

Ms Carmichael, a jury has found you guilty of one count of dangerous driving. The crime was committed on 14 December 2023.

The factual basis of sentencing will essentially be in accordance with the description of the driving derived from the eyewitness accounts of the police officers. You did not challenge any of them during the trial in respect of their evidence as to the movement and path of the motor vehicle. The only matter put in issue by you was the allegation that you were the driver of the vehicle, during the relevant driving. The jury's verdict has settled this question.

The course of driving commenced when you realised that you had been observed by police, in particular the vehicle in which Sgt Storer was travelling. After police activated their emergency lights, you accelerated away from them, travelling well in excess of the speed limit. When you turned left into another road, Butterfield Link, you allowed the vehicle to drift wide onto the wrong side of the road. Fortunately, traffic was relatively light at that point. You then travelled at speed into Algonia Road on the incorrect side of the road. There was considerable traffic at this point and a number of vehicles had to take evasive action to avoid collision. You continued to travel at speed, Sgt Storer estimated that you were travelling at 120 to 130 km/h in a 90 km/h zone. Further along Algonia Road, your vehicle reached a line of stationary traffic. You went around this traffic, on the left side along a footpath or bicycle lane. At this point, the police decided to discontinue the chase because of danger to the public. Your vehicle was next seen speeding along the Southern Outlet as it passed Constable Purcell's vehicle. He estimated that your vehicle was travelling at least 120 km/h in a 100 km/h zone. You then exited the Southern Outlet, but continued to travel at speed. Police had resumed following you at this point. On at least one occasion, you crossed onto the incorrect side of the road, again causing oncoming vehicles to take evasive action to avoid collision. At this point, your vehicle was travelling at 70 km/h in a 50 km/h zone, through a built-up residential area. Soon after this, you abandoned the car at Mount Nelson and returned to the house where you were staying.

You were 43 years of age when you committed this crime and are now 45. I am told that you have had a difficult life, including having to deal with abusive relationships. You have two adult children. Your son is autistic. Your children do not live with you but you have regular contact with them. You have a history of problematic use of alcohol and later in life, illicit drugs. You explain this on the basis that your use of these substances started as a coping mechanism but they quickly progressed into an addiction. In August 2023, a few months before you committed this crime, you were the victim of an aggravated armed robbery. That matter is yet to come to trial. You have agreed to cooperate as a prosecution witness but have been the subject of threats and intimidation as a result. Also, at the time of this offending, you were homeless and dependent on the generosity of friends for accommodation.

Much of this is consistent with your criminal history. Your criminal history demonstrates that you are a prolific offender, including with respect to driving matters. You have been convicted of numerous offences of driving whilst disqualified and have received terms of actual and suspended imprisonment for such offences. Until recently, such sentences do not seem to have deterred you from continuing to commit such offences. In fact, at the time of committing this crime, you were subject to a suspended sentence for offences which included disqualified driving and dishonesty matters. That sentence was activated in April 2024 when you were sentenced for

new offending committed after the commission of this crime. The new offending included serious driving matters as well as drugs and dishonesty. However, the only matter that seems to have been committed after the commission of this crime is a breach of bail in January 2024. You claim to have been making a real effort since going to gaol in April 2024 to get on top of your problems and improve your life. Your counsel asserts that you have been off drugs since July 2024.

I accept that, as you sit here today, you are genuinely committed to improving both your conduct and your life generally. You have certainly reached the point in your life when you have to choose one path or the other. I am prepared to accept that there is some real prospect of rehabilitation. That is an important consideration, because this was an objectively serious offence. Normally, you would be sentenced to a significant term of imprisonment for it. It is not the most serious case of dangerous driving I have unfortunately had to deal with but it was serious enough. You put other road users, police officers, your passenger and yourself at grave risk during the course of this driving. It continued over a reasonable distance and for a sustained period. You are not entitled to the benefit of a plea of guilty. Having said all this, I think that you, your children and the community generally will be best served if you make good on your promise to rehabilitate and improve your life.

In all the circumstances, I am satisfied that the appropriate way to proceed is to defer imposing sentence for a period of 18 months. The purpose of taking this option is to give you an opportunity to rehabilitate and to demonstrate that you are well on path to rehabilitation before sentence. In the light of your history, it seems to me that this will involve two primary aspects. Firstly, it will be a key expectation that you will not commit any other offence during the period of deferral. Given your history there is no room for latitude here. If you are serious about rehabilitation, you will obey the law without exception. Secondly, there will be an expectation that you will abstain from using illicit substances and seek and obtain whatever therapy or assistance you need to make sure that happens. Once again, I will adopt a no tolerance approach to this question. There will be regular reviews before me during the deferral period. If it appears at any time that you have slipped back into illicit drug use, or you commit further offences whatever they may be, I will have no hesitation in bringing sentencing forward. If you breach either of these conditions then you can expect that I will impose a sentence of imprisonment for this crime which you will be required to serve in prison. On the other hand, if there is a reason for optimism in relation to your rehabilitation at the end of the deferral period then while I will still be imposing a sentence, it is likely to involve a non-custodial option. The choice Ms Carmichael is in your hands. I will simply respond to the choice you make as will be demonstrated over the next 18 months.

Accordingly, the orders I make are as follows:

- a Under s 57A of the *Sentencing Act*, I adjourn these proceedings to 7 April 2027 at 4.15pm, for the purpose of deferring sentence in respect of this crime;
- b I grant you bail. The conditions of bail are as follows:
 - i You are to appear in the Supreme Court of Tasmania in Hobart at 10am on 7 April 2027 for sentence.

- ii You must also appear in the Supreme Court at 4.15 pm on 11 December 2025 and at such further time and date thereafter to which the proceedings may be adjourned from time to time, and that is for the purpose of review.
- iii You are to reside at [address] during the period of bail and not change that address without the prior approval of the Court.
- iv You are not to be found behind the controls of a motor vehicle during the period of bail. I should indicate my reasoning in that regard is that I would have imposed a period of disqualification of about that time in any event and I will take into account the time served in respect of not driving under the bail condition when considering whether there is any further disqualification warranted.
- v You are not to possess or consume any illicit drug during the period of bail.
- vi You are not to commit any offence punishable by imprisonment during the period of bail.