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A member of the Road Trauma Support Group NSW

Submission to:

Serious Road Crime Consultation Paper 23,

NSW Law Reform Commission

18 APRIL 2024

Executive Summary

Too many people are dying as a result of serious road crime which could be avoided but which is instead rapidly increasing in New South Wales (NSW).

Laws and sentences are outdated and ineffective. Court decisions are being made based on a century-old law and even with amendments and guidance, sentencing trends are still not reflective of community expectations.

Specifically, average head sentences of approximately three years for dangerous driving occasioning death and five years for aggravated dangerous driving occasioning death are wholly inadequate, disrespectful to the value of human life, misaligned with community views and expectations.

This clearly demonstrates the need for serious reform in relation to serious road crime.

The Road Trauma Support Group NSW (RTSG) has mapped a root and branch law reform pathway and is seeking the following outcomes to be delivered promptly to avoid further avoidable loss on our roads:

- New road crimes Act
- New offence of Vehicular Homicide
- New offences and penalties hierarchy with standard non-parole periods for vehicular homicide
- Sentencing that recognises criminality associated with serious road crime and the devastating impact on families and communities
- Legislating the need to provide victim impact panels
- Embedding a better approach to victim-centered design and services

As a member of RTSG, I have been provided the opportunity to engage with the organisation's positions, and I support the recommendations provided in the RTSG submission.

Road crime needs to be recognised by the law and judiciary for what it is – a violent and unprovoked assault on the person with a deadly weapon (a motor vehicle) with potentially catastrophic consequences, often occurring in situations where the offender has a reckless disregard for other road users as demonstrated by their blatant disrespect for road rules.

I look forward to the opportunity to contribute further during the law reform process.

1. Introduction

I have been a member of the Road Trauma Support Group NSW (RTSG) for 50 months. Our Vision is that no one should lose their life and no family should experience the death of a loved one through the criminal act of another road user (Road Trauma Death).

Current approaches to reducing road trauma are not working and NSW citizens are paying too high a price – death of loved ones. Road trauma death numbers in New South Wales are unacceptably high with (on average) one person dying on NSW roads every day in circumstances that should be avoidable.

The penalty regime in NSW is not reflective of the destructive and detrimental consequences road crime has on victims, their families and members of the community.

NSW is in the midst of a road crime and road trauma crisis. The consequences of this are members of the community are not protected and relevantly justice is not being afforded to the most key stakeholder in this – victims.

The existing provisions dealing with serious road and dangerous driving offences and accessorial liability provisions DO NOT remain fit for purpose.

The road trauma crisis response must be centred around root and branch law reform that educates all on vehicular responsibilities, deters criminal road behaviour, rehabilitates offenders and provides justice for victims, their families and the community. And this must be done with a sense of urgency and bipartisanship so as to address this crisis and save the avoidable loss of lives on NSW roads.

2. Serious road crime offences

Recommendation 1: New Law – strong action, strong message

Urgently draft and introduce new separate Road Crimes Act as the foundation for reform, to take effect no later than 2025.

To effectively reduce death and serious injury from road crime, the full hierarchy of indictable offences and penalties relating to vehicular crimes should be clearly articulated in the one Act. This legislation should encompass a range of provisions specifically tailored to handle cases involving criminal acts on the road, accessorial accountability and recidivist driving offenders.

Road crime is no 'accident' and I request that the term is removed. New policy and legislation must set the standard by using only the word 'crash' in drafting of public policy and programs, including in legal submissions, deliberations and decisions, road traffic reports and media guidelines.

Recommendation 2a: New vehicular homicide offences

– to be incorporated into the new Road Crimes Act

A new offence of vehicular homicide should be created with maximum penalties that are aligned with the maximum penalties for homicide in the Crimes Act 1900.

Driving a vehicle, or being encouraged to drive a vehicle while drunk, drug-affected, tired or speeding is irrefutably a reckless indifference to other people's lives. While road deaths can be captured under existing law, a new offence of vehicular homicide contained within the new legislation would send a clear message that vehicular homicide is just as serious a crime as other forms of homicide.

Recommendation 2b: New hierarchy of offences for serious road crime

All road crime offences currently contained within the *Crimes Act 1900* (NSW) and the *Road Transport Act 2013* (NSW) should be reviewed to inform a new hierarchy of offences. The creation of a new instrument of law would allow for a new offence of vehicular homicide as well as a new hierarchy of offences for inclusion in the new road crimes Act, commencing with this practical and powerful first step.

