

STATE OF TASMANIA v NOAH JOHN WILLIAMS
COMMENTS ON PASSING SENTENCE

22 MAY 2024
JAGO J

Mr Williams, you have pleaded guilty to one count of perverting justice.

On 8 August 2022, a police officer observed you driving a motor vehicle. You were disqualified from driving any vehicle at the time. Police conducted a U-turn to intercept your vehicle. You pulled the vehicle over and fled on foot. When spoken to, your then partner, who was in the vehicle, told police that you were the driver. At the time, that you and your partner were in the vehicle together, there was a full non-contact family violence order in operation. Concerned that you would be arrested for breaching the Family Violence Order, shortly after fleeing the vehicle you made a telephone call to your uncle and asked him to provide you with a false alibi by way of telling police that you had been at his home at the time you were seen driving.

On 11 August 2022, police arrested you. You participated in a record of interview. You denied having been the driver at the time and told police that you were at your uncle's home.

Police contacted your uncle. He denied that you were with him. He told police that you had contacted him and asked him to provide the false alibi, but he refused to do so.

I note you were, in fact, charged with one count of evading police and one count of driving whilst disqualified from this incident. Those matters have subsequently been dealt with in the Magistrates Court. You were sentenced to an 18 month Community Correction Order and required to perform 77 hours of community service for those offences.

At the time you perverted justice you had a number of relevant prior matters which had been dealt with in the Youth Court, including on 31 May 2022 being dealt with for evading police, driving a motor vehicle whilst a prescribed illicit drug was present in your oral fluid, and driving whilst not the holder of a driver's licence. You had been dealt with for those matters in court only two months prior to this incident. I am told your endeavour to have your uncle provide a false alibi arose because you panicked and were fearful of again being in trouble for driving and for breaching the Family Violence Order.

This was a rather naïve endeavour to pervert justice. It was wholly unsuccessful. Police were very quickly able to discover the truth. They were not required to expend many additional resources beyond a simple phone call to your uncle who immediately revealed the falsity of your claim. I take into account the fact that this arose from a situation of panic and was a short lived unsuccessful endeavour.

All that being said, pervert justice is always regarded as serious because of its capacity to subvert the justice system. You lied with the intention of avoiding the criminal consequences of your conduct. Even in circumstances where the perversion of justice is entirely unsuccessful, persons who are convicted of this crime are frequently sentenced to imprisonment, not only to punish the offender but to send a very clear message to those who may be minded to act similarly, that prison is the likely outcome.

I take into account your still young age. You are only 21. You are currently subject to a Community Correction Order. Hopefully, such an order will be of assistance to you. I also

note you are the recipient of an NDIS package as you have a slow learning disability. That is providing you with assistance in terms of obtaining accommodation and providing some basic living skills. You have significant literacy issues because of your learning disability. You also had a very limited education, leaving school part way through Grade 7.

In all of the circumstances, a period of imprisonment is appropriate to acknowledge the seriousness of your endeavour to pervert justice, but given your individual circumstances it is appropriate that I wholly suspend that period of imprisonment.

You are convicted of the crime of perverting justice and sentenced to imprisonment for a period of three months. That sentence of imprisonment is wholly suspended for a period of 15 months from today's date. It is a condition of that sentence that you commit no offence punishable by imprisonment during that time. Mr Williams, you should clearly understand that if you breach that condition the sentence will be activated unless a judge determines it is unjust to do so.