

TASMANIA v BRENDON JAMES MARONEY
COMMENTS ON PASSING SENTENCE

30 JULY 2008
SLICER J

Brendon James Maroney has pleaded guilty to the crime of perverting justice contrary to the *Criminal Code*, s105. In accordance with the Code, s385A, a concurrent charge of driving whilst disqualified contrary to the *Vehicle and Traffic Act*, s13(1), was brought before the Court for sentence and a plea recorded.

On 31 December 2007 the offender was intercepted by police in the course of a random breath test operation. He had been convicted of a number of traffic offences in October 2007 and a four month period of suspension imposed on 19 October 2007.

When intercepted Mr Maroney produced a driver's licence, which he had not surrendered, which but for the suspension, expired as of 23 December 2007. He maintained that it was still current, the inference being that it had been recently renewed. Police were unable to verify or challenge the claim. He was issued with a traffic infringement notice for unlicensed driving but maintained that he had a valid licence.

On 9 November 2007 a further period of disqualification was imposed resulting in the effective period of disqualification being extended to 19 May 2008. Thus he was "doubly" dishonest with his claim made on 31 December.

On 2 January 2008 he was arrested by police for this crime and declined to participate in a recorded video interview.

Mr Maroney, aged 34, is single and has an extensive record of convictions for dishonesty, traffic, firearm crimes or offences and breaches of bail orders commencing in 1988. He has shown continued disregard for his responsibility as a driver.

Two penalties will be imposed, a sentence of four months for the crime and two months for the driving offence. They will be cumulative. An additional period of disqualification will be imposed. One half of the six months sentence will be suspended as a form of future subjective deterrence.

Orders:

- 1 Brendon James Maroney be convicted of the crime of perverting justice and the offence of driving whilst disqualified.
- 2 Brendon James Maroney be sentenced to a term of imprisonment for four months on the indictment for perverting justice, such sentence to commence as and from 22 July 2008.
- 3 Brendon James Maroney be sentenced to a term of imprisonment for a period of two months with respect to the offence of driving whilst disqualified comprised in complaint 30937/2008, such sentence to be cumulative to that imposed in order 2.
- 4 That one half of the cumulative sentence of six months be suspended on condition that for a period of two years Brendon James Maroney commit no crime or offence involving dishonesty or offence involving the use of a motor vehicle.

5 That the period of disqualification be four months, such period to commence as and from the date of release from prison making an effective period of seven months.

The victims of crime compensation levy of \$75 is to be paid within 28 days following release from custody.