

Mr White, a jury has found you guilty of one count of dangerous driving.

It is necessary for me to determine the factual basis of sentencing. I am required to be satisfied of facts which are adverse to you beyond reasonable doubt, and those facts must be consistent with the jury's verdict. In this case, I rely for that factual determination on the evidence given by the various police officers concerning the driving of the motor vehicle. There was no significant dispute about this at trial, the only issue agitated by you was the allegation that you were, in fact, the driver of the vehicle. The question is of course determined by the jury's verdict.

My findings are as follows. The crime was committed on 6 December 2022. The vehicle being driven by you was a Ford Courier utility which had been stolen on 13 November 2022. Criminal responsibility for the theft was not the subject of this case and I have not been provided with any information other than that the vehicle had been stolen. It follows that you are not being sentenced by me for anything to do with the theft. However, earlier on 6 December, you were recorded by CCTV footage driving into and from the driveway of a retail store in Sorell. This footage was provided to police, who then commenced to search for the vehicle. The act of dangerous driving started when you drove past a police vehicle containing detectives who were part of the search, as you were driving the vehicle on Boyer Road towards its intersection with the Midland Highway. A companion was seated in the front passenger seat. The police recognised the vehicle and executed a U-turn to follow and intercept you. After a short time, the police activated lights and sirens. Your reaction was to flee. You accelerated heavily away from the police vehicle, obviously intent on outrunning it. The speed of your vehicle reached 110 to 130 km/h, some of which was in an 80 km per hour zone. You were driving the vehicle in a dangerous manner, taking corners and bends at excessive speed, and often crossing over double centre lines. At one point while still on the Boyer Road, you overtook a number of vehicles travelling in the same direction in front of you, crossing over double centre lines and in the face of oncoming traffic which was forced to take evasive action to avoid collision. Police deployed road spikes shortly before the intersection with the Midland Highway. You drove your vehicle over the spikes and despite having at least two tyres deflated by them, you continued to drive at speed.

This dangerous manner of driving continued along the Midland Highway to the roundabout at its intersection with the East Derwent highway. You negotiated the intersection by travelling around the roundabout on the wrong side of the road, effectively driving over it, despite the presence of oncoming traffic. You did this, notwithstanding that the spiked tyres were deflated and shredding rubber. The police observed that by this time, you were having difficulty maintaining control of the vehicle because of the problem with the tyres. However, you continued to travel at excessive speed along the East Derwent Highway. At one point, your vehicle veered onto the incorrect side of the road, probably because of your inability to properly control it at speed. This caused a vehicle travelling toward you to take evasive action by pulling onto the gravel verge and coming to a stop. Eventually, you pulled off the Highway onto the grassy verge near a bus shelter. There were two persons standing at the bus shelter who were put at risk by your manner of driving and lack of proper control of the vehicle. You travelled along the grassy area until you came to another roundabout at an intersection between the highway and a road. You entered the intersection at speed, failing to give way to other traffic. This brought

you into a residential area on the river side of the highway at Gagebrook. You continued to travel in excess of the speed limit along a number of residential streets until eventually turning into a cul de sac and bringing the car to a halt in the front yard of a residence. It is clear that the vehicle was wedged into a small space between another vehicle, which was likely damaged as you went past, and a fence. You and your passenger got out of the vehicle and attempted to flee on foot from police, but you were both apprehended almost immediately.

A test conducted after your arrest detected the presence of methylamphetamine in your blood. It was in a concentration which was slightly higher than the median result normally seen by FSST in driving cases. The forensic scientist was not able to comment on the relative degree of risk occasioned by this concentration but in general terms and as might be expected, his opinion was that the presence of this drug detracts from a driver's capacity to drive safely. He summed up his opinion by saying that there is no safe level of methylamphetamine in a driver's blood.

I regard this crime as a serious example of dangerous driving. The driving took place over a considerable distance and time. It was committed on busy highways and arterial roads, and in residential areas. There were in fact many vehicles and some pedestrians in the vicinity at the time. The occupants of a number of vehicles were put at actual risk arising from the real possibility of collision as a result of your appalling manner of driving. You committed this crime in the context of evading police which, of course, added an element of desperation to your driving with consequent increased risk. It also put the police officers involved in this episode, as well as your passenger, at risk. The degree of desperation and your capacity to take increased risk as a result is demonstrated by the fact that you continued for a significant distance to drive on tyres deflated by the road spikes, even to the point where you were effectively driving on the rims of the wheels after all of the rubber had shredded off. The presence of methylamphetamine in your blood clearly enhanced the overall risk. This was all extremely dangerous. While there was no actual injury caused to any person, there was real and significant potential for catastrophic injury or death throughout the entire course of the driving.

You were 28 years of age when you committed this crime, and you are now 30. You have a lengthy and concerning criminal history. According to your record, your contact with the criminal justice system commenced when you were 16 years of age. You were dealt with at that time for offences which included evading police. You have thereafter continued to offend on a regular basis throughout your life, largely by committing offences involving driving and acts of dishonesty. More recently, you have been sentenced for a number of family violence offences. In 2020, you were sentenced for evading police with aggravated circumstances. You have continued to offend since being arrested for the crime with which I am dealing. On 22 January 2025, you were sentenced by the Magistrates Court to two years imprisonment commencing 18 January 2024. This sentence was imposed for numerous offences, including some committed after this crime. You are still serving that sentence. Clearly, I must take into account the need for specific deterrence but must also consider the issue of totality. In respect of the latter, I need to consider the length and impact of the aggregate sentence, including that already being served by you. I must ensure that the overall sentence is proportionate to the combined offending and not crushing having regard to your background and prospects.

Your criminal history would seem to be consistent with your lengthy history of abuse and addiction to illicit drugs. I note that you had a difficult childhood and were the victim of significant violence in your childhood. You now have two children aged five and three. I am told

you want to reform. As an important part of this to give up the use of illicit drugs, time will tell whether that is successful. I think that including an appropriate non-parole period in the sentence is warranted because this will give the Parole Board the opportunity to respond to any real effort towards reform shown by you in custody.

In terms of your conduct generally, there is very little that I can regard as a mitigating circumstance. You are not entitled to the benefit which would have accrued from a plea of guilty and have otherwise shown no remorse or insight. There is clearly a need in this case for a sentence which emphasises both general and specific deterrence, as well as denunciation and community protection. Anyone thinking of driving a vehicle in this way must realise the potential for serious injury and death to others, and that this is unacceptable and will incur severe punishment. The only appropriate sentence is a significant term of imprisonment as well as a driving disqualification. As already stated, I intend to permit early release on parole.

Accordingly, the orders I make are as follows:

- a You are convicted of the crime of dangerous driving and sentenced to a term of 21 months imprisonment. That sentence will be served cumulatively upon the sentence of two years imposed by the Magistrates Court on 22 January 2025. You are not eligible for parole in respect of the sentence imposed by me until you have served eleven months of that sentence.
- b You are disqualified from driving for a period of three years. That disqualification will commence on the date of your actual release from custody.