

IN THE COUNTY COURT OF VICTORIA  
AT GEELONG  
CRIMINAL DIVISION

Revised  
Not Restricted  
Suitable for Publication

Case No. CR-18-02569

DIRECTOR OF PUBLIC PROSECUTIONS

v

LIAM GARY DAVIS

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JUDGE: HER HONOUR JUDGE GAYNOR  
WHERE HELD: Geelong  
DATE OF HEARING:  
DATE OF SENTENCE: 22 May 2019  
CASE MAY BE CITED AS: DPP v Davis  
MEDIUM NEUTRAL CITATION: [2019] VCC 694

**REASONS FOR SENTENCE**

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Subject:  
Catchwords:  
Legislation Cited:  
Cases Cited:  
Sentence:

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<u>APPEARANCES:</u>	<u>Counsel</u>	<u>Solicitors</u>
For the DPP	Ms Piggott	
For the Accused	Ms Frangic	

HER HONOUR:

- 1 Liam Gary Davis, you have pleaded guilty before me to one charge of Dangerous Driving Causing Death. The facts underlying your offending are as follows.
- 2 On Saturday, 11 November 2017, you set out in your Nissan Patrol for a day of four wheel driving with your girlfriend, Louise Crimmins, and her sister and ultimate victim, Sarah. You drove your car with Louise in the front passenger seat and Sarah in the rear. You were accompanied by three friends in a second vehicle, they being Marcus Wirtanen who drove, Emily Roberts in the front, and Jack Hudson in the back.
- 3 After driving to Anglesea, the group went onto a power line track during which time you drove off road onto a large boulder to see how much clearance you could achieve and also drove your vehicle onto a burnt out car. Neither of these instances of driving are considered by the prosecution to be the subject of any offending behaviour. The group continued driving and at about 1.00pm attended a milk bar at Forrest where you told Louise that there was something wrong with your brakes, saying that they felt “funny and were making a funny noise”. Mr Wirtanen, who was an apprentice mechanic, looked at the driver’s front wheel of your car and could see that the brake calliper had shifted, and that the bolts holding it in place were gone. You, Jack Hudson and Mr Wirtanen jacked up the car, took the front driver’s wheel off and realised the calliper bolts had fallen out.
- 4 Mr Wirtanen then cut and tied the brake line, securing it with cable ties and a screw in the end to prevent leaking, which left your car operational, albeit with only three working brakes. Mr Wirtanen told you that with no brake to the front right, your car would pull to the left and you told police that you understood that. The group then decided to abandon further four wheel driving and to instead continue to Gellibrand as you needed fuel, and then return home.

5 You first “tested the brakes” by driving back and forth, the car appeared to be operating normally, and according to plans made between yourself, Mr Wirtanen and Mr Hudson as I understand it, the two cars then travelled in convoy, you following Mr Wirtanen’s car. In order to avoid traffic the convoy drove along various unmade roads ending up on Friars Road during which time Mr Wirtanen directed you via two-way radio about upcoming bends and slopes. Mr Wirtanen told police that he kept telling you look out for bends and to watch your speed as the cars went along Friars Road, “because of the gravel and bends. At times it was slippery just because of the loose gravel.”

6 At about 2.25pm, by which time you had been travelling without incident for about an hour, the cars reached a point on Friars Road, Gellibrand where the gradient was a steep downhill slope. Up to that point your car had been operating normally. It was a manual and you kept it in second and third gear to slow down the engine. On approach to the bend and slope, you applied your brakes to slow down entering the bend and your car skidded, pulled to the left, began rotating anticlockwise and then struck an embankment and rolled. As this occurred, Sarah Crimmins was partially thrown out and died at the scene from injuries sustained.

7 Tragically, the evidence of her sister, Louise, was that when the car came to rest, she saw the passenger side of the car was on top of her sister’s head. A car of passers-by were flagged down who assisted you in lifting the car off Sarah, and then rendered first aid to her. Soon after police arrived followed by paramedics but Sarah was pronounced dead at the scene.

8 You underwent a preliminary breath test which returned a negative reading. You were arrested at the scene, cautioned and taken to Colac Hospital via ambulance.

9 A post mortem examination was conducted, the cause of death being noted as head injuries sustained by Sarah as a passenger in a motor vehicle incident.

10 Louise suffered a bruise to her right forehead, some infection from skin loss on her left hand and some discomfort and tenderness in her neck and spine. She has also, of course, suffered from ongoing emotional trauma. You suffered minor injuries.

