

Mr Verrell you appear for sentence on two counts of dangerous driving contrary to s 172A of the *Criminal Code*. The first in November 2019 and the second in July 2020.

The facts of your offending are as follows:

In respect of the first count, at approximately 4:13pm on 24 November 2019 police were conducting a mobile patrol on Grass Tree Hill in Risdon Vale and conducting speed checks by way of a handheld laser when they observed a motorbike ridden by you, travelling at 100km/h in a sign posted marked 60km/h zone. Police moved up behind your motorbike and activated their lights and sirens in an attempt to intercept you.

You looked back at police who still had their lights and sirens activated and were flashing their headlights directing you to stop and you immediately accelerated away heading towards Richmond. Police advised Radio Dispatch Services of their observations.

You sped past police and headed towards Brighton. Police followed in the last known direction of travel, some distance behind.

Shortly after you were observed riding in traffic in the vicinity of the Midland Highway flyover. Police were approximately 400 metres behind you. About a minute later on Andrew Street in Brighton in the vicinity of Halket Close, you were observed to turn around the northern footpath of Andrew Street between Jubilee Avenue and Erin Close. You slowed down and started to cross onto the incorrect side of the road prompting police to activate their emergency lights.

You appeared to nearly stall the motorbike, and police moved their vehicle next to you intending to get out and physically remove you. However, before that could occur you accelerated heavily, up to 100km/h in a westerly direction on Andrew Street.

At this stage police were able to make observations of you sufficient to identify you later.

You were then observed to turn left onto Brighton Road out of sight. Police travelling into the area from Bridgewater temporarily closed part of the flyover at the Glenmore Road Roundabout in order to pull over nearby vehicles and limit the motorbike's access to the highway.

Approximately 3 minutes after the last police sighting of you, you were observed turning into Brighton Road from the flyover at Glenmore Road and to head towards the police vehicle which was stationed to restrict the flow of traffic. At that time you attempted to ride around the police vehicle by mounting the traffic island. As you passed the police vehicle you lost control of the motorbike at low speed and collided with the prisoner pod of the police divisional van and you dropped the bike.

Police who had made earlier observations of you, attended the scene and were able to identify you as the rider of the motorbike they had seen earlier. When questioned by police you confirmed your identity.

You sustained a laceration to his left little finger and an ambulance attended the scene. You were transported to the Royal Hobart Hospital and admitted overnight and blood tests were conducted for the detection of alcohol and drugs.

A blood analysis detected the presence of methylamphetamine.

The second episode occurred at approximately 2:30pm on Monday 27 July 2020, police were on mobile patrol in an unmarked police vehicle in the Lindisfarne area. Police observed a blue motorbike travelling north on the East Derwent Highway. The motorbike did not have a number plate.

Police observed the motorbike at a distance and observed it to turn into Golf Links Road, left into Adina Street and perform a U-turn in the cul-de-sac at the end of that street. Police approached the motorbike and activated the emergency lights on the vehicle to intercept it.

You failed to stop and accelerated heavily away from the police driving onto the footpath before turning right onto Golf Links Road and failing to indicate that turn.

Police turned right onto Golf Links Road and you accelerated heavily to an estimated speed of 120km in a 50km zone along Golf links Road.

As you travelled along Golf Links Road the motorbike overtook a vehicle at an estimated speed of 120km without indicating an intention to overtake.

You approached the intersection with East Derwent Highway which is controlled by traffic lights and proceeded through the red traffic signal turning left onto the East Derwent Highway, once again failing to indicate that intention. Police did not see you again and were unable to intercept you.

Police investigations led them to believe you were the rider at the time of the offence. At approximately 7:30am on Tuesday 28 July 2020 police attended [address specified] to speak with you.

You were present and the motorbike was located in the garage of the address. Police suspected the motorbike to be stolen due to the serial number having been removed, the number plate removed and having been poorly spray painted. The bike was seized.

You were placed under arrest, cautioned and conveyed to the Hobart police station.

