

On 20 August 2021, the respondent, Justin Craig Cleaver was sentenced by me to a drug treatment order following his plea of guilty to one count of dangerous driving, one count of evading police, one count of driving whilst disqualified and one count of motor vehicle stealing. The custodial component of the order was two years' imprisonment.

An application is now made pursuant to s 27Q of the *Sentencing Act* 1997 for the treatment and supervision part of the drug treatment order to be cancelled and for the respondent to be re-sentenced pursuant to s 27Q(2) of the Act.

The bases of the application are set out in a CMD re-assessment and cancellation report dated 19 May 2022 which is included in the Crown papers filed on the application.

In summary, it is the opinion of the Court Diversion Officer responsible for overseeing the respondent's participation on the Drug Treatment Order that his continuation of that treatment and supervision is unlikely to achieve the purposes for which the order was made because of compliance issues and because he has been charged with new offences.

There is no opposition to the cancellation of the order in those circumstances.

The State expressly acknowledges that the respondent did demonstrate a period of abstinence from which he unfortunately lapsed in March 2022 and since that time he has expressed an inability to control his substance use.

In all of the circumstances, I cancel the Drug Treatment Order and I sentence the respondent to 9 months' imprisonment from 23 April 2022. The statutory parole period of 6 months will apply all other things being equal.