11 The car was mechanically inspected by the Mechanical Investigation Unit on 14 and 15 November 2017. According to the report, the brake system would not operate efficiently or safely with the driver's side front brake calliper missing from the car, which would then pull/steer to the left when brakes were applied and would be difficult to control. The report concluded that:

"The removal and subsequent driving of this vehicle without the driver side front brake calliper would have caused or contributed to the collision in this circumstance."

12 Collision reconstruction expert, Detective Sergeant Jenelle Mehegan, investigated the scene and determined that the speed of your vehicle when it first commenced to skid was approximately 55 kilometres per hour. The applicable speed limit for the road was 100 kilometres per hour. You apparently believed that until your car entered the skid you had been driving under 50 kilometres per hour but the car picked up speed as you entered the slope, causing you to then apply the brakes and resulting in the subsequent loss of control.

13 You were released from hospital that evening and immediately taken to the Colac Police Station where a Record of Interview was conducted. You made admissions to being the driver of the car and gave an account of the circumstances, telling police of the removal of the brake calliper, the advice you received that the car might pull to the left, that you were told to drive "easy" and that you did and that no one had suggested getting a tow truck. You told police

- that you had thought about it but did not have much money so did not take that course. It was a cooperative Record of Interview.
- 14 You entered a plea of guilty to a charge of Dangerous Driving Causing Death at a contested committal hearing but before any witnesses were called. The prosecution agrees that from the outset, there were negotiations between the prosecution and defence and that the more serious charge of Culpable Driving was eventually withdrawn.
- 15 It is the prosecution case that your driving of the car with only three operative brakes in the relevant circumstances was dangerous and created a real risk of death or serious injury. That dangerousness was constituted by a combination of the changed braking dynamics of the car, your driving the car after the makeshift repairs, and in light of the nature and condition of the road surface. The prosecution conceded that none of those factors by themselves would necessarily have rendered your driving dangerous. It is not alleged that at the time you were speeding in any way or engaged in reckless driving such as performing braking manoeuvres such as burnouts and the like.
- 16 The maximum penalty for dangerous driving causing death is 10 years' imprisonment with a mandatory loss of licence of not less than 18 months.

**Personal History:**

- 17 I now turn to your personal circumstances. You are now 21 years old and were aged 20 at the time of the offending. You have never been in trouble with police either before or since this incident. You live with your parents and girlfriend, Louise Crimmins, in Clifton Springs. You are the youngest of three children and no member of your family has ever been in trouble with the law. Your father works as a retail manager and your mother works as a personal care attendant on dementia patients at an aged care home in Portarlington. Your sisters, aged 30 and 24, are both partnered and have children. Your counsel informed me you enjoyed a happy and stable childhood, attending Drysdale Primary School

and then completing Years 7 to 10 at Geelong High School. You were not academic and undertook a course at Gordon TAFE which was essentially a pre-apprenticeship course during Year 11 and part of Year 12. During Year 12 you obtained a plumbing apprenticeship where you worked for two months, but were unhappy in your workplace and decided to seek a career in carpentry. You then worked for five months labouring for a carpenter but were laid off due to a lack of work, then for a second carpentry business for four to six months, leaving when that company merged with another company not willing to take on apprentices. You then worked at Foodworks for six months.

- 18 You answered an advertisement from Bellarine Roof Services for a roof plumbing apprenticeship where you have worked ever since. You are now in the third year of your four-year apprenticeship, finishing the academic side in August this year, with final exams in November. You will be fully qualified from August of 2020.

**References:**

- 19 I received a reference from your employer who also attended Court to support you along with family and friends. In his letter dated 7 May 2019, Thomas Gipson, Director of Bellarine Roofing Services, said you were a very valued employee who from day one had impressed him with your enthusiasm and “really good work ethic”, describing you as a model employee. He wrote:

“I repeatedly have clients and building supervisors for various builders that we do work for pull me aside to tell me how good they think Liam is and how lucky I am to have him work for me.”

- 20 In his letter dated 8 May 2019, Dominic Vassallo, a teacher at the Gordon TAFE Plumbing Department, described you as a punctual, courteous and enthusiastic student with a great work ethic and a desire to learn, and who had undertaken extra work and training outside of required sessions to make up for the three weeks that you missed as a result of the accident. Mr Vassallo wrote that all teachers at the Gordon TAFE spoke highly of you and your attitude to your

work. He also wrote that he had employed you on occasion in his own plumbing business and would do so again.

