It will be served cumulatively upon the activated 2 month sentence. You will not be eligible for parole until you have served one half of that sentence.
- 4 In respect of the crime of aggravated assault and counts 3, 5 and 8 on complaint 8454/18 and count 1 on complaint 8470/ 18, you are sentenced to a global term of 10 months' imprisonment. That sentence will be served cumulatively upon the 6 month activated sentence. You will not be eligible for parole until you have served one half of that sentence.
- 5 In respect of the count 4 on complaint 8454/18 and counts 4, 5 and 6 on complaint 8470/18, all of which are not imprisonable offences, I impose no further penalty.
- 6 In respect of the charge of trafficking in methylamphetamine, I impose a sentence of six months imprisonment, which will be wholly suspended for a period of 18 months, which will commence on the date of your actual release from prison. The suspension of this sentence will be on the following conditions:
 - (a) That you are not to commit another offence punishable by imprisonment during that period.
 - (b) That you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence from when you lawfully cease to be imprisoned under this sentence. The Court notes that the conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within three clear days of the day that you lawfully cease to be imprisoned. In addition to the core conditions, the order shall also include the following special conditions:

- (i) you must, during the operational period of the order, attend educational and other programs as directed by the Court or a probation officer;
- (ii) submit to the supervision of a probation officer as required by the probation officer;
- (iii) undergo assessment and treatment for drug dependency as directed by a probation officer;
- (iv) submit to testing for drug use as directed by a probation officer;
- (v) submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

I also make the following orders pursuant to the charges for which I have already imposed sentence:

- 7 Pursuant to s 38 of the *Misuse of Drugs Act* 2001, the snap lock bags, the black Adidas bumbag, a black billabong wallet and the smoking devices, all of which were seized by police and noted in property seizure records 180259 and 180260, are forfeited to the Crown.
- 8 Pursuant to s 16 of the *Crime (Confiscation of Profits) Act* 1993, I am satisfied that the 12 gauge shot gun, the two 12 gauge shells and the cash in the sum of \$1,115 seized by police are tainted property, and I order that that property be forfeited to the State. In respect of the firearm and the shells, I specify the value of the property at \$50.
- 8 Pursuant to s 68 of the *Sentencing Act*, I make a compensation order in favour of Jett King in respect of the damage to her motor vehicle resulting from the offence specified in count 1 of complaint 8470/18 in a sum to be assessed and I adjourn assessment of that sum sine die.
- 10 Finally, pursuant to s 13A of the *Family Violence Act*, I direct that the offences specified in count 1 on complaint 8470/18 and count 3 on complaint 9165/2019 be recorded on your criminal record as a family violence offences.
- 11 In respect of the crime of dangerous driving, and the offences specified in counts 1 to 5 on complaint 9165/19, complaint 9177/19, and complaint 10607/19, I impose a global sentence of three years' imprisonment. That sentence will be served cumulatively upon the 10 month sentence imposed for the aggravated assault and associated summary offences. The final 12 months of that sentence will be wholly suspended for a period of 18 months, which will commence on the date of your actual release from prison. The conditions of suspension will be the same as those imposed in respect of the suspension of the sentence for trafficking. You will not be eligible for parole in respect of this sentence until you have served one half of the operative sentence.
- 12 Further, in respect of those offences you will be disqualified from driving for a global period of four years, which will commence on the day of your actual release from prison, or at the expiration of any period of disqualification to which you are otherwise subject, whichever is the later.

- 13 In respect of the offence of evade police with aggravated circumstances contained in complaint 9164/19, you are sentenced to a period of four months imprisonment which will be served concurrently with the sentence imposed for dangerous driving. You are not eligible for parole in respect of that sentence. Further, I impose a driving disqualification of two years, which will be served concurrently with the driving disqualification imposed in respect of the dangerous driving.
- 14 For the purposes of s 92A(3) of the *Sentencing Act*, I specify that:
- (i) the total term of imprisonment which you are liable to serve in respect of all of the above sentences is three years and six months commencing on 2 August 2019.
 - (ii) The total period that you must serve before you become eligible for parole is the aggregate of the non-parole periods relating to the said sentences, which is a total period of 21 months, calculated from 9 August 2019.
 - (iii) These calculations exclude the sentences which have been wholly suspended.