

# Court Justice Episode 5: Family Support During Sentencing

Two men and a woman pleaded guilty and faced the music in [Downing Centre Local Court](#) in episode 5 of Court Justice, Sydney.

All of them were fortunate to have their family members in court to support them through the frightening and potentially life-changing sentencing process.

## **Drink driving**

First up was Nicholas Rundall, who tested positive to having twice the legal limit of alcohol in his bloodstream while driving home after work drinks one Friday evening.

Supported by his parents in court, Nicholas pleaded guilty to [mid-range drink driving](#) and came before Magistrate Chris O'Brien for sentencing.

Nicholas' defence lawyer submitted to the court that her client started his car and began driving, but after a short time decided that he would get a cab instead.

Rather than pull over at the nearest safe place, Nicholas turned his car around and began driving it back to where his journey began – and that's when he was stopped by police.

Nicholas had pleaded guilty to another drink driving offence just three years earlier, which increased the applicable penalties and forced the magistrate to consider the possibility of a prison sentence.

His latest disqualification from driving would have a significant impact on his entire family, as Nicholas often

drove his father, a disabled war veteran, to medical appointments.

And while personal circumstances can certainly influence the ultimate penalty, in this instance Magistrate O'Brien's message was clear:

"I am not going to gaol you today, but you need to understand that you're right on the edge. You are very close. If you come back here to court again, that's exactly what will happen to you."

Instead, Nicholas was convicted and fined \$900 and disqualified from driving for 7 months.

He was also placed on an 18-month good behaviour bond under [section 9 of the Crimes \(Sentencing Procedure\) Act](#).

If he breaches that bond by committing another offence, he will be brought back to court and re-sentenced for his drink driving offence, and the fact he was on a bond will be considered an aggravating feature of the new offence.

When he is allowed to resume driving, Nicholas will be placed on the [alcohol interlock program](#) – which (for mid-range drink driving) means he will need to have an alcohol testing device fitted to his car for a further 2 years.

## **Drug possession**

As her anxious mother sat beside her in court, 22-year old Ebony Bagnall pleaded guilty to single count of possessing 0.2 of a grams of 'ice'. The offence carries a maximum penalty of 2 years' imprisonment.

"We [could never have seen this coming](#)", her mother said. "As a parent, you have all these hopes and dreams for your child and then they choose to go down this road. It's heartbreaking."

Despite having been dependent on ice for 2 years, it was the

first time Ebony was before a court.

Ebony's lawyer told the court her client's habit has not only put her on the wrong side of the law, but has seriously jeopardised her health. As a diabetic, the drug has affected Ebony so badly she has had stints in intensive care.

Her mother, who remained staunchly by her side, believes that residential rehabilitation is the only answer. Ebony was on a waiting list for professional residential help. In the meantime, she is tackling her addiction head on and says she had been clean for 24 days by the time she faced court.

Around a quarter of a million Australians are regular ice users. Unlike other so-called party drugs, like cocaine and ecstasy which tend to be consumed over the weekend, [research suggests that ice use is prevalent](#) throughout the week.

Ebony is young, has taken proactive steps to deal with her addiction and has strong family support.

Despite these factors, and the fact it is her first offence and the quantity of the drug was small, Magistrate Price saw fit to impose a 12-month good behaviour bond under section 9 – which means she will have a criminal conviction (contrary to what was posted on the TV screen during the show). In other words, His Honour did not exercise his discretion to deal with the matter without recording a criminal conviction, which he could have done under '[section 10](#)' (now [section 10 dismissal](#) or [conditional release order](#)).

Ebony and her mother appeared relieved as they left court – hoping the ordeal would be the impetus for Ebony to beat her addiction.

## **Offences against police**

[Resisting arrest](#), [escaping lawful custody](#) and [assaulting a police officer](#) were the charges accepted by young Bradley

Price after a night of heavy drinking at the Mardi Gras with his partner Jai.

The couple argued during the evening and Jai called police to complain that Bradley was harassing him. When police arrived, Bradley swore and became violent – leading to the trio of criminal charges.

Bradley's partner Jai was with him in court, and so was Bradley's mother. She said Bradley is otherwise a good kid, and what happened at Mardi Gras was well out of character.

After pointing out that offences against police carry harsh penalties, Magistrate Greenwood convicted Bradley of all three and imposed a total of \$1,210 in fines.