

# Court Justice, 10: Sentencing Decisions

In the final episode of this groundbreaking series, magistrates in Downing Centre Local Court heard the case of a 25-year old charged with [drug possession](#), a repeat offender charged with [weapons possession](#), and a Sydney cabbie appearing in court for his first ever traffic offence.

## Drug possession

In the first case, Deputy Chief Magistrate Jane Mottley heard the case of 25-year old Dylan Fricker, who pleaded guilty to possessing a small quantity of cocaine.

Mr Ficker was seen by a security office in a hotel cubicle holding a small plastic container of white paper and a rolled up five dollar note. Police were called and Fricker was arrested and charged with drug possession, an offence punishable by a maximum penalty of two years' imprisonment and/or a fine of \$2,200.

But it wasn't the young man's first time before the court – he previously pleaded guilty to drug possession less than a year earlier. Fricker's defence lawyer submitted material to the court demonstrating that a snowboarding accident had left her client seriously injured, which caused him to become unable to work, fall into debt and spiral into depression, ultimately leading to the use of drugs.

The lawyer handed-up material showing that her client had attended a treatment programme for defendants with drug problems, ultimately persuading the magistrate to exercise her discretion under [section 10\(1\)\(b\)](#) of the [Crimes \(Sentencing Procedure\) Act 1999](#) to impose a two-year good behaviour bond without a criminal conviction.

Her Honour made it clear this was Fricker's final opportunity to get his life back on track – that such leniency would not be extended by the court again “in any circumstance”.

### **Prohibited weapon**

54-year old disability pensioner Gary Hussey pleaded guilty before Magistrate Greg Grogan to possessing a prohibited weapon.

Police were called to a domestic situation on Mr Hussey's property and found a home-made cross-bow.

Hussey's defence lawyer submitted that his client was not using the weapon, nor intending to use it, and that it was wrapped in a sheet in a spare room, not on display.

But his lawyer had a harder time explaining Mr Hussey's previous record – a pre-existing offence of possession of a dangerous weapon (a knife) and one of possessing explosives.

Mr Hussey says outside the court that both offences can be explained – he needed explosives to get rid of some tree stumps on his brother's property, and the 'weapon' was not a sharp knife, but a pair of scissors on his key chain.

The magistrate carefully considers the matter and ultimately refers the defendant to be assessed for a Community Service Order. But as Community Corrections finds that Hussey is unsuitable for community service work, His Honour instead refers him to undertake the Salvation Army's Positive Lifestyles Programme; a 10-week course which helps offenders to move away from crime.

If Gary fails to complete the court, he may end up with a full time custodial sentence.

### **[Parking fine NSW](#)**

In the third and final case, a 53-year old taxi driver with a

perfect traffic record for 27 years pleaded guilty before Magistrate Wahlquist to disobeying a no-stopping sign.

Sydney cabbie John Lloyd submitted he was dropping off a passenger at the Sydney Opera House when he found the entrance blocked by a bus. His passenger put her money on the console of the taxi and got out. A parking officer caught the incident on camera.

The cabbie submitted there are "extenuating circumstances"- the young lady jumped out of the cab and Mr Lloyd could not stop this, nor move while she was getting out. The Magistrate ultimately dismissed the charge under the provisions of section 10(1)(a), which means the cabbie avoids a conviction, a bond and the initial \$253 ticket.

So there it is – the fly-on-the-wall series gave viewers some insight into the goings-on inside Australia's busiest local courthouse.