

TRANSCRIPT OF PROCEEDINGS

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SUPREME COURT OF QUEENSLAND

CRIMINAL JURISDICTION

KELLY J

Indictment No 1031 of 2021

THE QUEEN

v.

ADAM CLIFFORD ROMANO

BRISBANE

10.42 AM, MONDAY, 25 OCTOBER 2021

SENTENCE

Any Rulings that may be included in this transcript, may be extracted and subject to revision by the Presiding Judge.

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: Mr Romano, can you please stand up? Thank you. Adam Clifford Romano, you have pleaded guilty to one count of possession of methamphetamine in a quantity exceeding two grams and one count of possession of a category R weapon, namely a taser. These offences were both committed on 7 May 2020. You were then aged 37 years of age and you are now aged 38.

The circumstances of your offending have been reduced to an agreed statement of facts, which is exhibit 1. Briefly, on 7 May 2020, Police executed a search warrant at your home in [suburb]. You were asked whether you had anything to declare and, to your credit, you told police that you had a fair amount of methamphetamine for personal use. You then told the police where it was. The drug was located in 10 clipseal bags and in total there were 14.346 grams of methamphetamine within 19.002 grams of the substance.

In addition to the drug, various items of drug paraphernalia were also located, including digital scales and a tick sheet. You gave a version to police while the search was being conducted, which was to the effect that your possession of the methamphetamine was solely for your personal use. Further cooperation with the police involved you telling the police that you had possession of the drug for a mixed purpose; that is to say, some of it would have been used to feed your own habit and the balance would have been sold, to allow you to purchase more of that drug to support your addiction.

Based upon these statements, I conclude that at least some of the drugs found within your possession were destined for sale and that there was at least some commercial purpose involved in the offending. The possession of the taser was explained by you as being purchased online for your safety, because you are an easy target due to your back injury. The possession of the taser seems to be a further consequence of the fact that you had or intended to sell at least some of the drugs. You were educated to year 10 level. You left school to take up an apprenticeship, which you did not complete. Nevertheless, you obtained employment in the construction industry and it appears from the material before this Court that you were in more or less continuous employment for many years, until 2018, when you suffered a serious injury to your lower back.

You had up until that point in time been the sole provider, and a good one, for your family. You appear to have worked hard and you occupied positions within the construction industry that involve some levels of responsibility. You have been in a steady relationship now for a significant number of years and you and your partner have four children in age ranging from [redacted] years to [redacted] years. The workplace injury which you suffered in May 2018 had severe and lasting impacts upon you. The injury represented a life-changing event, which led to significant pain, complications and ongoing distress for you. For a long time you were immobilised and you had been left with considerable functional disability, along with constant pain.

Various treatment modalities had been tried with varying success and your mental health suffered to a high degree. It was against this unfortunate background that you

turned to the use of methamphetamine. In around the middle of 2019, you were introduced to that drug by a friend and found that it alleviated your pain, which in turn allowed you to become more mobile to spend time with, for example, your children and you started to feel better about yourself.

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You continued the use of that drug until you were arrested and charged in May 2020, which appears to have been for a period of about 12 months. But, again, to your considerable credit, you ceased using the drug when you were arrested and you have now pursued more conventional means of obtaining pain relief, such as an implant which was inserted in recent months. By reference to your prior occupation, sadly, by reason of your present physical condition, you appear to presently remain substantively unemployable and that present position may continue for some time, depending upon your physical rehabilitation.

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The comparable decisions to which the Crown and your counsel have referred, in my consideration and assessment, support a broad range for commercial possession of a schedule 1 drug of between two and a half years and four years imprisonment. The Crown and your counsel suggested that two years was the appropriate head sentence in the present case. On my review of the authorities, that would be somewhat below the range which I would regard as acceptable for this type of offending.

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However, having made those statements, there are several features that go to your credit. First, there is your plea of guilty, which was an early plea entered at an early opportunity, which is a significant mitigating feature that I acknowledge by reducing the sentence I would have otherwise imposed but for that plea of guilty. You have also exhibited cooperation with the police. Secondly, I accept that there is a causal relationship between your underlying symptoms of pain and disability and your decision to take up drug use. Whilst that affords no excuse, it is an explanation, which I accept for your offending. It also, in my assessment, probably means that you are a less suitable vehicle for general or personal deterrence compared to someone who, for example, took up this type of drug for other reasons.

