

STATE OF TASMANIA v BRADY LEIGH WHELDON
COMMENTS ON PASSING SENTENCE

21 MAY 2026
PEARCE J

Brady Wheldon, you were acquitted by a jury of aggravated carjacking but found guilty of the alternative crime of stealing. I also agreed to sentence you on your plea of guilty to two further counts of stealing, evading police, driving without a licence and contravening a condition of your bail. Subject to consistency with the verdict, it is my responsibility to find facts for sentence on the alternative verdict. Facts adverse to you must be proved by the prosecution beyond reasonable doubt. The facts related to the other offences were in the form of a short Crown statement of facts but otherwise emerge from uncontentious evidence at trial.

At around 5.40 am on 3 January 2025, the complainant, a Nepalese woman then aged 31, was about to leave for work from her home in Mowbray in the car her brother had just given or loaned to her. She had started the car and it was sitting in the driveway to warm up. The keys were left in the ignition while she walked back to retrieve something from the boot. Her husband was still asleep inside the house. You happened to be riding past the house on a bicycle. By being there at all you were in breach of the curfew condition on your bail. Some hours earlier you had stolen the bicycle, along with some cash, a mobile phone, bank cards and other cards, from your uncle, Justin Stonehouse. When you saw the car running in the complainant's driveway you decided to steal it. The prosecution case was that you approached the complainant with a knife and threatened her with it to take the car. It follows from the verdict that the jury was not satisfied beyond reasonable doubt that you assaulted her, with a knife or otherwise. However you admitted that you got into the car and drove it away, leaving the bicycle behind. In the car also was a small bag belonging to the complainant containing about \$650 in notes and a substantial amount of coins. You were spotted by a police officer about an hour later seated in the car outside the house in Mt Stuart Drive in Newnham where you were then living. When you realised that you had been seen, you evaded the police by speeding off along Mt Stuart Drive at an estimated 100 kph in a 60 kph zone. You turned onto Alanvale Road and again accelerated away in an attempt to avoid apprehension. A few minutes later the police found the car you had stolen parked in the driveway of the home of a stranger in Newnham. You were quickly found hiding in a bush in the garden near the car keys. Your backpack was hidden nearby in the same garden with the complainant's bag and money and the wallet, cards and phone you stole from Mr Stonehouse inside.

When you were interviewed you admitted stealing Mr Stonehouse's bike and belongings, and the complainant's car and bag, but you denied threatening the complainant with a knife. You claimed that you came across the car in the driveway with the engine running but unattended.

I found the complainant's evidence that she was near the car and saw you approach to have been compelling. Perhaps you did not immediately see her there but I reject as false the account you gave to the police that the car was left unattended. I believe her evidence that she had no need to leave the car once she had come from the house with the things she needed for the day. I am satisfied beyond reasonable doubt that you confronted the complainant aggressively and in a highly agitated manner as you walked towards the car. Because she had little English, she could not understand what you were saying. Consistency with the verdict means that you are not to be sentenced for intentionally threatening to apply force to her, but I am satisfied that she felt threatened, intimidated and frightened by you and the manner of your approach. She shouted out and ran to the door of the house to attempt to get help but by the time her husband came out you were already driving away.

You are now aged 27. You have a long record of offending and have spent long periods of your adult life in custody. Your mother is supportive of you although she lives in Queensland and has health problems. You have been diagnosed with oppositional defiance disorder, ADHD and schizophrenia but there is no evidence that your mental health conditions are causally related to these offences or are otherwise relevant to sentence. The dominant factor in your life has been abuse of illicit drugs. You began using drugs in your early teens and methylamphetamine since you were 18. Your record is consistent with a person who has repeatedly resorted to dishonesty to fund addiction, but also includes other forms of anti-social behaviour and some violence. You were first imprisoned at the end of 2017 and have been to prison many times since then. The longest term was two years and ten months imposed in 2019 for dangerous driving and evading police and other offences. Otherwise, you have been sentenced for numerous counts of driving while disqualified, burglary and aggravated burglary, stealing and motor vehicle stealing, fraud, and some common assaults. On 29 April 2024 you were sentenced to imprisonment for 12 months from 15 December 2023, two months of which was suspended. The offences for which you are now to be sentenced were committed not long after your release. No application has been made for breach of the suspended part of that sentence. Since then, on 14 May 2025, you were sentenced to imprisonment for four months from 24 January 2025 for more dishonesty following your release.

You are entitled to mitigation from your admissions and your pleas of guilty to the summary crimes. Your defence of the aggravated carjacking charge was vindicated by the verdict. It was an opportunistic rather than a planned crime. Most of the property you stole was quickly recovered, including the car and the cash. Nevertheless, I regard this as a serious case of stealing. The complainant was a stranger to you and was at her home. She was understandably frightened by your brazen approach. Her victim impact statement confirms that she still experiences an ongoing psychological impact. Moreover, this is another demonstration of your willingness to drive in defiance of authority and in such a way as to put the police and others at risk. You have one prior conviction for evading police. This instance is aggravated by the circumstance of you driving a stolen car. Thus, as a subsequent offender, you are liable for that offence to a term of imprisonment of up to five years. You are not to be punished for your record but it indicates a continuing attitude of disobedience of the law and a strong need for retribution, deterrence and protection of the community. You claim to have been affected by drugs at the time of these offences but that is not mitigating. For some years now you have done nothing to demonstrate that there is any realistic chance of rehabilitation and I think that the chance of it is small. I will make some allowance for parole but, in light of the need for punishment and protection of the public, you will not be eligible to apply until you have served the minimum term I consider justice requires.

I was informed without dispute that you spent 21 days in custody between 3 January and 23 January 2025, and 353 days between 18 February 2025 and 5 February 2026. You have been in custody on this and other matters since 13 March 2026. Apart from the four month sentence, ordered on 14 May 2025, none of these periods of custody have yet been taken into account. I accept that it is now just to do so, and accordingly any sentence I impose should commence on 4 July 2025. I have fashioned each of the orders I am about to make to achieve what I consider to be a just and appropriate total sentence.

Brady Wheldon, on the indictment you are convicted of the alternative crime of stealing. On complaint 30024/2025 you are convicted on counts 1 and 3 to 6 inclusive. On count 6, contravening conditions of a notice, in light of the other sentences I am about to impose I make no further order. On count 3, evading police with aggravating circumstances you are sentenced

to a term of imprisonment of eight months from 4 July 2025. I order that you are not eligible for parole in respect to that term. You are disqualified from driving for three years from the date you are next released from prison. On count 4, driving without a licence, you are sentenced to a term of imprisonment of two months also from 4 July 2025, that is concurrently with the term imposed on count 3, and disqualified from driving for one year from your release. On count 1, stealing from Mr Stonehouse, you are sentenced to imprisonment for two months cumulative to the term imposed on count 3. I order that you are not eligible for parole in respect to that term. On the indictment, the alternative charge of stealing, and on count 5 on the complaint, stealing the cash, I impose one sentence, a term of imprisonment of 12 months, cumulative to the term imposed on count 3, and concurrent with the term imposed on count 1. I order that you are not eligible for parole until you have served half of that term.

The result is a total term of imprisonment of 20 months from 4 July 2025 with eligibility for parole after having served 14 months of that term, and disqualification from driving for three years from your next release.