

STATE OF TASMANIA v KEANAN TAYLOR McKENZIE-EVERETT

2 JULY 2025

COMMENTS ON PASSING SENTENCE

JAGO J

Mr McKenzie-Everett, you have pleaded guilty to one count of dangerous driving. I am also dealing with an application to breach two previously imposed periods of suspended imprisonment. I will come to that shortly. The particulars of the dangerous driving are that you drove at speed, on the incorrect side of a public street, towards a stationary vehicle, intentionally crashed into a stationary vehicle and drove in a manner that caused a loss of traction.

On 19 June 2022, at approximately 2.30am, a Mr Walter had left the Cygnet Hotel with three of his friends in a white Ford Ranger vehicle. About 500 metres from the hotel, Mr Walter stopped the vehicle, and he and his friends exited. He left it unoccupied, and running in the street, Mr Walter and his friends became involved in an altercation with a group of people also in the street. It seems you and your brother were part of the group that Mr Walter and his friends came across, and with whom they engaged in the altercation. At one point your brother was assaulted and knocked to the ground, you entered Mr Walter's vehicle and drove it approximately 50 metres along Frederick Street, into Donoghue Street, hoping to divert Mr Walter's attention and have him and his friends follow the vehicle rather than continue with the assault upon your brother. You stopped the vehicle in the middle of the road and exited it, taking the keys with you. You threw the keys into a nearby property before leaving the area.

You subsequently returned to the Donoghue Street area, this time driving a Mitsubishi Triton utility. You drove the Mitsubishi utility directly towards Mr Walter's vehicle, before swerving away at the last moment, narrowly avoiding a collision. You then skidded to a stop before reversing your vehicle back past Mr Walter's vehicle, at speed. You then braked harshly. You revved your vehicle and drove at speed back towards the complainant's vehicle, this time colliding with the rear driver's side of Mr Walter's vehicle. You stopped your vehicle a short distance down the road, before doing a burn-out. You then travelled back up Donoghue Street before stalling your vehicle. At this stage, you exited the vehicle before others became involved and removed you from the area. At the time of your dangerous driving, there were other people present in the immediate vicinity, including some of those who had been involved in the initial altercation.

On 20 June, you were arrested and interviewed by police. You admitted being present in the area, and agreed you saw Mr Walter's vehicle unattended, got into it and drove it into Donoghue Street before taking the keys and throwing them into a nearby residence. You denied driving your vehicle and colliding with Mr Walter's vehicle. You admitted your vehicle was at the scene and suggested somebody else must have driven it there.

Whilst I accept this act of dangerous driving involved a short distance and relatively low speed, it nevertheless, is still a serious crime. There were a number of people about. Indeed, in some footage taken at the scene a person, who I am told was your mother, can be seen stepping onto the roadway, signalling for you to stop. You were obviously in a very heightened emotional state, increasing, in my view, the risk that you would lose control and potentially cause harm to others. The matter is aggravated by the fact you were disqualified from driving at the time, and you obviously caused significant damage to Mr Walter's vehicle. I am told the damage was assessed as \$32,346.35.

You are 29 years of age. You will turn 30 in September of this year. You were 26 at the time the crime occurred. You have a poor history of committing driving offences. You have six prior convictions for unlicensed driving, two prior convictions for driving whilst disqualified, six prior convictions for using an unregistered and uninsured motor vehicle, prior convictions under the *Road Safety (Alcohol and Drugs) Act*, including for drink-driving, refusing to undergo a breath test, hinder conveyance and intent to alter concentration of alcohol in breath test. You also have a prior conviction for a hooning offence and a prior conviction for evading police. It would be fair to say your prior convictions reflect a very poor attitude towards your obligation to comply with traffic laws and the safety of other road users. You also have prior convictions for matters of violence against both person and property, matters of dishonesty, offences committed against police and bail offences.

