

STATE OF TASMANIA v EMILY JANE NELSON
COMMENTS ON PASSING SENTENCE

JAGO J
3 JULY 2026

Emily Jane Nelson, you have pleaded guilty to one count of dangerous driving contrary to s 172A of the *Criminal Code*. Pursuant to s 385A of the *Criminal Code*, I have also agreed to deal with a number of related summary charges, being one count of stealing; three counts of drive whilst disqualified, one count of evade police (aggravated circumstances), one count of drive a motor vehicle whilst a prescribed illicit drug is present in your blood, one count of use abusive language to a police officer, and one count of unlawfully possess dangerous article in a public place.

All charges arose from an incident that occurred on 23 November 2025. As at that date, you were disqualified from holding or obtaining a driver's licence, having been disqualified on 29 May 2025 for a period of 12 months.

On 23 November, you were driving your motor vehicle at Longford. You drove into the United Service Station, pumped \$38 of petrol into your vehicle and then drove away without paying. This constitutes the stealing offence. Later that same day, at about 5.06pm, you were driving your motor vehicle through the Homemaker Centre in Stony Rise, Devonport. You were driving at speed through the carpark adjacent to the BP service station, which also services the busy takeaway outlets of Subway and McDonalds. A Mr Benjamin King was also driving his motor vehicle through the carpark at the same time. He had his wife and son as passengers in his vehicle. Mr King was driving towards the carpark's exit, on Friend Street. He had right of way. You drove at speed through the carpark, which had a posted speed limit of 10kph, and turned left in front of Mr King, in effect cutting him off. Mr King was forced to quickly apply his brakes to avoid a collision. He sounded his horn. You sounded your horn.

You then proceeded left onto Friend Street. Mr King was travelling behind you. As you entered the first roundabout on Friend Street, you suddenly stopped your car. There were no obstructions nor any other reason for you to stop your vehicle. Your sudden stop caused Mr King to have to apply his brakes to avoid a collision. You then proceeded to "brake check" Mr King three more times as you travelled along the next 300 metre stretch of Friend Street. You were swerving from side to side on the roadway. Just before the intersection of Friend Street and Stony Rise Road, you pulled your vehicle over to the side. Mr King was able to pass by and drive away.

A short time later, you resumed driving. You travelled on to Stony Rise Road and then turned left onto Middle Road. You drove at an excessive speed for approximately one kilometre. Near the Northwest Support School on Middle Road, you were swerving across the road, onto the incorrect side and into oncoming traffic. This manner of driving continued for approximately one kilometre.

Just prior to reaching the roundabout at the intersection of Middle Road and William Street, you came up behind Mr King's vehicle and collided with the back of it. Mr King pulled over into a bus stop. The collision occurred at 5:09pm, a busy time on a major thoroughfare in a business and residential area. The following day, Mr King's wife had to seek medical attention for a neck injury she sustained in the collision.

You continued driving through the roundabout, turning onto William Street, and then driving away. At approximately 5:35pm, you were seen driving through the same roundabout. You

headed south along Middle Road, back towards Stony Rise. Police in a marked police car identified your vehicle, having been notified of the earlier collision. They attempted to follow you, intending to intercept you, but lost sight of you. At approximately 5:45pm, police again observed you, this time at the roundabout at the intersection of Middle Road and Stony Rise Road. The police activated their lights and sirens in an endeavour to intercept you. You did not pull over, rather you sped off and quickly accelerated along Stony Rise Road. Your speed was estimated at 100kph in an 80kph zone. You thereby evaded police. Because you were disqualified at the time of this driving, the evade police charge is deemed to have occurred in aggravated circumstances.

Police followed you for a period. You were seen to cross a double white line and move into the oncoming lane of traffic. You overtook three vehicles. When you overtook those vehicles, you had limited visibility because of a right-hand bend in the road. Concerned about the risk to the public, police stopped their pursuit of you and turned off their lights and sirens. They continued to follow your vehicle at a distance and saw you travel south along Stony Rise Road and into Mersey Main Road. You were still travelling at approximately 20kph above the speed limit.