You participated in an interview and you made some admissions:

- That you had seen the police car;
- That you thought had seen a police uniform;
- That you were not sticking around;
- You admitted driving onto the footpath;
- That you went around a car to overtake;
- That you were travelling fast- agreeing to it being in excess of 100km;
- That you did not use indicators and went through a red light;
- You admitted your conduct was stupid and dangerous.

At the time of the offending the traffic was heavy. It occurred in close proximity to two Primary Schools and occurred at the time children were being collected from school.

It is not suggested that any pedestrian or any motor vehicle was placed at risk by your conduct but the risk of actual harm was nevertheless significant.

You are 36 years old. You are employed and apparently you are regarded as a good employee

You presently reside with your former partner and the child of that relationship.

There is evidence of a history of excessive alcohol consumption and some drug use though you have stopped using drugs in the last two years.

You have accepted by your plea of guilty the driving were dangerous and you have admitted the particulars asserted in the crown statement of facts.

Each episode of driving exhibits an immature response to police action and an ambivalence to the risk created for other road users.

I accept that the facts presented to the court do not refer to any actual danger in either episode of driving, in the sense that any other road user was required to take evasive action because of your driving. It must be acknowledged that in part at least, that was due to prompt police action in Bridgewater in respect of the first episode.

Despite that observation it seems to me that in each instance your determination to avoid apprehension was pursued with a determination that exhibits blatant disregard for the potential of risk or harm to others.

Parliament has determined that the offence of dangerous driving be indictable reflecting the view that such offending is prevalent and that it creates a significant danger to others necessitating a strong response from the court which punishes the offender and deters others from engaging in similar behaviour.

Those observations made it is fair to characterise each offence as at the lower end of the scale of seriousness for such offending. I accept your counsel's submission that identification would very likely have been an issue at your trial and your admissions have facilitated the resolution of the matter.

I also accept that your pleas of guilty have facilitated the administration of justice and the utilitarian benefit which accrues in result of that counts in your favour

I also accept, and this is significant, that there has been no offending since 2020 and you are entitled to claim the benefit of that fact as a matter evidencing significant improvement in your attitude to road use and abiding by the law generally. That progress coupled with your employment and my view that you should be encouraged in your progress, and that you are more gainfully engaged for your own benefit and the benefit of the community if that continues, has prompted me to adopt a course which would not ordinarily be taken for this category of offending. The sentence which takes account of your individual circumstances can still satisfy the requirement for general deterrence and the need to mark the communities abhorrence for the very real risks this type of offending creates.

In respect of each of your offences a term of imprisonment represents an appropriate sentencing order. In those circumstances the court is empowered to consider a home detention order, a course urged upon me by your counsel.

To that end I had a report prepared and you are assessed as suitable for such order.

The court is empowered to impose more than one home detention order provided they do not in total exceed the statutory maximum of 18 months and it is not for the same offence. That maximum would be offended by two orders of an appropriate length for these offences. Accordingly on the first count of dangerous driving I make a home detention order for a period of 14 months to commence on the day after the extant home detention order expires.

On the second count of dangerous driving I impose a term of imprisonment for a period of eight months, which I suspend for a period of two years on condition you commit no offence punishable by a term of imprisonment during that time.

Conditions which will attach to the home detention order are those that are contained the pre-sentence report. I do not to articulate all of those in open court but they include the following conditions in addition to the core conditions:

- That you must during the operational period of the order remain at [address specified] at all times unless approved by a probation officer.
- You must during the operational period of the order maintain in an operating condition an active mobile phone service and provide the contact details to Community Corrections and be accessible for contact on that device at all times.
- You must submit to the supervision of a community corrections officer as required by that officer and you must not during the operational period of the order take any illicit or prohibited substances, which includes any drug defined as a controlled drug under the *Misuse of Drugs Act 2001*.
- During the period of the home detention order you must not consume any alcohol and you must if directed to do so by a police officer or community corrections officer submit to a breath test, urine test or other test for the presence of alcohol.

In respect of the first count of dangerous driving I disqualify you from holding or obtaining a drivers licence for a period of 36 months. In respect of the second count I make the same order to run concurrently with the period of disqualification I have just imposed which means that you are disqualified from holding or obtaining a drivers licence for a period of 3 years.