There are many factors that should be considered aggravating, and the current list of factors provide too many loopholes that can result in lower sentencing. "Degree of" and "extent of" can be difficult to apply, especially when those terms do not change the outcome or finality of death and trauma. For example, exceeding the speed limit should be recognised as an aggravating factor where someone dies, because driving at 10km/hour over the limit or 45 km/hour over the limit did not change the outcome of the death.

With new serious road crime legislation as the foundation of reform, I support an evidence-based approach to drafting of all new offences, rather than trying to retrofit existing offences into the new legislation.

All road crime offences currently contained within the Crimes Act and the Road Transport Act should be reviewed to inform a new hierarchy of offences. We are particularly alarmed by drivers who continually flout traffic laws and put the lives of the public at risk. Evidence-based research commissioned by RTSG confirmed repeat offenders are six times more likely to be in a serious or fatal crash than first-time offenders. Urgent action is needed to curb repeat offending and protect the community.

Recommendation 2c: New offences for non-drivers (Accessorial liability)

– to be included in the new Road Crimes Act.

I strongly urge the need to start imposing sentences of sufficient severity to deter passengers, drivers and the broader community from engaging in conduct that in anyway encourages or simply ignores risky and dangerous behaviour that can lead to any manner of road crime.

If someone is involved in enabling a violation of the law, they can and should be held just as responsible as the primary offender.

Implementing accessorial liability for impaired driving could revolutionise road safety efforts. By emphasising accountability and fostering responsible behaviour, we can create a cultural shift where impaired driving is no longer tolerated or excused. Just as society now views violent assault as abhorrent, we can make impaired driving equally reprehensible—a social anathema that is met with swift and severe consequences.

3. Penalties

Penalties currently are not in line with the prevalence and continued course of road crime committed by individuals in the community. To protect the community and combat the increase in road crime, the consequences of road crime penalties must be felt by offenders, particularly repeat offenders.

Recent sentence outcomes have been wholly inadequate and inappropriate because maximum sentences are very rarely imposed.

Recommendation 3a: Penalties – Vehicular Homicide

- penalties to be set in parity with other crimes resulting in death

I support the creation of a new road crime Act which includes clear penalty options and standard non-parole periods. It is of utmost importance to have new sentencing guidelines that are continually improved and do not become outdated.

I support the recommendation that vehicular homicide maximum penalties mirror those of other homicide offences and include Standard Non-Parole Periods (SNPPs) for these offences.

Recommendation 3b: Penalties – licence disqualification

- period to be increased and rehabilitation programs applied

Licence disqualification periods do not reflect victim and community expectations in relation to serious road crime.

I support the recommendation of an increase in default and minimum licence disqualification periods, even more so for second and subsequent offences. Recidivists should not be able to drive on our roads.

In addition to licence disqualification periods being increased, specific rehabilitation programs designed to address recurrence of the risky driving behaviour for courts to order offenders to complete. This would help to ensure the offender is fit to regain a licence. Legal duty of care must be elevated in the licencing program.

Recommendation 3c: Penalties – mandatory alcohol interlocks

– to be enforced for all convicted drink driving offenders

Effective technology is affordable and proven effective. As a crucial step in preventing alcohol-related incidents on the roads, I advocate the inclusion in legislation of the mandatory installation of alcohol interlocks for all individuals convicted of drunk driving.

Recommendation 3d: Penalties for Repeat traffic offenders

– must be increased and use of technology, such as black boxes for repeat speeding offenders, expanded

I support the creation of a hierarchy of penalties for ALL repeat offenders with stronger penalties as repeat offending recurs. The most serious of offenders should be facing a custodial sentence with a standard non-parole period following their second offence, as well as re-training and testing before a licence is restored to a convicted repeat offender.

4. Sentencing principles and procedures

There is a lack of consistency in sentencing for criminal road behaviour compared to other crimes resulting in death (e.g. minimal sentences, community service or suspended licence).²

Recommendation 4a: New sentencing guidelines

– that recognise that deaths and serious injuries as a result of road crime must receive sentences akin to death and serious injury in other criminal circumstances

¹ NSW Sentencing Council, *Repeat traffic offender report* (September 2020)

² Road Trauma Support Group NSW and FiftyFive5, *The unheard trauma of fatal road crimes in NSW* (April 2023)

The *R v Whyte* guideline judgment³ for dangerous driving offences is outdated and must no longer be the guide for sentencing. As part of the drafting of a new road crimes Act, we need new sentencing guidelines that are continually improved so that guideline judgments do not become outdated.