You continued south through Quoiba, Spreyton and into Tarleton. A second police vehicle saw you in Tarleton. They observed you drive onto a vacant paddock off Mersey Main Road, where you performed a large U-turn, at speed. You then drove off an embankment, which was approximately 1.2 metres in height, and travelled back onto Mersey Main Road, this time heading north. The police vehicle attempted to follow you, but lost sight of you. Because the U-turn occurred on a private block and not on a public street, it does not form part of the particulars of dangerous driving, but it is indicative of your cavalier attitude and disregard for others. Driving off the embankment and back onto Mersey Main Road does form part of the particulars of the dangerous driving.

You then continued to drive at speed back towards Spreyton. The police car that had initially pursued you was parked near the intersection of Mersey Main Road and Sheffield Road. They observed you to drive into the oncoming lane of traffic and remain in that lane for approximately 300 metres. You were driving at an excessive speed.

As you approached the police car, the police attempted to throw road spikes to halt your progress. You swerved to avoid those spikes. As you drove past the police vehicle, other cars in both lanes were forced to take evasive action to avoid a collision. One driver had to drive off the road and up onto the curb and footpath to avoid your vehicle.

You continued to travel north on Mersey Main Road, still at speed. As you were travelling between Quoiba and Spreyton, a car travelling in the opposite direction had to quickly apply their brakes and manoeuvre their vehicle to avoid colliding with you. Again, it was estimated that you were travelling approximately 20 kilometres above the posted speed limit.

Police continued to search for you in the greater Devonport area but were unable to locate you. At approximately 7:40pm, a member of the public telephoned police and reported that your vehicle was parked near the Devonport airport. Police attended the area and located you in your vehicle, parked on the side of the road. You were arrested. When police arrested you, they found a penknife in your handbag. This constitutes the offence of possess a dangerous article in a public place.

When police arrested you, you were aggressive. You called Sergeant Symmons a "stupid bitch". When she warned you about using abusive language, you replied "Fuck you"... "Charge me slut...Fucking abusive language". This constitutes the offence of use abusive language to a police officer.

You were taken to the Devonport Police Station. You provided a sample of your oral fluid for analysis. It was positive for methyl amphetamine and amphetamine. There is a breach of the *Road Safety (Alcohol and Drugs) Act* is before me. The fact you were driving with methyl amphetamine in your system aggravates your driving behaviour and augments the danger.

Your dangerous driving was constituted by travelling at speeds in excess of the designated speed limits, failing to give way to other vehicles, braking excessively, bringing your car to a stop when unsafe and unnecessary to do so, driving on the wrong side of the road, overtaking other vehicles when unsafe to do so, driving off an elevated embankment at speed, and causing your car to swerve and cross onto the incorrect side of the road. The dangerous driving occurred intermittently over several hours and across several kilometres. At the time, there was a moderate amount of traffic on the roads and several other road users had to take evasive action to avoid colliding with your vehicle.

The areas in which you drove are major thoroughfares in Devonport. The manner of your driving very obviously created a serious risk of injury to other road users and pedestrians. Part of your dangerous driving occurred in the Homemaker Centre, which is a heavily populated pedestrian area. Your driving behaviour is aggravated by the fact that you were evading police, and you were disqualified from driving. I am conscious that you are not to be punished twice for the same acts of criminality, but the fact that you were driving to avoid apprehension adds a factor of desperation to your driving and decision making. Your conduct displayed a complete disregard for the law and also a callous indifference to the safety of other members of the public. You, in fact, collided with one vehicle and there were several occasions where other vehicles had to take evasive action, including mounting a kerb and footpath to avoid colliding with you. In my view, you represented a serious danger to the public throughout this incident.

I have received a victim impact statement from Mr King. He has been badly affected by the fact you struck his vehicle and then fled without showing any regard for the wellbeing of him or his passengers. He has suffered physically, emotionally and financially because of your driving behaviour. Mr King sustained an injury to his wrist, his wife sustained a neck injury, the young child in the car, whilst not physically injured was quite traumatised by the incident. Since the collision, Mr King and his family have experienced considerable anxiety and stress and have struggled to understand how a member of the community can be so dismissive of the welfare of others. There has also been a financial loss associated with the damage you caused to his vehicle.

