

Mr Weiss-Trew has pleaded guilty to a charge of aggravated assault and a charge of dangerous driving, as well as nine charges of summary offences that I will deal with under s 385A of the *Criminal Code*.

The events in question began on Christmas Day last year. At that time Mr Weiss-Trew was a disqualified driver. In October 2018 a magistrate had disqualified him from driving for periods totalling three years on various charges including a charge of driving under the influence of intoxicating liquor and two charges of evading police. He had been to prison since then, serving a sentence for aggravated burglary and aggravated armed robbery, but he had been released on parole on 20 August 2019. However his parole was revoked on 29 November 2019, and a warrant was then issued for his arrest. On Christmas Day he was not just a disqualified driver but also a wanted man.

On that day he drove from the Southport area to Huonville with a friend to purchase some alcohol. He was driving back towards Dover when a police officer travelling in the opposite direction on an unmarked motorcycle used a radar device to measure his speed. Mr Weiss-Trew was travelling at 90 km/h but the speed limit was 70 km/h. The officer turned his motorcycle, followed Mr Weiss-Trew along the highway, and activated his lights and sirens. Mr Weiss-Trew eventually pulled over. The officer stopped his motorcycle behind Mr Weiss-Trew's station wagon.

Mr Weiss-Trew then committed the crime of aggravated assault by reversing his vehicle and colliding with the motorcycle, knocking the constable onto the ground, and continuing to reverse towards him. The constable was able to roll out of the way as the left rear wheel of the station wagon was travelling towards his head.

Mr Weiss-Trew then drove off. As he approached Dover he overtook another southbound vehicle when travelling at about 90 km/h when the speed limit was 60. He then crossed unbroken double white lines and overtook two vehicles as he approached the crest of a hill, narrowly avoiding a head-on collision when he returned to the correct side of the road. He almost lost control of his vehicle at that stage. He travelled at high speed to Station Road, turned left, and abandoned his vehicle behind a shed. Someone collected him and his companion in another vehicle and took them away.

In respect of the Christmas Day incident, Mr Weiss-Trew has pleaded guilty to aggravated assault, dangerous driving, driving while disqualified, and evading police.

Four days later, on 29 December, he borrowed another vehicle, drove to Huonville, bought some petrol, and drove south towards Dover. A police officer travelling north in a four wheel drive vehicle used a radar device and measured Mr Weiss-Trew's speed at 131 km/h. The speed limit was 100. The officer turned around and followed Mr Weiss-Trew through Dover towards Southport. About 10 minutes south of Dover, Mr Weiss-Trew pulled up. The officer pulled in behind his vehicle and put his headlights on high beam. Two female passengers were trying to get out of Mr Weiss-Trew's vehicle, but he drove off before they were able to open their doors. The officer followed him to the vicinity of Hastings Caves. Mr Weiss-Trew stopped. His passengers got out. The officer flashed his lights, activated his high beam lights, and signalled for Mr Weiss-Trew to pull over. Mr Weiss-Trew accelerated heavily, and drove back towards

the highway. Another officer deployed road spikes, but Mr Weiss-Trew drove over them at about 100 km/h and drove away. He subsequently abandoned his vehicle. Police officers searched for him, with the assistance of a helicopter, for about four hours, without success. In respect of this incident, Mr Weiss-Trew has pleaded guilty to speeding and a second charge of evading police.

The next day, 30 December, police officers located Mr Weiss-Trew, who was hiding in bushland. He was lying on the ground. An officer informed him that he was under arrest, and attempted to drag his right arm out from under his body while another officer tried to seize his left arm. Mr Weiss-Trew resisted by thrashing his body from side to side and arching his back. A handcuff was applied to his right arm, but he continued to struggle. He continued to resist while officers applied the handcuffs to the other arm and took him to a police car. He was wearing a bag around his waist. Its contents included a set of knuckle dusters, a razor blade, and a quantity of methylamphetamine. When interviewed he admitted that those things were his, and that he had used methylamphetamine the previous day. He has pleaded guilty to resisting a police officer, possessing a controlled drug, using a controlled drug, and unlawfully possessing dangerous articles in a public place.

The officer who was knocked off his motorcycle was taken by ambulance to the Royal Hobart Hospital suffering from pain to his neck and his lower back. He was kept under observation for some four hours and then discharged. He had several weeks off work. He was treated by a physiotherapist for four months. The psychological consequences of the incident are ongoing. He was lucky not to have been killed or more seriously injured.

Mr Weiss-Trew was 21 years old at the relevant time and is now 22. He has a bad criminal record for his age. In October 2018, when the magistrate disqualified him from driving, he was sentenced for a large number of driving, drug and firearm offences, as well as a charge of assault. The magistrate imposed a series of prison sentences totalling eight months, of which five months were suspended. Then in December 2018 a judge sentenced him to 30 months' imprisonment for aggravated burglary and aggravated armed robbery, with eight months of that sentence suspended, and a non-parole period of 11 months. He has been in custody ever since his arrest on 30 December. On 1 June a magistrate activated three months of the previously suspended sentences as well as imposing two cumulative sentences, one of three months and one of six months, for various offences including motor vehicle stealing, escape, and assaulting a public officer. Because the sentences that I will be imposing today will come on top of various other sentences, I will take a slightly more lenient course than I would otherwise take.

Mr Weiss-Trew had a difficult childhood. He dropped out of school by year 8, and has had a drug problem since he was 15 years old. He has abused various drugs including Ice. On Christmas Day he had not slept for several nights. After he was paroled last year he hoped to obtain a place in a live-in rehabilitation facility, and to be admitted to a pharmacotherapy program, but those things did not happen. He appears to have a reasonable employment record. He has worked in various occupations. It counts in his favour that he pleaded guilty to these charges, saving the State the cost and inconvenience of a trial. Through his counsel, he has said that he wishes to apologise to the police motorcyclist and that man's family.

I have to impose separate sentences on the two charges of evading police. The only appropriate course is for me to impose three cumulative prison sentences, as well as driving disqualification orders and a compensation order relating to the damage to the motorcycle. Because of the total

length of Mr Weiss-Trew's various prison sentences, and because he has shown some interest in rehabilitation, I will impose the shortest possible non-parole periods.

Noah Neptune Weiss-Trew, I convict you on the two charges on the indictment, and on counts 1, 2, 3, 5 and 7 to 11 inclusive on complaint 11876/19. On the first charge of evading police (count 1), I sentence you to four weeks' imprisonment, cumulatively with your other sentences and disqualify you from driving for two years, cumulatively with your other disqualifications. On the second charge of evading police (count 2), I sentence you to four weeks' imprisonment, cumulatively with your other sentences, and disqualify you from driving for a further period of two years, cumulatively with your other disqualifications. On the other charge, apart from the speeding charge (count 11 on the complaint), as a global penalty, I sentence you to 28 months' imprisonment, cumulatively with all your other prison sentences. You will not be eligible for parole until you have served one half of each of the three prison sentences imposed today. I order you to pay compensation to the Department of Police and Emergency Management in respect of the damage to the motorcycle on 25 December 2019. I adjourn the assessment of that compensation sine die.

Pursuant to s 92A(3) of the *Sentencing Act* 1997, I specify that (a) the total term of imprisonment that you are liable to serve for the three sentences of imprisonment that are being imposed today is 28 months and 8 weeks; (b) the period, in relation to those sentences, before the expiration of which you are not eligible for parole is 14 months and 4 weeks.