21 Your girlfriend, Louise, who has known you for about 5 ½ years and with whom you have been in relationship for two years - one year of that living together at your parents' house - described you in her reference as a hardworking man who rarely missed a day of work and worked most Saturdays. She described you as generous and caring, often picking up her sister Sarah from school in Drysdale to drop her at her father's home in Barwon Heads.

22 It appears Sarah's parents divorced some years ago, and her mother Janine Crimmins lives in Melton. She had only met you a few times before Sarah's death but wrote in a letter of support dated 8 May 2019 that she was aware from what her daughters told her that Sarah often relied on you to drive her to her friends' or to pick her up from school, and that she had found an email by Sarah making it clear she had a real personal regard for you. She described you as a "tremendous support" to her daughter Louise.

23 Your friend, Emily Roberts, who was travelling in Mr Wirtanen's car on the day of the fatal accident, said she had known you for about seven years and described you as a determined, honest and hardworking individual who had always shown integrity and passion to those around him. She wrote that on the day of the collision plans to spend the entire day driving ended when the problems with your car brakes was discovered. She wrote:

"We pulled over immediately to inspect what was happening. That's when the decision was made not to continue and to start heading home taking back roads to avoid the main/busier roads. We made those decisions together and unfortunately it didn't work out."

**Remorse:**

24 There was clear evidence that you suffer great remorse and grief as a result of this incident. Your counsel told me you experienced so much difficulty with your emotions and the aftermath of the accident that you attended for regular

treatment with a clinical psychologist, Dr Kim Armstrong. In her report dated 9 May 2019, Dr Armstrong wrote that Sarah's death had had a significant negative effect on your psychological functioning and emotional wellbeing and diagnosed you as suffering severe Post Traumatic Stress Disorder (PTSD) with depression and anxiety. Dr Armstrong wrote that you had regressed from being an extroverted, highly social person to now being introverted, socially isolated and emotionally withdrawn. Dr Armstrong wrote:

"Liam presents as a genuine, caring and hardworking young man who is harbouring a great sense of guilt over the incident before the Court. He has repeatedly exhibited and expressed sadness and deep remorse over Sarah's death ..."

25 It was Dr Armstrong's opinion that you would experience "a rapid and significant decline" in your psychological functioning, were you to be imprisoned.

26 Your father, Garry Davis, in his letter, said that since the accident, from being an outgoing person you were now basically a recluse. You stay home on weekends where previously you had gone out with friends and he reported seeing you crying at times in the back garden, writing:

"I miss his contagious smile he always had but no longer shows. He has lost weight through not being hungry due to his stress and depression."

27 He said you were a boy who had never given or been in any trouble and had always been a good, kind and considerate person.

28 In her letter, Louise Crimmins wrote that you had become a very quiet self-contained person, who was deeply affected by her sister's death. She said you regularly cried and sobbed in your sleep. She wrote of you:

"In his own grieving, he would support me and took care of me for months on end, financially and emotionally and he still is to this very day. He never left my side. He went above and beyond for me."

29 She further wrote that you found it difficult to drive and could not go on trips any longer than 30 minutes without becoming anxious. She wrote you had days when you would not talk to anyone or leave the bedroom. She described you



as the most outstanding and loving person she had ever met, who would never be the same person that you were, concluding, “he is suffering tremendously”.

30 Janine Crimmins in her letter wrote:

“I do not hold any hatred towards Liam or blame him for Sarah’s death but he is responsible. I look at Liam and see a very sad and remorseful young man who would like nothing more than to go back to that day and change it.”

**Victim Impact Statements:**

31 I received Victim Impact Statements from Sarah’s father, Graham Crimmins, her mother Janine, her sister Louise, her sister Erin, her brother Jack and her paternal aunt, Julie-Anne Anchen. Each Victim Impact Statement (Mr Crimmins and Ms Anchen read their Victim Impact Statements out in Court) made for heartrending reading. Sarah was clearly a most beloved daughter, sister and niece. She was a bright, bubbly young woman who was a particularly talented musician.

32 In his Victim Impact Statement, Mr Crimmins said that as a result of his daughter’s death he no longer cared if he lived or died. He wrote:

“So now with the help of prescribed medication for depression, I am living in a pretend world where I try to believe that this is not real and that I am not living this.”

33 He wrote that he found it difficult to leave the house due to his grief, and found it difficult to perform simple tasks such as housekeeping, shopping, or even feeding himself. He has trouble sleeping and lost his job as he was unable to function, stating:

“The amount of pain, grief and suffering that I have gone through has left me barely surviving.”

