

Sending A Message

Posted At : July 26, 2011 4:17 PM | Posted By : Rick Bernardi
Related Categories: Cyclist fatalities

"It sends the wrong message."

That's how Denise Hudson [described a decision](#) by the Supreme Court of South Australia's to slash the sentence of the careless driver who killed her husband.

Some backstory: In March of last year, cyclist Chris Hudson was riding 10 km south of Ministon, South Australia, when David John Bennett crashed into him. Hudson was killed, and Bennett pleaded guilty to one aggravated count of driving without due care. Bennett was sentenced to 23 months in jail, and his license was "disqualified" (suspended to us Yanks) for five years. That was in addition to Bennett's current disqualification of 2 years and 8 months for DUI. Yes, Bennett, who has a long history of driving offenses, including a disqualification in 1999, had again been disqualified from driving just three weeks before he carelessly struck and killed Hudson.

Perhaps Bennett felt done wrong by. Perhaps he felt that losing nearly two years of his life behind bars, and losing his license for five years was unfair punishment for carelessly taking a life.

His case ended up before the Supreme Court of South Australia, and the Justices, holding that Bennett's sentence was "manifestly excessive," reduced his sentence from 23 months to 15 months. He will be eligible for parole after serving 10 months of his sentence.

And his license disqualification? Apparently that, too, was "manifestly excessive," and was reduced from five years to two years, cumulative to his prior loss of license. Apparently, "manifestly excessive" is not how the Court would describe Bennett's behavior.

The Court could have been more explicit with the message sent, I suppose. The Honorable Justices could have given Bennett a medal, a slap on the back, and a "job well done!"

So, yes, the Court could have been more explicit in their message to the driving public. But not much.

by Rick Bernardi, J.D.