Low sentences do little to deter criminal behaviour. I support the need for the Court of Criminal Appeal reviewing serious road crime cases to correct under-sentencing.

The approach to discounting of sentencing should be reviewed. The measurement of remorse, contrition and risk of reoffending cannot be systematically achieved yet we see repeated discounting applied.

Recommendation 4b: Victim Impact Panel program

– to be mandated for repeat offenders and enshrined in legislation

Victim impact panels provide a platform for victims and their families to share the personal repercussions of the crime, fostering empathy and understanding in those responsible while also holding offenders accountable.

Victim Impact Panels could play a role in bringing to life the human consequences of risky driving behaviour and I support the call for more research to establish and evaluate the best model for utilising panels to both provide an additional outlet for victims and their families, as well as deter criminal road behaviour in NSW.

Recommendation 4c: Standard non-parole periods

– sentences for serious road crime that results in death must include a standard non-parole period.

Vehicular homicide sentences should include Standard Non-Parole Periods (SNPPs). SNPPs are needed to reflect the serious nature of road crimes, especially those that result in loss of life, and to better align with victim and community expectations.

As we witness more frequent road trauma caused by people that should never have been on our roads, there is an increased expectation that death and serious injury results in time served.

5. Jurisdictional issues

Recommendation 5: Appropriate jurisdiction of higher courts

– serious road crime offences to be heard in District or Supreme court only.

³ *R v Whyte* [2002] NSWCCA 343; 55 NSWLR 252

All serious road crime should be tried on indictment and categorised as strictly indictable. A new stand-alone Act would bring together all serious road crime offences to be heard only by District Court or Supreme Court. No serious road offences, as currently included in the *Road Transport Act 2013*, should be heard summarily in Local Court due to its sentencing limits and road crimes that result in death should not be heard in the Children's Court.

6. The experiences and rights of victims

The ripple effects of criminal behaviour on our roads are felt far and wide throughout the NSW community, and the impacts are extensive and enduring. As well as law reform described above, which should simplify the system and improve transparency and accountability, it is important to minimise the secondary trauma that bereaved families experience and to better support families as they navigate the current complex systems and processes imposed on them.

Recommendation 6: New approach to designing laws and services.

– embed a victim-centered design approach to new laws and services and include road crime in the Charter of Victims' Rights.

Victim rights and support services must be improved and expanded. We need to start anew to engage and consult victims and stakeholders on development of a nation-leading policy to address the road trauma crisis and to completely shift the current paradigm and cultural support of road user privilege and provide a framework for reform that shifts mindsets and deals with road death and injury as seriously as other heinous crimes.

I support the implementation of victim-centered support systems, including access to counselling services, legal and financial assistance, and community resources tailored to meet the unique needs of those affected by road trauma. As more and more NSW families and friends are left to navigate a complex justice system, expanded resources are needed and needed urgently. This includes outreach to regional NSW where support services in remote locations are hard to access.

Road crime needs to be included in the current Charter of Victims' rights or that a stand-alone Charter of Victims' Rights for Road Crime must be established, and the scope of the Victim Support Service needs to be broadened to include victims of serious road crime so that they are able to receive mental health support and financial support immediately after the collision.

Good policy starts with the community in mind, embeds victim experience and applies learning from other policy shift success stories.

This is my experience. See **attachment**.

7. Road fatality reporting

Recommendation 7: Road fatality reporting of all road deaths in NSW drawing from safety practices in workplaces and aviation, to enhance investigations, promote transparency, and inform road safety measures while safeguarding individual privacy.

Reporting on all Fatal Road incidents in NSW is needed urgently to inform road safety policy and law reform. Drawing inspiration from proven safety practices in workplaces and aviation, the RTSG proposes NSW introduces fully transparent and nationally shared public reporting of road deaths.

02 04 2024

Following is a very brief description of my personal, devastating experience of the tragic death of my beloved wife, Jo Anne Marie Duke, due to the blatant, deliberate criminal action of a serial traffic offender.

