

Huon Gendall pleaded guilty on 12 December 2019 to trafficking in a controlled substance and assaulting a police officer. The sentencing judge also agreed to hear his plea of guilty to related summary charges of speeding, driving without a licence, dishonestly displaying false plates, evading police, possessing a smoking device, possessing a Taser and ammunition without a firearm licence, possessing a laser pointing device in a public place and possessing a dangerous article in a public place.

Mr Gendall was sentenced to a Drug Treatment Order by the learned sentencing judge. The custodial part of the order was a term of imprisonment for two years. After some months, and well into the order, Mr Gendall substituted on four occasions, artificial urine for the samples that he would otherwise have been required to provide as part of the testing programme. As a result of this, the State has sought an application to cancel the Drug Treatment Order and that application is not opposed.

The only question for me is as to the part of the custodial part of the order that I should order be served, taking into account Mr Gendall's commitment to the order in the early part of its operation; taking into account the serious nature of the breach and taking into account any sanction days that had been served by him. I am told that there were a total of 14 sanction days and Mr Gendall has relatively been in custody for 49 days as well. So, any sentence that I impose should be backdated to 24 September 2021.

An indication was given in the Magistrates Court that a period of eight months of the custodial part of the order might be an appropriate term of imprisonment but the matter remains for me to determine. In all of the circumstances, I am satisfied that a period of 11 months is more appropriate and I order that Mr Gendall serve a period of 11 months of the custodial part of the order, dated back to 24 September 2021.