

STATE OF TASMANIA v HAYDEN HINDS
COMMENTS ON PASSING SENTENCE

3 JULY 2023
BLOW CJ

Hayden Hinds, you have pleaded guilty to dangerous driving and to five summary offences that I am dealing with under s 385A of the *Criminal Code*. Those offences are motor vehicle stealing, evading police, driving whilst unlicensed, driving while exceeding the prescribed alcohol limit, and driving whilst a prescribed illicit drug was present in your blood. All of these charges arose from a single episode in the early hours Sunday, 11 December 2022.

On that occasion you were driving a 1997 Holden Commodore sedan that had been taken from a driveway in Gagebrook without the owner's permission. I do not know who took the vehicle. However you had possession of it when a police officer saw you driving it on the East Derwent Highway at about 12.44am on the Sunday. The front left tyre was flat and it was making a screeching noise. A police officer followed you around the roundabout at Paice Street and activated her emergency lights, indicating that you were required to stop. You travelled around the roundabout a second time, and headed north along the East Derwent Highway without stopping. By failing to stop you committed the offence of evading police.

After that you drove dangerously for nearly four kilometres before coming to a stop. You travelled at a high speed along the highway, turned left and travelled back to the south through Gagebrook along Green Point Road. You travelled at high speeds, with smoke coming from the front left tyre. You swerved all over Green Point Road. At one point you swerved onto the wrong side of the road into the path of an oncoming police vehicle. Your vehicle became airborne when it travelled over some speed humps, and landed with such force that it sent sparks flying after each landing. You returned to the East Derwent Highway and headed south at a high speed, travelling on the rim of the front left wheel with sparks flying from it. At Herdsmans Cove the vehicle left the road, went down a small bank, and came to a stop. It was a write-off. You got out and ran, pursued by two police officers. They lost sight of you.

A little later you were located by another officer lying face down in some long vegetation. You were arrested and have been in custody ever since. You admitted to police officers that you had consumed a large quantity of vodka, starting at about 5.30pm, and that you had consumed Ice within the previous 24 hours. A blood test revealed a blood alcohol concentration of 0.119%. Methamphetamine was also detected in your blood. You did not have a driver's licence. In fact, you have never held one.

I note that you are 26 years old. You have been sentenced to imprisonment in Western Australia for aggravated reckless driving in 2019 and for motor vehicle stealing in July 2021. You have also been dealt with by magistrates for assaults and offences of dishonesty.

I note that you are single, and that you had a very unstable adolescence. Your grandmother, who had been bringing you up, died when you were 13. I note that you then moved to Western Australia where you subsequently worked as a shearer. That work was seasonal. When you were working you abstained from alcohol and drugs, but when you were not working you abused them. Your counsel told me that you returned to Tasmania in early 2022 in the hope of separating yourself from the people you had spent time with in Western Australia, but that things did not go as planned, and you found yourself unemployed and homeless, and resorted to the consumption of drugs and alcohol.

It counts in your favour that you pleaded guilty in the Magistrates Court at an early stage, and did not apply for bail. You acknowledged that what you did was dangerous. You regret what you did and you have made good use of your time in custody, getting fit, working as a barber in the prison, and seeking help from the prison psychologist. Your counsel told me that you intend to seek drug and alcohol counselling within the prison once you are sentenced and it becomes available to you.

Although the traffic was light, it was very dangerous for you to drive a defective vehicle at high speed whilst intoxicated. It is also significant that the car owner lost her vehicle, which had to be written off. The only appropriate penalties are imprisonment and disqualification from driving. I have to impose a separate penalty on the charge of evading police.

I convict you on all the charges. On the charge of evading police I sentence you to two months' imprisonment with effect from 11 December 2022 and disqualify you from driving for two years from today. On the charges of motor vehicle stealing, dangerous driving, driving while exceeding the prescribed alcohol limit, and driving whilst a prescribed illicit drug was present in your blood I sentence you to a cumulative term of 12 months' imprisonment with effect from 11 February 2023 and disqualify you from driving for an additional period of 12 months. You will not be eligible for parole until you have served 6 months of that sentence.

For the purposes of s 92A of the *Sentencing Act* 1997 I specify that the total term of imprisonment that you are liable to serve for both the sentences of imprisonment that I am imposing is 14 months; that you are not eligible for parole in respect of the sentence of two months' imprisonment; and that the total period during which you are not eligible for parole is 8 months as from 11 December 2022.