My name is Michael Phillip Duke and I am the beloved husband of Jo, whose life was extinguished forever on 13th November, 2019, some 1,603 long days ago. Jo was travelling home from work on that fateful day when the perpetrator, who was grossly speeding in the other direction, lost control of his vehicle and crashed head-on into the path of my wife. The destruction caused was massive and Jo had no chance of survival. However, she hopelessly clung to life for thirty-five minutes before succumbing to her mortal injuries and drawing her last breath. The next time I saw her was on a slab at the Lidcombe morgue. Her killer was transported via ambulance to a local hospital because he complained of a 'tummy ache' but was discharged a number of hours later.

I was completely devastated and in complete shock. It was a nightmare and I didn't know what to do. Our three Sons, one of whom was in New Zealand at the time, felt the same as we somehow had to come to grips with the situation, while attempting to comfort one another. That evening was spent calling immediate family and friends, trying to explain what had happened to my beautiful Jo. But I had no answers.

Members of the Commission, I have burdened you with this overview of the tragedy that was foisted upon me and my Sons to set the scene for what was to come. My interactions with the Police; the Office of the Director of Public Prosecutions; the Judicial and Court System as well as my attempts to navigate the nuances of the current, inadequate laws and legislation concerning deaths and serious injuries on the roads. Not to mention the overwhelming rights that are afforded to accused killers at the expense of victims and their loved ones. This also includes what defense teams are seemingly

allowed in Court and elsewhere when defending their client. Compounding all of this, was the disgustingly lenient custodial sentence imposed by the Judge when the killer was found to be guilty of his heinous crimes.

I have included in my submission dot-points of each of the above entities and my experiences with them throughout this whole debacle in my pursuit of justice for my beautiful wife. It may be the case that much of the content might not be relevant to your terms of reference that you are addressing, however, it must surely be of significant relevance to that part of the T.O.R. that examine:-

- the experience and rights of victims of serious road crimes and their families within the criminal justice system' as well as
- any other matters the LRC considers relevant.'

In my opinion, and that of many others, your attention must also focus, not just the current inadequate legislation, but the entire judicial process and the often unfair bias allowed to the accused and their defense representatives. It is interesting to note that in the first submissions forwarded to the LRC by the New South Wales Bar Association and The Law Society of New South Wales on the 23rd February, 2023 and 15th February 2023 respectively, they both demand no changes to be made to legislation, court processes or sentencing practices and are basically happy with the status quo. Clearly, this must be seen as a conflict of interest and who have only the interests of their members and clients as their main priority. They have little interest in the truth and concentrate only on working the legal system to their best advantage. True justice for victims and their loved-ones is very often, not found.

Lastly, I appreciate the opportunity to contribute to this very important review and trust that your full attention is given to my submission. You would be welcome to contact me at any time should you require.

Sincerely yours, MICHAEL DUKE

POLICE

- Woeful representation by Police prosecutor at first court hearing;
- Late notice to us of first hearing giving us no time to attend in person (14-11-19) and therefore denying us the right to represent Jo;
- No tough stance on bail request allowing the killer to walk on very weak bail conditions less than 18 hours after the crash;
- Defense lawyer allowed to talk rubbish at first court hearing;
- Incompetent work performed by Crash Investigation Team at the scene on the night of the crash (either human error or error in procedure methodology) that ended up being detrimental to the case;
- Incompetent Crash Investigation at scene throughout;
- Treatment by Police towards us on the night when we attended the scene. We were given limited information; there were no support services offered; and we felt like we were treated as nuisances and told to go home;
- Testing of potential blood & drug usage by the killer extensively delayed and only performed by one doctor – Dr. Judith Perl, with no option to have a secondary expert's opinion. The D.P.P. also denied our requests for further testing;
- Did not gather CCTV footage from any source leading up to the crash scene;
- No public appeal for dashcam footage of anyone that may have had vision of something prior to the crash;
- Did not confiscate phones off the killer and passenger for further investigation;
- Did not undertake possible GPS location history and time of killer and passenger to add to evidence;
- Very scant details of crash allowed to us throughout investigation;
- At all times, we were assured the Police had a 'strong' case against the killer which we had to accept;
- No overseeing body, either in-house or independent, to monitor Police investigation;
- Told to not contact witnesses & vice-versa without knowing whether Jo had any last words;
- No fault was admitted for mistakes made in investigation;
- No reassurance that Crash Investigation Team will debrief this case to ensure errors that arose in this case will not happen again;
- Little to no information was given to us in relation to bail compliance/checks;
- Police prosecutor at first Court mention (Jan 2020) had no knowledge of case;
- The expert used by Police changed his findings/results 3 times in 3 reports allowing defense to question reliability.

