

# Court Justice, Sydney 7: Repeat Offenders

The seventh instalment of Court Justice, Sydney advised that “fifty-six percent of defendant who appear at the Downing Centre will reoffend within ten years”.

Downing Centre Local Court Magistrate Chris O’Brien believes there are two primary reasons for this: either they are undeterred by the previous penalty, or they are so disadvantaged that they do not have the capacity to change.

The latest episode of Court Justice, Sydney took a look at matters involving repeat offenders.

## Revolving door

Appearing before Magistrate McIntyre was thirty-two year old Michael Bullivant.

Just a week out of prison, Michael was back before the court on a charge of possessing stolen goods, after trying to sell a stolen iPad to fellow residents of a homeless shelter.

As Michael was already on good behaviour bonds, his defence lawyer asked for him to be assessed for an [Intensive Corrections Order](#) (ICO), informing the court he has been “ten weeks clean” and in the process of arranging permanent accommodation for himself.

An ICO is an alternative to a prison sentence, and would require Michael to undertake mandatory [community service punishment](#) work and regular drug testing as a way of helping him to rehabilitate.

The magistrate commended Michael for his efforts towards rehabilitation and acceded to the defence lawyer’s request, revoking Michael’s previous bonds and referring him for an

ICO assessment.

But several days later, Michael appeared in court via video link from Surry Hills Police Station having been arrested the previous day for shoplifting.

His lawyer applied for Michael's release on bail, but faced an uphill battle due to the fact Michael was already on conditional liberty – meaning it became a [‘show cause’](#) matter requiring the lawyer to demonstrate why Michael's detention was not justified.

Bail was ultimately refused and Michael was later sentenced to a minimum of four months in prison.

### **Convicted in his absence**

Fifty-six year old Donald Cormier missed his previous court date and was sentenced in his absence for stealing a wheelchair worth \$200, and intimidating police.

During his arrest, Donald became highly agitated and was detained under the [Mental Health Act](#) in hospital for several hours as a result. He said outside the courtroom that he obtained permission from the owner of the wheelchair to take it, with a view to giving it to a friend in need.

Despite the fact Michael had prior convictions, Chief Magistrate Judge Graeme Henson described the present offences as on the lower end of the scale.

His Honour recorded convictions but exercised discretion under [section 10A](#) of the Crimes (Sentencing Procedure) Act 1999 to impose no further penalty.

Donald appeared grateful as he left the courtroom.

### **Traffic record**

Twenty-eight year old father of three Rory Jones appeared

before Magistrate Chris O'Brien and pleaded guilty to [driving whilst suspended](#).

He had three prior matters of a similar nature on his record which had been disposed of without a criminal conviction.

His Honour remarked, "You've had a lot of good fortune in these matters, Mr Jones and it is about to run out."

The magistrate recorded a conviction for the offence, imposed a fine of \$500 and disqualified him from driving for twelve months.

### **Bail variation**

Forty-three year old Alexander Cruishank came before Deputy Chief Magistrate Mottley seeking to vary his [bail conditions](#), over a charge of possessing stolen goods.

He requested a change of address, change of reporting police station and to reduce his reporting once per week.

Alexander has been in and out of prison for twenty years, but Her Honour granted his request and ordered that he report to police every Sunday.

[Despite crime rates being on the decline overall](#), Australia's prison population has increased due to a range of factors including: longer prison terms being imposed, tougher bail laws and continuing high rates of [recidivism](#)

In New South Wales, almost half of inmates leaving prison will be back within two years, which means that in many ways, [simply sending people to gaol is not working](#) and Australia's justice system could benefit from a greater emphasis on prevention and diversion.