34 In his Victim Impact Statement, Jack Crimmins wrote that the death of his sister Sarah had changed his life, that he felt sad and robbed and missed her every day. He wrote he now had difficulty controlling his emotions, hurting himself and damaging relationships in the process. Of particular grief to him was that he

was now expecting a child who would never meet his sister. Mr Crimmins said he had to take 12 months off work following the accident and felt the financial effects of that to this day. He wrote:

“I miss my baby sister and nothing in this world can make up for the heart-breaking, excruciating pain that my family, and I are feeling.”

35 Sarah’s sister, Erin, in her Victim Impact Statement reported nightmares over her sister’s death, waking up crying every night for weeks. She viewed her sister’s body and the image of it was with her clearly after 14 months and a source of great agony. She was unable to work for about eight weeks after the accident, isolated herself and slept excessively. She described herself as anxious and suffering panic attacks. Erin Crimmins wrote:

“I miss her every single day, I think about her every single day. I still feel as though she will just come over but she doesn’t, she never will again.”

36 She further wrote:

“I was told to write how losing Sarah has affected me and all I could think was “how hasn’t it?””

37 In her Victim Impact Statement, Louise Crimmins wrote that losing her sister had been the hardest thing she ever had to deal with. She wrote:

“The day of the accident is a day that I think about all the time ... it haunts me, it reminds me that I failed to keep Sarah out of harms’ way and it resulted in her death. I only blame myself for Sarah’s death.”

38 She wrote that despite the assistance of her close supportive relationship with her mother and sister Erin she now suffers Post-Traumatic Stress Disorder, depression and anxiety, stating:

“... but I am slowly learning to deal with it and I couldn’t have done it without the support of my mum Erin, partner Liam and his whole family.”

39 She described you, Mr Davis, in her Victim Impact Statement as the person “who is keeping me from sinking to the bottom.”

40 Sarah’s paternal aunt, Julie-Anne Anchen, in her Victim Impact Statement described an inability to sleep at night and constantly missing her niece, stating:

“I think of her constantly, wishing that she could still be with us and that I would be still bragging to my friends about how she was so talented and how she was growing into such a funny, beautiful, confident person with so much ahead of her to achieve.”

41 Finally, in her Victim Impact Statement, Sarah’s mother Janine Crimmins described her grief and great sense of loss. She wrote of the terrible pain she experienced commuting to work by train and seeing teenage students on the way to school, reminding her of her daughter. She wrote:

“I was at a point where I couldn’t fight the tears and I was crying on the train to and from work, hiding behind my sunglasses. I was crying at lunch time. I was hiding from people for fear they would mention my loss or ask questions about my family. I did not want to get out of bed in the mornings. I contemplated my own death over and over and over again because I could not deal with the loss.”

42 Ms Crimmins wrote of sleeplessness, and then dreaming of her daughter when she did sleep. She has sought psychological assistance and been prescribed antidepressants by her general practitioner. She still suffers headaches, anxiety and difficulty staying focussed on tasks. She wrote:

“My mind wanders all the time and thoughts of Sarah sneak into my mind constantly.”

43 She wrote:

“We are all missing her terribly and I work very hard at not being bitter about our loss.”

44 Ms Crimmins wrote movingly of worrying about her children’s reaction to the devastating loss of a much loved sibling. She also wrote of the circumstances surrounding her daughter’s death that:

“A decision was made that day that by all the people there and it resulted in our worst nightmare. ... I have no doubt that everybody involved would give anything to change that day or even take Sarah’s place.

“We are all suffering a terrible loss here, including Liam and his family. This is something they must live with the rest of their lives also.”

45 She concluded:

“To be a good mother while my heart is breaking, is one of the hardest roles I’ve ever had to play.”

### **Sentencing authorities:**

46 I now turn to the law governing sentencing for offending of this kind. It should be noted that the charge of Dangerous Driving Causing Death is a charge involving strict liability. That is, if such driving is objectively judged as dangerous, the fact that the driver did not appreciate this is not a defence to the charge. Ordinarily, persons found guilty of this charge can expect to receive a term of imprisonment to be immediately served except in exceptional circumstances where the degree of moral culpability is found to be low.

47 In the case of *DPP v Neethling* [2009] VSCA 116 at paragraph 38, the Court of Appeal stated:

“... it is the degree of moral culpability which will be a key factor in determining whether, exceptionally, a non-custodial sentence is available as a sentencing option.”

