

Ethan Baker, you plead guilty to recklessly discharging a firearm. The crime was committed in the early hours of the morning of Saturday 6 April 2019 at the home of Alison Dodge in Longford, where she lived with her daughter Hayley James. You had been in a relationship with Ms James but, during the course of the previous day, there had been conflict and argument. At about 1.30 am you returned to the house in a car you had borrowed. Mrs Dodge was unhappy that you had appeared so late and asked you to leave. Ms James was also present. There was a heated argument and you became angry. You took a .22 calibre rifle that you had left in the garage, and, after Mrs Dodge had closed the roll-a-door on the garage from the inside you fired a shot from the rifle through the garage door from outside. The bullet penetrated the door at about hip height and struck an interior plaster wall at the same level. Both Mrs Dodge and Ms James heard the shot. Fortunately, neither was in the garage at the time, although you had no way of knowing that from where you were standing. The risk of injury, and the degree of recklessness you displayed, is obvious. There is no victim impact statement but the incident must have been very frightening.

You were spotted by the police later on 6 April 2019. You fled from them. You were arrested after a police chase. As a result you face a number of other charges, including serious driving and firearm charges. However I am not to sentence you for those. If found guilty you will be sentenced by a magistrate, and what sentence is imposed will be entirely a matter for the magistrate.

You are aged 27. You grew up in Longford and were educated to year 8. You have a reasonable industrial record in skilled labouring positions. You have one son who is of primary school age. You have contact with him but he is not in your care. You have a poor record of offending largely driven by abuse of illicit drugs. Your record includes many firearm offences. In 2017 you were imprisoned for trafficking in firearms. Following your arrest on 6 April 2019 you were remanded in custody. On 26 September 2019 a magistrate made a drug treatment order with a custodial part of 10 months. That order was made in respect to 32 summary offences committed on various dates between December 2018 and April 2019. Firearms offences committed on 20 December 2018 arose from you having in your possession a shortened and unregistered 12 gauge shotgun with identification marks removed for which you did not have a licence, along with ammunition. On the same day you committed driving and drug offences including possession of cannabis and methylamphetamine. The offences also included an assault of Ms James committed on 6 March 2019, one count of stealing and four counts of motor vehicle stealing all committed on 11 March 2019, and driving with a prescribed illicit drug in your oral fluid on 6 April 2019, the same day as the crime for which I am now to sentence you.

Drug treatment orders, as a sentencing order, give priority to rehabilitation over punishment. It seems that since this order was made, or at least since mid-2020, there are signs that you are making positive progress. You are living with your sister in Conara and she is a good influence. You engaged well with the alcohol and drug service. There have been no unexplained positive results to illicit drugs since July. There has been no further offending since September 2019.

In light of your history with firearms, for you to have resorted to use of a firearm in this manner is a serious matter. A term of imprisonment is required. However, I have concluded that you should be given the opportunity to continue the positive steps you have started. As a result I

will offer you the opportunity to avoid having to serve the sentence I am about to impose provided that you comply with the terms of the drug treatment order and do not re-offend. For that reason I will wholly suspend the sentence. I will make it a special condition of the sentence that you successfully complete the drug treatment order. For the purposes of this order you will be regarded as having successfully completed the drug treatment order if:

- (a) the order is cancelled as a reward under s 27L(1)(a) or (b) of the *Sentencing Act* 1997; or
- (b) the treatment and supervision part of the order is cancelled by a court on the second anniversary review without activation, at the time of the review, of any part of the custodial part of the order.

The result of that order is that, if you do not fully or substantially comply with the terms of the drug treatment order until it is completed, or if you re-offend, you will very likely serve not only all or some of the 10 month custodial part of the drug treatment order, but the sentence I am about to impose as well.

Ethan Baker, you are convicted on the indictment. I make a compensation order in favour of Alison Jane Dodge and adjourn the further terms of that order to a date to be fixed. You are sentenced to imprisonment for 10 months. I wholly suspend that term for two years from today. It is a condition of that sentence that while it is in force you do not commit another offence punishable by imprisonment. If you breach that term then a court must order that you serve that term unless it is unjust. I impose a special condition that you successfully complete the drug treatment order made by a magistrate on 26 September 2019 in the terms that I have explained. If you breach that condition you may be brought back to this Court and re-sentenced.