

Mr Brown, you are before me for sentence in respect of a number of episodes of serious criminal conduct. The first set of offences relates to your involvement in an aggravated burglary and stealing of firearms and ammunition on 3 July 2024. You have pleaded guilty to those crimes. You have also pleaded guilty to two counts of dangerous driving, each committed at a separate time, together with a number of associated summary offences. The first episode of dangerous driving occurred on 27 June 2025. The summary offences relating to the circumstances of that crime are one count of motor vehicle stealing, one count of stealing registration plates, one count of evading police with aggravated circumstances, one count of stealing fuel and one count of driving a motor vehicle while prescribed illicit drugs namely methylamphetamine and amphetamine were present in your oral fluid. The second crime of dangerous driving was committed on 20 August 2025. The summary offences related to those circumstances are one count of motor vehicle stealing, one count of stealing fuel, two counts of evading police with aggravated circumstances, one count of resisting police, one count of possessing a smoking device and one count of driving a motor vehicle while methylamphetamine and amphetamine were present in your oral fluid.

The aggravated burglary and stealing crimes were committed with another man. This man is older than you and has been violent towards you in the past. It is essentially put to me that this theft was his idea and he pressured you to help him. Consistent with this, it seems that your role was relatively limited. You waited outside the complainant's premises in a car while your co-offender entered an outdoor shed, which the complainant had been using as a temporary residence while the main residence was renovated. The shed contained a gun safe. Your co-offender used a grinder and an axe to force open the safe and stole six firearms and a quantity of ammunition. He also took a glass display cabinet. He called you and you collected him and the stolen goods. When he realised that he had left a screwdriver inside the shed, you entered the shed to retrieve it for him. You then took him to his residence. He retained all of the firearms and ammunition. The stolen firearms and other items were valued at approximately \$15,000 and only one of the firearms has been recovered.

The next episode of offending commenced on 23 June 2025, when you stole a Mitsubishi Triton vehicle from a Launceston car yard. You were given possession of the vehicle for an agreed 10 minute test drive, and you simply did not return it. On 27 June 2025 in the early hours of the morning, you stole registration plates from another Triton which was parked outside the residence of its owner in Moonah. You put the stolen plates on the Triton that you had stolen from the car yard. Later that morning, police observed you driving the stolen vehicle in Glenorchy. They attempted to intercept you by activating emergency lights and sirens but you accelerated away from them. You travelled along the Brooker Highway at speed weaving in and out of traffic. Although police disengaged from the chase at an early point, you continued to travel at high speed. Your manner of driving caused a drum to fall from the tray of the vehicle, almost colliding with another vehicle. Eventually, police lost sight of you.

A short time later, you stole fuel from a service station at Brighton. You did this by having your female passenger put the fuel into the vehicle and then you drove away without paying for it.

Police spotted you again a short time later at Brighton. You immediately commenced a course of dangerous driving to evade interception by them. Over a significant period and distance, you

drove at high speed and erratically along a number of busy major roads including the Midlands Highway. On numerous occasions, you drove onto the incorrect side of the road into the face of oncoming traffic. Numerous vehicles were required to take evasive action to avoid collision with you. At a relatively early point in the driving, police successfully spiked the tyres of your vehicle with a vehicle immobilisation device. However, you continued to travel for a considerable distance on the deflated tyres, eventually wearing them down to and driving on the bare rims. As the tyres disintegrated, your ability to control the vehicle was severely compromised and it tended to drift all over the road including into the path of oncoming traffic. You drove the wrong way around a major roundabout at the intersection of Brighton Road and the Midlands Highway in the oncoming lane, narrowly avoiding head-on collision with a large truck. You drove into the oncoming lane of at least two other roundabouts including another one on the Midlands Highway. Police deployed considerable resources during this course of driving with several police cars following and monitoring the vehicle. Eventually, police were able to stop your vehicle by deploying a second vehicle immobilisation device. This occurred at the intersection between the Midlands Highway and the Highland Lakes Road at Melton Mowbray, which is obviously a very considerable distance from where this course of driving commenced.

You were arrested by police after you got out of your vehicle. You were initially remanded in custody but released on bail after approximately one month. You commenced the next course of offending approximately three weeks later. On 18 August 2025, you stole a truck by renting it and then failed to return it at the end of the day, as agreed with the owner. This was obviously the same method used by you in respect of the previous offending in June. The following day, you stole fuel from a service station in Longford, again employing the same pattern of offending as the previous occasion.