(See also *Oates* [2007] VSCA 59)

48 In *Stephens v R* [2016] VSCA 121 at paragraph 26, the court stated:

“Both the dangerousness and moral culpability fall to be assessed by reference to all of the conduct and circumstances of the specific case, including the circumstances of the offender.”

49 At paragraph 27, the court stated:

“Offending by a person who has knowledge of the risks associated with particular driving, will ordinarily be adjudged more blameworthy than offending by one who is without that knowledge. The degree to which particular consequences of the offender’s acts were, or should have been, foreseen by him or her will inform the question of moral culpability.”

### **Legal Submissions:**

50 Defence counsel, Ms Franjic, submitted that your moral culpability was low. She said the decision to drive had been made after a discussion between yourself and your friends, one of whom was an apprentice mechanic. It was then decided that the best way to proceed was by way of convoy on back roads with the undamaged car driving ahead and the occupants informing you in advance of bends and curves up ahead. It was agreed by all that you should

drive slowly and you appeared to have been driving at less than half the maximum speed level applicable to the road where the accident occurred, and that the speed at which you were driving had then increased because of the steep descent gradient. You had tested the brakes before taking off, having been warned that braking could cause the car to pull to the left, and the car appeared to be operating normally. That remained the situation for about an hour before the car came to this steeper descent.

51 Ms Franjic pointed to part of Mr Wirtanen's statement to police that:

“At the time we thought that cutting the brake line and tying it with my knowledge and tools available was the safest way to fix the car that was broken and that it would be safe to keep driving temporarily with us taking the precautions that we did like taking back roads and going at slow speed.”

52 She said you were not intoxicated or driving under the influence of substances. You were not sleep deprived or otherwise impaired, but were genuinely attempting to take care in your driving. She said since obtaining your Driver's Licence you had driven frequently and engaged in off road four wheel driving with friends, without incident.

53 She submitted that your driving did not involve a fragrant lack of regard for road conditions nor were you driving in an inattentive manner. Your driving was not erratic, aggressive or competitive.

54 Ms Franjic submitted that whilst your conduct involved a grave error of judgement by wrongly believing that the car was capable of being safely driven home in the manner decided upon, you did not fully appreciate the nature and extent of the risk that you were taking in driving the car home in the condition it was. She submitted that the facts of your case were somewhat unique.

55 Ms Franjic also made submissions in relation to other grounds which must be taken into account by a court in determining the appropriate sentence in a particular case.

- 56 She submitted that your plea of guilty was made at a very early stage, indicated genuine remorse and warranted a substantial discount. In support of that admission, Ms Franjic referred to evidence of deep-seated and profound remorse noted by your psychologist, your family, your friends, your employer and teachers.
- 57 She submitted that you had been entirely cooperative with police, attending for a record of interview with them as soon as you were released from hospital and frankly answering 789 questions in explanation of what had occurred. At the accident scene, you got yourself out of the vehicle and with assistance lifted the car off Sarah. Police described you as being in shock, evident distress, and making immediate expressions of remorse and horror.
- 58 Further, Ms Franjic submitted that you remain in a relationship with Sarah's sister, Louise, and therefore live with the consequences of your actions in a real and palpable way on a daily basis, and that you will have to live with the consequences of your actions for the rest of your life.
- 59 Ms Franjic submitted that as you are now 21, and were 20 at the time of the offending. At Common Law you are therefore a youthful offender with your life ahead of you so that rehabilitation was a more important sentencing consideration than for an older offender. She also submitted that your offending involved an error of judgement made by a young man who was acting in good faith, not one acting stupidly, skylarking or showing off. She said your error of judgement was, in all likelihood, the product of your immaturity and lack of life experience.
- 60 Ms Franjic submitted that your lack of prior convictions along with the very strong character references supported the conclusion that this offending was very much out of character for you.
- 61 She submitted that you had excellent rehabilitation prospects based on your lack of previous offending, your excellent work ethic and impressive work

history, strong support of a close and law abiding family, and the lack of any difficulties with drugs or alcohol.

62 Finally, Ms Franjic submitted that propositions 5 and 6 in *R v Verdins* [2009] 16 VR 269 had application in your case. In that case it was held that where it is shown imprisonment may be more burdensome for an accused person than the normal prisoner, and/or that there is a serious risk that imprisonment would have a significant adverse effect on a person's mental health these constitute grounds for imposing a less serious sentence.