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Thirdly, I accept that you were addicted at the time of these offences by reason of the underlying symptoms of pain caused from your workplace incident and that by reason of that addiction the maximum period on count 1 would be reduced from 25 years to 20 years. Next, I have already referred to your cooperation with police to a substantial degree at the time of the execution of the search warrant and wish to make it plain that that cooperation extended to you making a number of admissions and you have cooperated in this proceeding by entering an early plea of guilty.

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Next, you have until this episode led a completely blameless life. You have been, on the material before me, a good partner and father and someone who had an obvious reputation for hard work. But for your work injury in 2018, it appears to me likely that you would never have even considered the use of this drug. Since being charged, it seems that you have done everything you can to rehabilitate yourself. Quite apart from anything else, you have stayed away from drugs. You have recommitted to conventional medical treatment and, based upon the material, you seem very determined to never reoffend.

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In this regard, various documents have been tendered in support of the submissions made on your behalf by your counsel. Exhibit 6 is a report from a consultant psychiatrist, dated 9 May 2021. That consultant psychiatrist provides a diagnosis and opinion of chronic adjustment disorder with depressed mood and anxiety, attention deficit disorder and chronic pain syndrome. He describes you as having sustained an aggravation of lower back pain associated with work and developed chronic pain with functional limitations. Later, the report describes the severity of the pain and the functional limitations you have experienced leading to grief and loss of your vocational career, a loss of identity and instilled depressive conditions.

A letter from your treating psychologist, dated 26 September 2021, is exhibit 4. Your treating psychologist has been treating you since the 13th of March 2021 and the treatment has extended to include at least 15 sessions. She describes you as being punctual and motivated for change and as engaging well with her treatment. She describes you, as a result of her observations, as being reflective, more self-aware and able to take responsibility for your actions. I also note that there is a letter from your treating general practitioner which is exhibit 5, in which they note that you had disclosed to them in the course of consulting him about your previous illicit substance use.

There is also a reference provided to me from Ms M L, which is exhibit 7. Ms M L is the mother of your partner and the grandmother of your children. I have had regard to and taken that reference into account in exercising my discretion. Your counsel submitted that a head sentence of two years imprisonment wholly suspended would be an appropriate sentence for count 1. The difficulty I have with a wholly-suspended sentence is I think you still require a degree of supervision. You had a serious addiction to methamphetamine at the time of these offences, which continued as recently as May of last year. Although you have taken great strides in your rehabilitation, I consider you will require continuing assistance, in my view, to ensure that you do not fall into the trap of illicit drug use again. I have also indicated that I think the head sentence submitted by your counsel, as well as by the Crown of two years, is a little light having regard to the objective seriousness of your offending.

Taking all these matters into account, the sentence I impose is as follows. One, on count 1, you will be convicted and imprisoned for two and a-half years; (2) on count 2, you will be convicted and not further punished, because I have regard to the conduct constituting that offence, possession of a taser, when determining the punishment I have just imposed on count 1; (3) I order that you be released on parole immediately in accordance with the conditions set out in section 200 of the Corrective Services Act 2000 Queensland and the further condition that you report to the Brisbane Probation and Parole Office by 5 pm today to obtain a copy of the Court-ordered parole order. Should you fail to report to the Brisbane Probation and Parole Office by 5 pm today to obtain a copy of the order, you will be in breach of your parole, liable to be arrested and in jeopardy of being taken into custody to commence serving your period of imprisonment.

Mr Romano, please understand that for the next two and a-half years you will be on parole in the community. During that time, you will be subject to the conditions I

mentioned. They include submitting yourself for random urine testing. It follows almost as night follows day that if you return a positive sample, you will be in breach of parole and then at serious risk of having your parole cancelled. That would mean that you would go to jail. The same consequence may well apply if you commit
5 another offence during the time of your order; that is, over the next two and a-half years. Adjourn the Court.

UNREVISED