By 20 August 2025, police were searching for you. Again, substantial resources were deployed for this purpose. This included use of the Westpac rescue helicopter and requests for assistance from the public. At 2:40pm, a single police officer saw you driving the truck near Scottsdale. The officer attempted to intercept you by getting out of his vehicle and waving you down but you drove past without stopping. You looked at him as you did so. He followed you but you continued to speed away. At one point, you overtook a large semitrailer by driving onto the wrong side of the road just before the crest of a hill. The officer lost sight of your vehicle after this.

Police found you again driving in Norwood just after 5pm. You again embarked on an extended course of dangerous driving in an effort to escape from them. On this occasion, the driving was conducted along busy urban streets and major roads. You drove from one side of Launceston to another, through a number of suburbs including shopping precincts. The police successfully spiked the truck's tyres with a vehicle immobilisation device at a relatively early point, but again this did not stop you from continuing to drive away from them. You did this on flat truck tyres which disintegrated over a distance, depositing rubber debris on the roads which of course created a hazard for other road users. Police deployed a further three vehicle immobilisation devices during the course of the journey. You attempted to avoid two of them by driving through red lights and swerving onto the wrong side of the road in the face of oncoming traffic. On numerous other occasions during this journey, you drove onto the wrong side of the road in the path of oncoming traffic. Numerous vehicles were forced to take evasive action to avoid collision. You also drove through numerous red lights. With the fourth and final deployment of an immobilisation device, the device became lodged in the truck's wheels. At one point, you drove past a no entry sign up an offramp onto a busy highway against the flow of traffic and then

continued on the incorrect side of this highway for a considerable time. This occurred in conditions where traffic flow was heavy and conditions dark with limited street lighting. As with other occasions during this course of driving, oncoming vehicles were forced to take evasive action. It was noted that you did not take any steps to slow your vehicle or otherwise avoid other vehicles. You were followed and monitored by multiple police vehicles, who activated their emergency lights to warn oncoming traffic of the hazard posed by you. As on the earlier occasion as the tyres and wheels of the vehicle became more damaged, the truck became harder to control and tended to drift over the road. Eventually, you lost control of the truck, and it mounted a curb and collided with a brick structure in the centre of a roundabout. However, even this did not stop you. You attempted to drive off but within a short distance, you again lost control of the truck and eventually came to a stop. You then resisted police by winding up the window, locking the door and refusing to get out of the vehicle. Police were required to use a baton to break the driver's side window to gain entry to the truck and remove you. You continued to struggle with them. A fluid test revealed a positive result for methylamphetamine and amphetamine. The truck sustained significant damage as a result of these events. The repair costs have been estimated at \$23,615.80.

Clearly both instances of dangerous driving and the associated summary offences represent very serious criminal conduct. Both crimes involved erratic and highly dangerous driving over a long distance through urban areas and on busy highways. You completely disregarded the safety of anyone else and numerous road users and police officers were placed in real danger by your actions. It is incomprehensible that no one was injured or killed. The erratic and uncontrolled nature of the driving, continuing to drive large vehicles as the tyres and wheels disintegrated and driving on many occasions on the wrong side of the road and into the path of oncoming traffic considerably escalated the danger and is inexcusable. On both occasions, you were driving stolen vehicles while you were on bail for serious offending, which on the second occasion included the charges arising from the first episode of driving. On both occasions, you had been consuming illicit drugs and your capacity to properly control the vehicle was undoubtedly seriously compromised as a result. It goes without saying that you could, at any time, have avoided this danger by simply stopping the vehicle. The persistence and desperation you showed considerably increased and prolonged the danger arising from the driving.

I also regard the stealing of the firearms as a serious matter. The commission of such crimes undoubtedly results in firearms falling into the hands of criminals and the safety of the community is prejudiced as a result. Although you were not the principal offender, and do not seem to have benefitted from the crime, you still played a significant role in its commission.

