

Naomi Foon, you are to be sentenced on your plea of guilty to perverting justice and to a number of related summary charges: evading police, driving while disqualified and reckless driving. Just after 4 o'clock in the morning on 4 August 2020 the police saw a car being driven by you travelling at about 80 kph near the University at Newnham on a road with a speed limit of 40 kph. You had one passenger. When the police activated the lights and sirens on their vehicle you accelerated away. The road was wet. You lost control and spun the car 180° before driving away again for a relatively short distance onto the East Tamar highway where the police lost sight of you. Shortly afterwards the car you were driving was spotted by other police. It was driven off the highway, onto an embankment and through a metal fence onto Lytton Street in Invermay, although the State does not assert that you were still driving by that time. The car was later found abandoned not far from where it was last seen. You have never held a driver licence and at the time you were disqualified from driving.

You were recognised by the police but you were not immediately located. On 31 August 2020 your phone was seized by police following a search of your home in an unrelated matter. They found a series of Facebook Messenger messages between you and another female during the course of 4 August 2021 in which you said that you needed to find another person, preferably a girl, to falsely admit that they were the driver of the car which evaded the police in return for an eight ball of drugs or \$2000. After she replied the exchange which then followed made clear that your request was a serious one and that you were well aware of what you were asking and what was involved.

By attempting to divert the investigation so as avoid the legal consequences of your own actions, and to have another person charged with offences they did not commit, you perverted justice. Perverting justice is regarded as serious because it undermines the integrity of the justice system. Persons who are convicted of the crime are almost always sentenced to imprisonment, not only for punishment, but to send a message to those who might be tempted to act as you did that prison is the likely outcome. That is so even if, as in this case, the attempt was ultimately unsuccessful, although the fact it was unsuccessful is relevant.

You are 24. You were 23 at the time. You are single with no dependants. It is in your favour that you have pleaded guilty. After your parents separated when you were young your mother's care of you was disrupted by mental health issues and drug abuse. After leaving school before completing grade 10 you held some employment but your life has been badly affected by long term illicit drug use. You have used cannabis since age 12 and methylamphetamine since age 17. This is reflected in your record both before and since these offences were committed. In 2016 you were fined and disqualified for one count of evading police and eight counts of stealing. In June 2017 you were given probation for offences including one count of driving while disqualified, three counts of stealing, one count of motor vehicle stealing and numerous breaches of bail. In January 2020 you were sentenced to a wholly suspended term of five months, conditional upon compliance with supervision in the community for 12 months, for many counts of stealing, breaching bail, using and possessing firearms, possessing cannabis, two counts of driving without a licence, and two of driving with an illicit drug in your blood. You were disqualified from driving for nine months.

The offences for which you are now to be sentenced were committed in breach of that suspended sentence. However the suspended term has already been activated because after

committing these offences, things went from bad to worse. I was told that you drove as you did in August because your passenger was wanted by police and made you drive away because of his threats. However the force of that submission is undermined because towards the end of 2020 and in early 2021 you committed more offences including 26 counts of driving without a licence, another count of evading police, four counts of breaching bail by driving, six counts of driving with an illicit drug in your blood and three counts of driving while disqualified. In June 2021 you were sentenced by a magistrate to imprisonment for 12 months from 3 May 2021 for those offences. The offences I am to deal with are not to be considered in isolation but as part of an ongoing course of conduct for which you have already spent some time in prison. Most or all of the offences dealt with by the magistrate in June are not prior convictions for sentencing purposes. However they are relevant when considering the total term you should serve for all of the offences you have committed, taking into account that you have already been in prison for six months. I will sentence you on the basis that the result should be what is just and appropriate had you been sentenced for all of your offending at the same time. On the other hand, what the later offences also make clear is that you were not sorry at all for driving and evading the police on 4 August 2020, or for attempting to avoid prosecution, because you continued to display a complete disregard for the law until you were finally taken into custody about seven or eight months later. Heavy penalties are provided for evading police, especially for second or subsequent offenders, as you are. It was very early in the morning, and many cases of this nature involve greater degrees of danger, but there was nevertheless risk to other road users and to the police who were attempting to apprehend you. You are now eligible for parole in respect to your earlier sentence and I think I should look optimistically at your prospects of being granted parole. I think some further actual imprisonment is required, but on the other hand, there is considerable community benefit if you are given a chance, having now spent some time in prison, to reform.

Naomi Foon, you are convicted on the indictment and on complaint 35869/20, counts 1, 2 and 3. On the indictment you are convicted and sentenced to imprisonment for four months, cumulative to the term you are currently serving. I order that you not be eligible for parole until you have served half of that term. On the complaint, count 1, evade police, you are sentenced to imprisonment for two months, wholly suspended for 18 months from today. You are disqualified from driving for two years from your release. On the remaining counts, that is counts 2 and 3, I impose one sentence. You are sentenced to imprisonment for two months to be served concurrently with the term imposed on the indictment and disqualified from driving for one year also to commence on your release from prison.

The effect of that sentence is that you will be required to serve an additional two months before becoming eligible to apply for parole. You will also be subject to a two month suspended sentence which is subject to a condition that you not commit another offence punishable by imprisonment. That condition will take effect immediately, that is while you are still in prison, and will continue in force for 18 months. There will be a total term of disqualification from driving for two years from your release.