

Mr Palmer has pleaded guilty to a charge of dangerous driving, and to three summary offences that I am dealing with under s 385A of the *Criminal Code*, namely exceeding .05, resisting police officers, and using abusive language to police officers.

He committed these offences on the night of Saturday, 12 March 2022. At about 9.30 pm, on that night he drove to his sister's home in Oatlands. He had consumed a lot of alcohol, and was affected by Ice, which he had used for the first time. His girlfriend was in the car with him. He was angry with his sister. He and his girlfriend went into her house. An argument developed. The sister decided to leave. She put her two-year-old son into her car. Mr Palmer's girlfriend also got in. The sister drove to the home of her aunt, about 500 metres away, in the same street. After some driving back and forth along the street, the sister was driving back to her own home when she saw Mr Palmer reversing out of her driveway with his headlights off. He then drove his vehicle on a collision course towards her vehicle. They both stopped just in time to avoid a head-on collision. Mr Palmer started yelling at his sister. She drove around his vehicle and drove in the direction of the Oatlands Police Station. Mr Palmer followed her, and drove into the rear of her vehicle twice. The two-year-old boy was screaming during this journey. As the sister approached the home of a local police officer, Mr Palmer accelerated and drove next to her vehicle on the wrong side of the road. He then made a right hand turn, lost control, and ended up on the grass verge and gutter of the street that he was turning into.

The police officer advised the sister to return to her home and wait there for the police. She drove towards her home, but found Mr Palmer sitting in his vehicle in her driveway. She drove past her home, made a u-turn, and then saw Mr Palmer driving towards her, on a collision course. She stopped. Mr Palmer's vehicle collided with hers. His vehicle scraped along the driver's side of her vehicle. He then stopped and reversed, attempting to block his sister from moving her vehicle. She managed to manoeuvre past his vehicle. He accelerated away, made a u-turn, lost control, drove into a ditch, accelerated out of the ditch across the road, went into another ditch on the other side of the road, drove along that ditch, and crashed into the boundary fence of a school. He reversed, but the vehicle hit a concrete culvert and came to rest.

Police officers arrived at the scene and found Mr Palmer revving his engine heavily, attempting unsuccessfully to reverse his vehicle from where he had crashed it. Police officers asked him to switch off his engine, and he did. He got out. The police handcuffed him. He tried to break free by twisting his body from side to side, and by bracing himself against his car and pushing. That amounted to the offence of resisting police officers in the execution of their duty. He then abused them by saying, "*What more do you fucking want you stupid cunt? Get this cunt off me. Get the fuck off me, you fucking dog cunts. Fuck off you stupid looking cunt.*" That amounted, of course, to the offence of using abusive language to police officers.

He was presented to a breath analysis operator, and returned a reading of 0.159. He elected to have a blood test. A blood analysis performed at the Royal Hobart Hospital revealed that he had a concentration of 0.180 grams of alcohol per 100 millilitres of blood.

Mr Palmer was 24 years old when he committed these offences and is now 25. He has a prior conviction for a drink driving offence in 2015, when he was 18 years old. His reading then was 0.071. He was fined for resisting a police officer and using abusive language to police

officers in 2016. He does not have any serious prior convictions. He has never been to prison before.

Mr Palmer is single. He does not have any children. The relationship with his girlfriend is continuing. He was educated to the end of Year 10. Since then he has worked as a shearer, as well as undertaking an apprenticeship as a stonemason. He was receiving Centrelink benefits before he went into custody last year. He has had problems with depression. On the night in question, when he was in the midst of a depressive episode, he was offered Ice, which he had never used before. He accepted the offer.

Fortunately, nobody was injured as a result of his driving, but it was a terrifying experience for his sister and her little boy, as well as Mr Palmer's girlfriend. He has apologised to his family, and will be welcome to return to the family home.

He has spent a substantial time in custody in relation to the dangerous driving charge. He first appeared in the Magistrates Court on that charge on 4 May. The matter was adjourned without plea to 14 July. On that date, he failed to appear. A warrant was issued for his arrest. He was arrested on 22 July, and remained in custody until 15 August, when he was bailed. His bail was suspended on 13 September, and he has been in custody ever since. He pleaded guilty to the charge on 17 October. To take account of the periods in custody, I will backdate his sentence to 19 August.

It counts in his favour that he pleaded guilty, and that he did so when the proceedings were still in the Magistrates' Court, but his plea would have carried a little more weight if he had not prolonged the proceedings by failing to appear in July.

His Counsel told me that he proposed to go back to live with his family in Oatlands temporarily once he is released from prison, and that he would seek longer term accommodation in Hobart. He wants to return to the workforce, and may be able to find work as a shearer again.

A probation officer has reported that Mr Palmer is considered suitable for a period of supervised probation, particularly because of concerns about his alcohol consumption and associated mental health issues. In the circumstances I think the most appropriate course is for me to impose a partly suspended sentence of imprisonment and make a community correction order that provides for supervised probation.

Zeke Caelum Palmer, I convict you and sentence you to 12 months' imprisonment with effect from 19 August 2022. I suspend 5 months of that sentence on condition that you commit no offence punishable by imprisonment for a period of 18 months after your release from prison. I order that you be disqualified from driving for two years after your release from prison. I make a community correction order, to operate for 12 months after your release from prison, with special conditions as follows:

- (a) during that period you must submit to the supervision of a probation officer as required by the probation officer;
- (b) you must submit to medical, psychological or psychiatric assessment and treatment as directed by a probation officer;
- (c) you must undergo assessment and treatment for alcohol dependency as directed by a probation officer, and must submit to testing for alcohol use as directed by a probation officer; and

- (d) if directed by a probation officer, you must attend, participate in, and complete the EQUIPS Addiction Program as directed.