DIRECTOR OF PUBLIC PROSECUTIONS

- Indicated that the killer could not be charged with manslaughter. In our case, there was only one aggravated offense (speeding over 45 klms). 2 are apparently required. We have since been informed that this is not the case;
- Could not give us details of evidence at any time. The killer, however, has knowledge of everything!
- Said only one test required for drug & alcohol and assured us Dr. Judith Perl was the best pathologist. There were also long delays in testing which may potentially have affected results;
- Did not consider it necessary for phones of the killer and his passenger to be investigated, which may have been vital to the case;
- Did not consider it necessary to force a statement from the killer or his passenger nor subpoena either for Court;
- Did not use at least one witness at trial who saw the crash happen;
- Allowed too many requests from defense throughout hearings and during bail appeals;
- Agreed with defense for a Judge only trial, disregarding my strong argument for a jury. It was always my demand that the killer should face a jury to determine his fate;
- Negotiated with defense to formulate "agreed facts" of the trial, none of which we were informed of prior to the trial commencing. We would not have agreed to:
 - The killer asserting his right not to give evidence or testify;
 - The event being called an 'accident' with an agreed fact that the killer "lost control of his vehicle";
 - There were 'undulations' in the road well before the crash site. (These undulations were not noted by the Crash Investigation Team allowing defense to use this as a possible cause of the killer's loss of control of vehicle.);
- The D.P.P. agreed on which witness statements to use and which to discount;
- The D.P.P. and defense agreed on which witness' to be subpoenaed to give evidence in Court;
- Prosecutor not thoroughly cross-examining the defense expert's opinion/statement/reports which the Judge ultimately believed;
- Did very little to attack or challenge the defence barrister during the trial, particularly when wrong or dubious argument was forwarded;
- Allowing defense to dictate which dates every Court appearance would be held on, including our direct wishes to not have the trial start on the 2 year anniversary of Jo's funeral;
- Extensive delays in replies from members of D.P.P. to questions or queries raised by us throughout the 2 year long process, plus no regular updates offered by them;
- No option for family to employ any chosen expert or expertise outside of the D.P.P.;

DEFENSE

The killer never offered a statement or explanation of the event or his criminal actions or behaviour. His victim's loved ones never hear his spoken words;

- Lawyers are always allowed too much latitude in statements and submissions to the Court and magistrate;
- Many of these statements or words were hurtful to victim's families, such as reference to an 'accident' or how the killer's car 'encountered' Jo's car;
- Many of their statements are also wrong; twist or embellish the truth; are fanciful or nonsensical; made to confuse the facts or are simply lies to hide the truth;
- Allowed to work the system for the client's benefit, such as delays or postponement of hearings;
- The defense was allowed to "speak on behalf of the Duke family" when absolutely no permission was given to him;
- The defense constantly addressed Jo's title incorrectly even after family members demanded them to correct themselves;
- During a trial, defense only needs to cast minimal doubt on the evidence presented;
- They are also seemingly allowed to put forward to the court vague possibilities of what could have occurred but may have no actual bearing on the case. They do not need to include any corroborative evidence and the Judge is obliged to consider these possibilities and take account in their deliberations;
- The defense's so-called 'expert' witness was appeared to be allowed to produce testimony in Court which was misleading (at the very least to those of us in the gallery), which may have put some doubt on the Prosecution's expert witnesses evidence;
- The defense barrister was allowed any opportunity to interrupt the Prosecution, forcing them to either withdraw a comment or change the wording or question to a witness;
- The accused was not obliged or directed to give his account of the tragedy in the witness box, nor was the passenger of his vehicle at the time of the crash subpoenaed for his evidence. Regardless of their rights, this is a very serious dereliction of the law in the pursuit of the truth. Surely, one or both would have the best knowledge of what happened to cause the resulting devastation. The passenger may well have also been complicit in some way;
- At the conclusion of the trial before sentencing, the defense barrister was at liberty to put to the Judge extremely spurious claims of hardship, unfounded remorse and regret experienced by the killer and his blatant, deliberate, criminal actions. This included supposedly expressing sorrow to his wife (but never to me or any other loved ones of his victim). No doubt this had the intention of influencing Her Honour in the eventual, disgraceful sentence that was imposed. This was extremely difficult for all of us to endure and forced to accept.