At the time this crime was committed, you were subject to two separate periods of suspended imprisonment. On 30 May 2022, you were sentenced to a four-month period of imprisonment, three months and one day of which was suspended on condition you commit no offence punishable by imprisonment for a period of 12 months. This suspended sentence was imposed in respect to the offence of interfere with a telecommunications service. You were also subject to a separate period of suspended imprisonment, being a two-month period of imprisonment, which was imposed on the same day for offences of burglary and stealing. That sentence was wholly suspended for a period of 12 months. This crime occurred 19 days after those two periods of suspended imprisonment were imposed upon you. Clearly, the import and purpose of the suspended sentences was, at that time, lost on you, and you were not at all deterred from your criminal ways.

I am told, however, that in more recent times, you have made a concerted effort to stabilise your life. You are in a long-term, and supportive relationship to which there are three children. You work on a casual basis on a fishing vessel, but otherwise focus your attention on supporting your family. You have disassociated yourself from previous criminal associates. Save for some relatively low-level bail breaches, there has been no criminal offending for over three years now.

I had you assessed as to your suitability for home detention. The original report suggested you were not suitable for home detention, because of concerns pertaining to child safety, family violence and most significantly concerns as to on-going alcohol and illicit substance abuse. I most helpfully received some additional information from Community Corrections. The issues relating to child safety and family violence concerns are very dated and do not, in my view, justify a conclusion that home detention would be inappropriate. The concerns as to alcohol and illicit substance use trouble me more so. It seems you are prone to binge drinking, with a serious incident being recorded about 13 months ago, and you have, in the past, used cannabis to assist with sleeping. If I am persuaded a Home Detention Order is appropriate, you will have to abstain from the use of both alcohol and cannabis. I am told you are confident that you can do that.

I note you have pleaded guilty to the crime, but the plea came at a very late stage. A jury had been empanelled and witnesses were on their way to Court. Very little weight is to be given to the plea of guilty in sentencing. There has been some delay associated with this matter being finalised. The incident occurred in June 2022, and you are being sentenced some three years later. I note the matter was listed for trial on three separate occasions, but for a variety of reasons could not proceed. At no time during the previous trial listings did you acknowledge

wrongdoing and enter a plea of guilty. In my assessment, the delay per se carries little weight in this sentencing exercise, although I will, of course, take into account what appears to be a definite slowing in terms of your criminal conduct, and the recent stabilisation in your life.

As to the offending itself, I note your motivation for driving as you did, appears to be frustration and concern around an assault that had allegedly been perpetrated upon your brother. I take into account that the driving occurred in the early hours of the morning when there was not a significant number of people about, although, as I have already commented, those who were involved in the initial altercation were still in the vicinity. I also take into account that the driving occurred over a short distance and only lasted for a short period. It did not involve high speed or a prolonged course of action, and there is no suggestion other road users were placed in immediate danger or were forced to take evasive action.

I accept this episode of dangerous driving falls towards the lower end of the scale, but your attitude towards driving generally is concerning. Whilst, of course, you are not to be sentenced on your record, it means specific deterrence is an important sentencing consideration. General deterrence and denunciation are always important sentencing considerations in matters of this nature. I am persuaded, however, that those sentencing aims can be achieved without the need for an actual period of imprisonment. Given the progress you have obviously made over the past three years, it is appropriate to place emphasis upon your ongoing rehabilitation, and I intend to impose a Home Detention Order. To strike an appropriate balance between the competing sentencing considerations, you will also be required to complete a Community Correction Order, including by the performance of some community service hours. It should be recognised that home detention is a sentence which carries a substantial deterrent effect as it is an order that imposes significant restraints on a person's liberty. And you need to very clearly recognise Mr McKenzie Everett, that if you do not comply with the terms of the Home Detention Order, you will be brought back to Court, and it is highly likely any re-sentencing order would involve actual imprisonment.