You are 27 years of age. You had a difficult childhood. You were exposed to family violence perpetrated by your father against your mother. Your father also encouraged you to drink alcohol from a young age and unsurprisingly you have developed a long standing problem with alcohol. Due, I imagine to these problems, you were predominantly raised by your grandparents, and you formed a close bond particularly with your grandfather. Your education was sporadic, and you experienced learning difficulties at school. In 2020, you suffered serious head injuries as a result of a car accident in Queensland. A psychologist has assessed your intellectual capacity as low and most likely borderline. In 2024, in addition to your problem with alcohol, you started to use methylamphetamine. Your use of this drug escalated quickly and at the time of the offending behaviour, you were drinking heavily and taking methylamphetamine on a daily basis. You attribute this escalation in substance abuse to your grief arising from the death of your grandfather in August last year. You also causally link it to the increase in your offending

behaviour. I accept that you are correct about both because it is notable that your prior convictions consist only of one low range drink drive offence in 2022 and a common assault in 2024. While I do not ignore these prior matters, the level of the prior offending can be contrasted with the serious and repeated criminal behaviour which is the subject of this sentence. Having said that, the fact that your conduct was influenced by substance abuse does not mitigate the objective seriousness of the crimes nor your moral culpability for them. It is, however, relevant to my assessment of the need for specific deterrence particularly if there is a commitment to a pathway towards rehabilitation, but such an assessment also needs to consider the increased risk of further offending if you are unsuccessful in reducing your substance use. The need for specific deterrence is also informed by the fact that your offending was committed despite being subject to bail and your persistence in the face of obvious danger throughout each course of driving.

A related issue is the relevance of your limited intellectual capacity and functioning. The psychologist was asked to consider the significance of this within the context of the *Verdins* factors. She has expressed the opinion that although substance use “is evidently the primary causative factor in your offending behaviour during the relevant period”, there is a causal link between your low intellectual functioning and your decision-making, presumably at the time of the offending. I accept that this would have had some impact in relation to the firearms charges because your intellectual capacity leaves you vulnerable to exploitation by others. However, it is difficult for me to accept that your condition significantly reduces your moral culpability for the dangerous driving crimes and associated offences. Your counsel claimed that you panicked, and the psychologist’s opinion seems to suggest that limitations in your ability to problem solve and generally deal with the situation which arose contributed to the offending behaviour. In my view, any such connection is extremely tenuous. Your conduct in stealing the vehicles a day or two before each offence, stealing fuel and on one occasion stealing registration plates indicates a degree of premeditation. Your immediate decision to flee from police on more than one occasion during each episode and the persistence you demonstrated in your attempt to make good your escape from police is inconsistent with panic and decisions made spontaneously. The danger you were putting yourself and others in would have been patently obvious to you even with your reduced intellectual functioning and at any time you could have brought that danger to an end by simply stopping the vehicle. The extent to which your conduct can be truly explained by your low intellectual functioning rather than reducing your moral culpability, instead increases significantly the need for a sentence which acts as a specific deterrent from future conduct of this nature. Further, your immediate admissions and acceptance of responsibility during your police interviews on each occasion indicate that you well understood the serious, wrongful and dangerous nature of what you had done. On the other hand, I accept the view expressed by the psychologist that your low intellectual functioning and associated vulnerability will make your experience of prison more difficult than would otherwise be the case, and this will increase its punitive impact on you.

Finally, your counsel claims that you are committed to rehabilitation. It is submitted that you were immediately remorseful and counsel points to your immediate admissions to police and your early pleas of guilty. However, the repeated and premeditated nature of your conduct, your persistence with the dangerous driving, and your resistance of police when they finally caught up with you on the second occasion tends to undermine your claim of immediate remorse and reduces any mitigatory weight to be attributed to your immediate admissions to police. However, in relation to your early pleas of guilty, you are of course entitled to credit with respect to the

utilitarian benefit of each plea. I agree with your counsel that the utilitarian benefit in each case is significant and this will be reflected in the sentence.

Given the seriousness of the driving offences, I am of the opinion that the only appropriate sentence is a sentence of immediate imprisonment. I am required to impose a separate sentence in respect of each of the evading police charges. I intend to impose a global sentence for the balance of the offending relating to the driving episodes. In assessing the global sentence, I will take into account totality but of course, the overall sentence must be proportionate to the separate instances of criminal conduct involved in this offending. I will also make allowance for a reduction in sentence to reflect the utilitarian value of your pleas of guilty. I will permit parole at the earliest opportunity in order to provide the Parole Board with the opportunity to encourage and support your rehabilitation after release from prison. In respect of the crimes related to the stealing of the firearms, I intend to impose a suspended sentence of imprisonment. Notwithstanding that these crimes involve serious offending, a suspended sentence will assist in avoiding an overall sentence which is crushing, will provide an opportunity for conditions relating to supervision when you are released from prison and reflects your lesser role in respect of that offending and your lack of prior convictions.