You are 24 years of age. You have a significant record of prior convictions, particularly for driving offences. You have two prior convictions for reckless driving, five prior convictions for driving whilst disqualified, four prior convictions for evading police (three in circumstances of aggravation), a prior conviction under the *Road Safety (Alcohol and Drugs) Act* for driving with illicit drugs in your system, and a conviction for refusing an oral fluid test. Additionally, you have convictions for three counts of motor vehicle stealing, 14 counts of stealing, and five counts of using abusive language to a police officer. You also have several convictions for

assaulting police, resisting police, using abusive language to a police officer and assault a public officer.

I note you were sentenced on 29 May 2025 to an eight-month period of imprisonment, commencing 25 February 2025, for a number of driving offences, offences against police and dishonesty offences. This sentence expired on 24 October 2025. These acts of dangerous driving occurred less than a month after your release from prison. Obviously, the sentencing principle of specific deterrence has much work to do. My conclusion as to that was reinforced by observing you in Court as the facts were read. You obviously found the fact that you inflicted harm on another road user and exposed many more to considerable risk, amusing.

You are an indigenous person. You experienced a difficult childhood. You grew up in a family home where violence was commonplace. Your father suicided when you were aged six. This had a profound effect upon you, and, understandably, you struggled to cope thereafter. Your mother remarried and you had a very poor relationship with your stepfather. It led to you leaving home at the age of 12. Between the ages of 12 and 16, you were largely homeless, relying upon friends and sometimes strangers for support and accommodation. At times you were able to access youth accommodation. Unsurprisingly, you developed a drug habit during your teenage years. You began using drugs from about the age of 13 and quickly developed an addiction to methyl amphetamine. Your prior convictions and, I am told, this behaviour is reflective of that addiction. Many of your crimes have been committed when you have been under the influence of methyl amphetamine.

You have, in the past, endeavoured to address your drug addiction but have largely been unsuccessful in doing so. Whenever you are confronted by trauma, you tend to revert to drug use. You have experienced several traumas in your life. Tragically, you gave birth to a daughter in 2022, who passed away on the day of her birth. Your drug use thereafter escalated considerably.

I am told that you recognise that addressing your drug addiction will be essential to you ceasing the chaotic lifestyle that you have been living for the past several years. You tried to obtain some drug counselling whilst you have been remanded in custody but were unable to do so. You intend to enrol in programmes and counselling that might be available to you once sentenced. Whilst your desire to address your drug addiction is well-intentioned, whether it eventuates remains to be seen.

You have been given the benefit of sentencing orders in the past that have been directed at encouraging your rehabilitation, such as Community Correction orders and suspended sentences, but to date it seems little has provided you with the impetus that is necessary to make the changes that are so obviously required. I nevertheless note that you are only 24 and therefore prospects of reform should not be ignored. You have a son, who is currently in the care of your mother. You hope to better yourself so that you can be a positive part of his life.

Clearly, matters of general deterrence, specific deterrence and denunciation weigh heavily in this sentencing exercise. The sentence must reflect the gravity of the risks you posed and the very real potential for serious injury, or worse, that arose from your driving behaviour. For several years now, there has been an increase in the severity of sentences imposed for serious driving offences, reflective of an increase in concern on the part of the community as to poor driving behaviour. The sentence imposed must act as a strong deterrent, not only to you but also others who may be minded to drive in such an appalling manner.

I make the following orders. You are convicted of all crimes and offences to which you have pleaded guilty. I impose a single sentence, save for the evade police (aggravated circumstances) charge for which I must impose a separate sentence. You are sentenced to two years' imprisonment, commencing 23 November 2025. I order that you not be eligible for parole until you have served one-half of that period of imprisonment. You are disqualified from holding or obtaining a driver's licence for a period of two years from the date of your release from custody.

On the charge of evade police, you are sentenced to six months' imprisonment to be served cumulatively to the sentence just imposed. On that charge, you are disqualified from holding or obtaining a driver's licence for a period of 12 months, cumulative to the disqualification period just imposed.

The total term of imprisonment that you are liable to serve, therefore, is two years and six months, commencing 23 November 2025. The minimum period of imprisonment you must serve before becoming eligible for parole is 18 months. The total period of disqualification to which you are subject, is three years commencing from the date of your release from custody.