

STATE OF TASMANIA v ADAM DOUGLAS BATES
COMMENTS ON PASSING SENTENCE

29 JULY 2016
PEARCE J

The defendant, Adam Bates, pleads guilty to perverting justice. The crime was committed on 25 July 2015. He then lived with his partner in Mowbray. At about 11pm he took a car from his home which belonged to his partner's stepfather and drove to a petrol station in Newstead for food. He had no driver licence. Earlier in the day he had consumed illicit drugs. On the way he lost control of the car and it crashed. In panic he called his partner. He lied to her about what had happened and asked her to phone the police. When they arrived just after midnight he repeated the lie. He told them that the vehicle had been stolen after two men came into his house and stole the keys. After further questioning he quickly changed his story, admitted that he had been the driver of the vehicle when it crashed and that he fabricated the initial version. His lie was no doubt motivated to conceal that he was responsible for the damage to the car and the offences he had committed by driving. He confirmed his admissions in an audio visually recorded interview. He entered an early plea of guilty. He has prior convictions for driving offences but nothing as serious as this.

He is 23. He has a good industrial record as a builder's labourer, but has not worked for the last 12 months or so because of an issue with his back. He presently receives Centrelink benefits but is hopeful of shortly returning to work. Since his apprehension he has sort assistance for drug and alcohol issues and now abstains.

Pervert justice is regarded as a serious offence because of its tendency to subvert the justice system. Sentences of imprisonment are almost invariably imposed. However this case does not warrant a sentence of imprisonment. The crime resulted from a spontaneous reaction in panic. It must have been a transparent lie because he quickly admitted the truth. No-one was misled. The defendant did not avoid any charge subsequently brought against him for which he will also be punished. No delay was caused. His offending was probably discovered more quickly than it otherwise would have been. He has no history for dishonesty. Community service is the appropriate punishment.

Adam Bates you are convicted. You will pay the victims of crime compensation levy of \$50 within 28 days. I make a community service order and order that you perform 70 hours of community service.