Accordingly, the orders I make are as follows:

- a You are convicted of the crimes and the offences to which you have pleaded guilty;
- b For the offence of evading police with aggravated circumstances committed on 27 June 2025 and charged in complaint 7510/25, you are sentenced to imprisonment for a term of four months. That sentence will be backdated to 23 July 2025. You are not eligible for parole until you have served one half of that sentence. You are also disqualified from driving for a period of two years which will commence on the date of your actual release from prison.
- c For the offence of evading police with aggravated circumstances committed on 20 August 2025 and charged in count three on complaint 35252/25, you are sentenced to imprisonment for a term of six months which will be backdated to 23 July 2025 and served concurrently with all other sentences of imprisonment. You are not eligible for parole until you have served one half of that sentence. You are disqualified from driving for a period of two years which will commence on the date of your actual release from prison and be served concurrently with the disqualification imposed on complaint 7510/25.
- d For the offence of evading police with aggravated circumstances committed on 20 August 2025 and charged in count five on complaint 35252/25, you are sentenced to imprisonment for a term of eight months. This sentence will be backdated to 23 July 2025 and will be served concurrently with all other sentences of imprisonment. You are not eligible for parole until you have served one half of that sentence. You are disqualified from driving for a period of two years which will commence on the date of your actual release from prison and be served concurrently with the disqualification imposed on count three on complaint 35252/25 and complaint 7510/25.

- e For the crimes of dangerous driving contained in both indictments and the charges contained in complaints 7509/25, 7512/25, 7513/25, 10694/25, 36049/25 and counts one, two and seven on complaint 35252/25, I impose a global sentence of imprisonment for a term of three years which will be backdated to 23 July 2025 and served concurrently with all other sentences of imprisonment. Were it not for your pleas of guilty, I would have imposed a global sentence of 4 years. You are not eligible for parole until you have served one half of the sentence. You will also be disqualified from driving for a period of five years which will commence on the date of your actual release from prison and will be served concurrently with the other periods of disqualification which I have imposed.
- f In respect of count 8 on complaint 35252/25, which is not an imprisonable offence, I impose no further punishment.
- g In respect of the crimes of aggravated burglary and stealing and stealing a firearm or firearm part, I impose a global sentence of imprisonment for a term of 12 months the whole of which will be suspended for a period of 18 months which will commence on the date of your actual release from prison. The suspension of the sentence will be on the following conditions:
 - 1 that you are not to commit another offence punishable by imprisonment during that period.
 - 2 that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence from the day when you are actually released from prison. The court notes that the conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within three clear days of the day that you are released. In addition to the core conditions, the order shall also include the following special conditions:
 - (a) *you must, during the operational period of the order,*
 - i *attend educational and other programs as directed by the court or a probation officer;*
 - ii *submit to the supervision of a probation officer as required by the probation officer;*
 - iii *not consume alcohol or illicit drugs;*
 - iv *undergo assessment and treatment for drug dependency as directed by a probation officer;*
 - v *submit to testing for drug use as directed by a probation officer;*
 - vi *undergo assessment and treatment for alcohol dependency as directed by a probation officer;*
 - vii *submit to testing for alcohol use as directed by a probation officer;*

viii *submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;*

ix *attend, participate in and complete the EQUIPS addiction program as directed*

3 For the purposes of S 92A(3) of the *Sentencing Act*, I specify that:

i The total term of imprisonment which you are liable to serve in respect of all of the above sentences, excluding the term which has been suspended and taking into account sentences which are to be served concurrently, is three years, commencing on 23 July 2025.

ii The total period that you must serve before you become eligible for parole is a period of 18 months.

h Pursuant to s 68(1) of the *Sentencing Act*, I order that you pay compensation as follows:

1 You are to pay compensation to Corporate Vehicle Management in a sum to be assessed. I adjourn assessment sine die.

2 You are to pay compensation to Nicholas Orme in a sum to be assessed. I adjourn assessment sine die

3 You are to pay compensation to BP Brighton of 163 Brighton Road in the sum of \$104.70.

4 You are to pay compensation to Knockout Concreting and Excavation in a sum to be assessed. I adjourn assessment sine die.

5 You are to pay compensation to Ampol Longford of 25 – 27 Marlborough Street, Longford in the sum of \$113.55.

6 I make an order to pay compensation to Andrew John Thorpe in a sum to be assessed. I adjourn sine die.

i I make the forfeiture order in respect of the smoking device sought by the prosecution.