

STATE OF TASMANIA v ANTHONY DABS DEBELIN
COMMENTS ON PASSING SENTENCE

4 JUNE 2024
JAGO J

Mr Debelin, you have pleaded guilty to one count of dangerous driving contrary to s 172A of the *Criminal Code*. Pursuant to s 385A of the *Criminal Code*, I have also agreed to deal with a number of related summary charges, being one count of evade police (aggravated circumstances), one count of drive whilst disqualified and one count of stealing. All charges arose from an incident that occurred on 17 August 2023.

Also before me is an application for breach of a suspended sentence.

On 17 August, you and two others entered Woolworths at Port Sorell. You stole 12 packets of steak and a box of nappies, to a total value of \$303.00. You then entered a silver Toyota Pajero and drove away. Staff at Woolworths contacted police and notified them of the theft and provided details of the vehicle in which you had left. At around 3pm, police, who had been notified to keep a look out for your vehicle because of the theft, observed you turn off the Bass Highway and stop at the intersection at Middle Road, Devonport. They watched as your vehicle turned right into Middle Road and headed in the direction of the William Street roundabout. Police followed you. They activated their emergency lights and sirens in an attempt to intercept you. Rather than pulling over, you sped off, and thereby evaded police. Because you were disqualified from driving at the time, the evade police charge occurred in aggravated circumstances.

Police followed you along Middle Road. Given the time of day and the proximity to school zones, Middle Road was heavy with traffic at the time. You entered the roundabout on the incorrect side of the road and overtook multiple vehicles that were banked up at the William Street roundabout. You were travelling at approximately 60 kilometres an hour in a 40 kilometre school speed zone. As you continued through the roundabout on the incorrect side of the road, two oncoming vehicles were forced to manoeuvre to avoid a collision. You continued along Middle Road and turned onto Forbes Street. Police were still following you. They observed you travel through a number of residential streets before losing sight of your vehicle as it turned left into Steele Street, heading towards William Street.

A short time later CCTV footage from a business on William Street, captured your vehicle mounting a nature strip outside a busy takeaway business. You went up and over the nature strip in order to overtake vehicles that were banked up at the intersection of Steele and William Streets. This is a busy intersection in Devonport. Two pedestrians were on the footpath when you did this and it is most fortunate they were not struck by your vehicle and hurt. You then proceeded through the roundabout at Steele and William Streets without giving way, again narrowly avoiding a collision with multiple cars that had already entered the roundabout.

Your vehicle was located a short time later abandoned in Morris Avenue. CCTV footage from Morris Avenue captured you running up the street, approximately 100 metres from the vehicle very shortly after this incident.

On 19 August 2023, you were arrested. You have been detained in custody since.

The dangerous driving occurred intermittently over a distance of approximately two kilometres. At the time there was heavy vehicular and pedestrian traffic. Your driving occurred in school zones, in residential areas and in a busy business area. Whilst I acknowledge

that your dangerous driving was not particularly lengthy, because it occurred in areas where there was heavy traffic flow, there was a serious risk of injury to other road users and pedestrians. Your driving behaviour is aggravated by the fact you were evading police and you were disqualified from driving, although I am conscious that you are not to be punished twice for the same acts of criminality. Nevertheless, the fact that you were driving to avoid apprehension added the factor of desperation to your driving and decision making. Your conduct displayed not only a disregard for the law, but a callous indifference to the safety of other members of the public. There were several times when other vehicles had to take evasive action to avoid near collisions. In my view, you represented a serious danger to the public throughout this incident.

You are 21 years of age. You were raised by your mother, your father having died when you were a baby. You remain close to your family unit. In 2021, you suffered the loss of a niece in the Hillcrest School tragedy. This has had a marked impact upon you. You have a significant record of prior convictions for many matters, including driving offences. Your offending started when you were 14 years of age and really has not abated since. You have prior convictions for dishonesty, violence, driving, bail offences and offences against police. You have previously received the benefit of community based orders and periods of suspended imprisonment, which you have breached.

In March 2023, you were sentenced to imprisonment for a period of six months, three months of which was suspended, for offences of dishonesty, offences against police and driving offences. It is this partially suspended sentence that you have now breached and to which the application for breach of suspended sentence relates. You appropriately do not contend that it would be unjust to activate that period of partially suspended imprisonment.

I take into account your personal circumstances. You have been assessed as having a learning disability. You are to be assessed for your eligibility for an NDIS package. You began using drugs, initially cannabis, when you were about 13 but as so often happens, it soon escalated to the use of methyl amphetamine. You quickly developed an addiction to this drug and your prior convictions are reflective of that addiction. You have committed a large number of crimes essentially in an endeavour to support your drug habit. I am told that at the time these crimes were committed, you were using drugs heavily.

I am also told that whilst you have been remanded in custody, you have resisted the use of illicit drugs, despite their availability. You recognise that addressing your drug addiction will be essential to you ceasing the criminal lifestyle you have been living for the past several years. Whether you are serious about doing that, remains to be seen. As noted, you have been given the opportunity to make changes in the past but have failed to do so. It is legitimate, I think, to assess your stated desire for rehabilitation with some degree of cynicism. I nevertheless note that you are only 21 and prospects of reform should not be completely ignored.

Clearly, matters of general deterrence and denunciation weigh heavily in this sentencing exercise. The need for specific deterrence is also apparent. The sentence must reflect the gravity of the risk you posed, and the very real potential for serious injury, or worse, that arose from your driving behaviour. For a number of years now, there has been an increase in the severity of sentences for serious driving offences, reflective of an increasing concern on the part of the community, Parliament and the courts for driving behaviour of this nature. The sentence must act to provide a strong deterrent to you and others who may be minded to act in a similar fashion.

I make the following orders. You are convicted of all crimes and offences to which you have pleaded guilty. I make a compensation order in favour of Woolworths Group Limited in the amount of \$303. I order that the three months' partially suspended period of imprisonment imposed on 31 March 2023 now be activated and you be required to serve it. That sentence will commence on 1 October 2023 to take into account time served in custody and not otherwise allocated to a sentencing order.

On Count 5, Complaint 52645/2023, the stealing charge, you are sentenced to one month imprisonment, commencing 1 January 2024.

On Count 1, Complaint 52647/2023, the evade police (aggravated circumstances) charge, you are sentenced to imprisonment for three months, cumulative to the term of imprisonment just imposed. You are disqualified from driving for 12 months from the date of your release from prison.

On Count 2, Complaint 52647/2023, the drive whilst disqualified charge, you are sentenced to imprisonment for six weeks, to be served concurrently with the term of imprisonment just imposed. You are disqualified from driving for six months, again to be served concurrently with the period of disqualification just imposed.

On the indictment, you are sentenced to imprisonment for 18 months, cumulative to the terms of imprisonment just imposed. You are disqualified from driving for two years, cumulative to the period of disqualification just imposed.

I order that you are not eligible for parole until you have served one half of that sentence.

For the purposes of s 92A(3) of the *Sentencing Act*, I specify that the total term of imprisonment you are liable to serve for all sentences today imposed is 25 months, commencing 1 October 2023. The minimum period of imprisonment you must serve before becoming eligible for parole is 16 months. The total period of disqualification to which you are subject is three years commencing from the date of your release from custody.