JUDICIAL & COURT SYSTEM

- Overreaction of Covid-19 restrictions together with strict implementation of orders:
 - At least all of the victim's family and supporters attending the trial were forced to supply vaccination certificates to be potentially allowed entry to the Court precinct;
 - Entrusting defense to view vaccination certificates of killer's family & friends;
 - Two R.A.T.s to be undertaken off-site every week of the trial;
 - Stringent entrance checks before entering Court precinct;
- Limited numbers only allowed into the Court room at any one time. All other supporters forced to watch outside via AVL;
- Magistrate's acceptance and granting of most if not all defense requests and demands;
- Limited, if any, chastisement, of wrongful words spruiked by defense;
- No concern for supporter's scheduling of personal or work requirements throughout the whole 2 year + ordeal;
- Judge's apparent willingness to accept wrongful testimony of defense and their witnesses, as noted in her deliberation of the verdict;
- Prolonged Court proceedings taking over 2 years from date of crash to get to trial;
- Trial was allowed for 2 weeks although verdict was not given until over a month after the start of the trial;
- Judge allowed to order the non-attendance of victim's family and supporters when delivering her verdict, forcing family members to watch verdict via AVL in the rain outside of Court perimeters;
- Judges, apparently, are not obliged to explain their decisions in detail and seem to be a protected species, with little or no transparency available to victims of crime, their families and members of the public;
- No option for appeal or re-trial, according to the law as it currently stands;
- Full access to all trial evidence after the verdict was given was not granted to us, only selected exhibits that the Judge allowed;
- Copies of submissions from D.P.P. and defense barristers, as well as the Judges verdict, were not allowed access to us;
- Long delays in receiving transcripts from all Court proceedings. We are still waiting for the Judge's sentencing transcript, approximately one year after it was handed down;
- Sentencing date pushed to another 4 months after verdict was given.

LEGISLATION

- Laws are grossly outdated and are included under the "N.S.W. Crimes Act, 1900";
- For deaths on roads committed by the blatant, deliberate criminal actions of a perpetrator, a charge of Manslaughter should be automatically applied, with the potential for the maximum custodial penalty if found guilty to be served. Legislation should also demand that a mandatory, minimum custodial sentence be imposed. One that reflects the absolute seriousness of the crime and more extensive than what is currently, and historically, the norm;
- Misleading and hurtful language:
 - 'Motor vehicle accident';
 - 'Dangerous (and/or 'aggravated') driving *occasioning* death';
- Apparently either very strict protocols on charging an offender/killer with manslaughter, or securing a verdict of guilty for manslaughter, which seems to have the effect of deterring the authorities from pursuing such action;
- Offender is not required to make a statement at any time, neither is he required to give evidence or speak during the trial;
- Offender is not required to plead until an inordinate period of time. Provided a plea of 'Guilty' is given before a specific time, the offender can automatically be gifted a reduction of up to 25% of any imposed sentence;
- No previous criminal history is allowed to be brought up or mentioned during the trial, even when such history may be directly related to the offence;
- Offender's access to bail is too easy and defense lawyers are allowed too much latitude in applying for bail;
- Although the killer in this case was found guilty of a slew of serious charges, he was only given punishment for the most serious;
- The sentencing Judge has absolute discretion over any sentence imposed, regardless of the weight of seriousness attached to a case. In my Wife's tragedy, the killer was found guilty of 'Dangerous Driving Occasioning Death', an offence with a maximum potential imprisonment term of ten years. He received effective jail time of approximately one and a half years! This was/is despite the fact he had/has an extensive criminal history; previously had half a dozen speeding charges; was involved in a major traffic crash just eight months prior to killing my Wife and was on a suspended license; broke his bail conditions while awaiting trial and showed no remorse or sorrow to me or my family for the carnage he caused. Not to mention his previous term of incarceration for drug related matters. A strong, minimum, mandatory sentence MUST be implemented in cases such as this where devastation occurs and a death results.