63 Ms Franjic relied on Dr Armstrong's diagnosis of your development of a severe Post-Traumatic Stress Disorder, depression and anxiety as a result of this incident, and her professional opinion that you would experience a rapid and significant decline in your psychological functioning if you were to be imprisoned.

64 The prosecution submitted that the objective dangerousness of the car's condition meant that a term of imprisonment to be immediately served was the appropriate disposition, although it conceded that a combination sentence, that is a term of imprisonment combined with a Community Correction Order, would not be inappropriate.

65 Ms Piggott for the prosecution conceded that the report of your treating psychologist, Dr Armstrong, supported the fact that the offending had had a significant effect upon you. She also conceded that because of your relationship with the victim's sister and family, the cause of Sarah's death was likely to weigh heavily upon you.

### **Conclusion:**

66 After anxious consideration, I have concluded that this is one of those exceptionally rare cases where a non-custodial disposition, that is a Community Corrections Order, should be imposed. I am satisfied that the moral culpability

involved in this case is low. I accept that you and your friends, one of whom I note was an apprentice mechanic, took what you all considered to be, after discussion, the safest means of getting the damaged car home. That decision proved to be a fatal mistake.

67 In saying this, I am in no way failing to appreciate the tragic consequence of that decision. It resulted in the premature death of a promising and much loved 16 year old girl and has caused immeasurable grief and suffering to her family and friends. The outcome could not have been worse. It is that terrible outcome in offending of this kind which generally leads, except in rare cases, to the imposition of terms of imprisonment. Clearly persons in the community must be deterred from driving in such a manner that results in such a horrendous outcome.

68 I stress that this is a rare case. It is not just that there was an absence of aggravating features usually seen in cases of this kind – excessive speed, lack of sleep, recklessness, competitive driving, the influence of drugs or alcohol and so on. Even this would ordinarily not be enough to avoid the imposition of a sentence of imprisonment.

69 I am satisfied there is low moral culpability in your case because in my view it is clear that you and your friends actually took care in the way you drove – the convoy, the two-way radio communication alerting you of the state of the road up ahead, the decision to drive on back roads to avoid other traffic, the low speed at which you drove. Such actions are simply not usually seen in offending cases of this kind. The offending lies not in the way you drove but in the decision to drive at all. That was a decision, as I have said, I am satisfied you made in good, though mistaken, faith.

70 I also accept that the decision to proceed as you did in the damaged vehicle also, to some extent, lay in the youth and immaturity not just of you but also of your friends who were involved in the decision to drive.



- 71 I am also satisfied you are a young man of excellent character who has never been before a court for criminal or traffic offending, either before or since this tragic accident. You come from a good law abiding and supportive family. You have an excellent work ethic. You are a young offender. You yourself have been gravely and probably permanently affected by your actions. I am satisfied that it is most unlikely that you would be seen before a court again.
- 72 Further, I am satisfied that you would find the service of a term of imprisonment, because of the serious psychological difficulties you have developed since the accident, more difficult to endure than a normal prisoner, and that those already serious psychological difficulties would be significantly worsened by such a term of imprisonment.
- 73 As I have said it is clear that general deterrence, that is a response from a court designed to deter others from offending in the same way, as well as the principles of just punishment and denunciation are important sentencing considerations in cases of Dangerous Driving Causing Death. However, again for the reasons I have already outlined, I am satisfied that the particular circumstances of both this offending and of you personally, are such that a Community Corrections Order is an appropriate disposition in this case. It has been made clear by the Court of Appeal in *R v Boulton* [2014] VSCA 342, that those sentencing objectives can be met in a Community Corrections Order.
- 74 You have been found by Community Corrections to be suitable for placement on a Community Corrections Order. In her report, Assessing Community Corrections Officer Veronica Walsh wrote that you had been assessed as a low risk of re-offending with the protective factors of “a full-time plumbing apprenticeship, a supportive family, no known criminal associates, no criminal history and he presents as a young man with a pro-social attitude.”

- 75 She further wrote: “Mr Davis understands he made a detrimental decision with severe and heartbreaking consequences. He accepts responsibility for his actions and is accepting of the situation he is in before the court.”
- 76 I therefore sentence you as follows.
- 77 You are to be placed on a Community Corrections Order for a period of three years. In addition to the usual core conditions, including supervision by Community Corrections and an undertaking to be of good behaviour for that period, you are ordered to undertake 300 hours of unpaid community work. You are further ordered to attend for assessment and treatment for mental health treatment as recommended by Ms Walsh.
- 78 Your driver’s licence is cancelled and you are disqualified from obtaining a further licence for a period of 2 years.