You are convicted of the crime of dangerous driving. I impose a Home Detention Order of 10 months. The terms of the Home Detention Order will be set out in a written document that will be provided to you. The Home Detention Order takes effect from today. All core conditions of the Home Detention Order will have application during the period of its operation. They include the following:

- you must not commit an offence that is punishable by imprisonment;
- you must reside at the home detention premises of **[address redacted]** at all times, unless your absence is approved by a probation officer;
- you must for the duration of the operational period of the order, submit to electronic monitoring and have any electronic monitoring device fitted and comply with all reasonable and lawful directions given to you with respect to such monitoring.

There are also special conditions which attach to the Home Detention Order. They are:

- 1 You must permit a probation officer, a police officer, or other prescribed officer to enter the home detention premises.
- 2 You must permit a police officer to conduct a search of the premises, conduct a frisk search of you and take a sample of any substance found on the premises or on your person.
- 3 You must submit to electronic monitoring, including the wearing or carrying of an electronic monitoring device.

- 4 You must not remove, tamper with, damage, disable or interfere with the proper functioning of that device or equipment used for the purpose of electronic monitoring.
- 5 You must not allow anyone else to remove, tamper with, damage, disable or interfere with the proper functioning of that device or equipment used for the purpose of electronic monitoring.
- 6 You must comply with all reasonable and lawful directions given to you in relation to the electronic monitoring device, including directions relating to the installation, attachment or operation of the device, if those directions are given to you by a police officer, a probation officer, or other prescribed officer.
- 7 You must maintain in operating condition an active mobile phone service, provide the contact details to Community Corrections and be accessible for contact through that device at all times.
- 8 You must not take any illicit or prohibited substances.
- 9 You must not take any prescribed medication unless you provide written evidence from your medical practitioner that you have been prescribed that medication.
- 10 You must not during the operational period of the order consume alcohol and you must, if directed to do so by a probation officer, police officer, or community corrections officer, submit to a breath test, urine test or other test for the presence of alcohol.
- 11 You must submit to the supervision of a Community Corrections Officer as and when required by that Officer.

I impose a period of licence disqualification of eighteen months from today's date. I make a compensation order in favour of **[the complainant]** for an amount to be assessed and adjourn the further hearing of that application to a date to be fixed.

As to the applications for breach of the two periods of suspended imprisonment, I note that whilst the breaching offence was very different in nature, it occurred within three weeks of the suspended sentences being imposed. At that point, it would have to be said you were continuing to demonstrate a complete disregard for the law. However, as I have just indicated given the evidence of rehabilitation, I am satisfied you should be encouraged to continue along that path, and accordingly I am of the view, it would be unjust to activate the respective periods of suspended imprisonment. I intend to make an order pursuant to s 27(4C)(b) of the *Sentencing Act* and order a substituted sentence take effect in place of the suspended sentences. On complaint 3300/22 and 3301/22, I impose a global sentence, namely a Community Correction order, with an operational period of 18 months. The statutory core conditions of a Community Correction Order are imposed. Those conditions will be set out in a document that will be provided to you. In summary, they will include the following conditions that will apply for the entire operational period:

- You must not commit an offence punishable by imprisonment;
- You must report to a probation officer as required by the probation officer;
- You must comply with the reasonable and lawful directions of a probation officer or a supervisor;
- You must not leave or remain outside of Tasmania without the permission of a probation officer; and
- You must give notice to a probation officer of any change of address or employment before or within two working days after its occurrence.

I also impose the following special conditions:

- You must, during the operational period of the order, submit to the supervision of a probation officer as required by the probation officer;
- You must undergo assessment and treatment for alcohol or drug dependency as directed by a probation officer and you must comply with any directions given to you in respect to engagement with alcohol and drug services or counselling;
- You must submit to testing for alcohol or drug use as directed by a probation officer;
- You must for the duration of the operational period of the order submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer
- You must if directed to do so, attend, participate in and complete the EQUIPS addiction program.
- You must complete 98 hours of community service within the operational period.

I order that you present immediately to Community Corrections Hobart for induction into this Home Detention Order and the Community Correction Order.