

4 July 2017

# Media Statement

## *Sentence imposed on youth for Cause Death by Dangerous Driving and other offences*

On 15 June 2017 her Honour Judge Tracey of the District Court of South Australia sentenced a youth for offending that involved the death of Ms Nicole Tucker on 6 October 2016. Her Honour imposed an effective head sentence of 3 years, 4 months and 1 week. A non-parole period of 18 months was fixed. At the time of the offending, the youth was 15 years and 3 months of age.

Her Honour's sentence will not be the subject of an appeal by me. An appeal would not succeed.

It is only appropriate for me to appeal if I am of the opinion that there is an adequate prospect of the Court of Criminal Appeal concluding it was not open to the sentencing judge to impose the sentence she did. This is a decision that must be made having carefully considered the offending, the offender and the relevant legal principles. In this case, particularly the principles that apply in sentencing a youth.

At least three matters are to be understood about the sentence imposed.

First, for the most serious of the offending committed, the youth received a discount of 40%. That is appropriate. That discount is available as a matter of law as a consequence of the youth having pleaded guilty within weeks of his arrest.

Second, also appropriately, sentencing a youth is a very different exercise to sentencing an adult. Even when a youth is sentenced in an adult court, the judge is bound by legal principles that will limit the sentence that can be imposed. These principles are established by legislation and are reinforced by a number of judgments of the Court of Criminal Appeal.

In part, these principles prioritise the imposition of a sentence that might allow the youth to develop into a responsible, useful member of the community and which will provide an opportunity for the proper realisation of the youth's potential. The sentencing standards that apply to adults do not apply. The sentence imposed on a youth will always be significantly lower than it would have been had the offender been an adult at the time of the offending.

Third, obviously enough, no sentence can ever compensate for the loss of a life.

The approach of the sentencing judge reflects the above principles. Her Honour has sentenced according to law. The sentence is within the appropriate range given the principles the judge was bound to apply. This being so, it would be inappropriate for me to appeal.

Before reaching my decision, I met with members of the family of Ms Tucker. I thank them for the helpful and dignified way in which they discussed the sentence with me. I also thank them for the respectful way in which they received my decision when I communicated it to them.

Ms Tucker's family have advised me they do not wish to be contacted. I ask that be respected.

**Adam Kimber SC**

Director of Public Prosecutions