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THE QUEEN v DENNIS ROBIN COX

Court: North P.
Turner J.
Richmond J.

Hearing: 14 September 1970

Counsel: Penlington for Appellant
Rabone for Crown

Judgment: 14 September 1970

ORAL JUDGMENT OF THE COURT DELIVERED BY NORTH P.

This is an appeal against sentence. The appellant was charged in the Magistrate's Court at Christchurch that he did threaten by implication to make about a young girl a disclosure of sexual misconduct, with intent to induce the person concerned to do an act against her will. In common parlance, this is a charge of blackmail.

The appellant pleaded guilty but the Magistrate quite properly declined jurisdiction and the appellant was sent to the Supreme Court for sentence. He came before Macarthur J. on 14 August last when he was sentenced to three years' imprisonment.

The case is interesting in one sordid respect. Contrary to so much that we read of nowadays that pornographic literature and indecent photographs have no real effect on people, the facts of this case show that this man, who held a responsible position in Christchurch, had an unblemished record and was happily married with three children, came into possession of some indecent photographs showing two naked people engaged in some form of sexual activity. He kept these photographs in his pocket for some time - perhaps from time to time he looked at them - and when he looked at the-

final episode, when the Police laid a trap for him, he felt an urge to engage in the same kind of activity. Fortunately the girl went to a doctor when she became really mentally disturbed by these constant telephone rings and threats as to what would happen if she did not agree to the appellant's proposals. The doctor very wisely arranged for her to be seen by the Police. The other interesting feature about this case is that it shows that all people who are threatened by blackmailers would be wise to go and see the Police. This case shows the careful steps which are taken by the Police and the courts to ensure that the person's identity is not disclosed. It is in the interests of the Police and the courts to see that blackmailers are charged and, if guilty, convicted and sentenced without any further embarrassment to the person who has been threatened. That, fortunately, has happened in this case.

One other aspect should be remembered, namely, that it now appears that the photographs were not of the girl who was being threatened. Presumably she must have felt that she had been indiscreet on some earlier occasion and photographs had been taken of her.

Now, so far as the sentence is concerned, the members of the Court are perfectly clear that the sentence imposed by Macarthur J. was a proper one. Blackmailers must understand quite clearly that they are not going to be treated leniently if they come before the Supreme Court and this Court and, we imagine, also the Magistrate's Court. It is essential that this type of crime which plays havoc with people's lives - often resulting in complete mental collapse or suicide - should be firmly dealt with.

So the appellant, notwithstanding his good work record, and notwithstanding the facts of his home background, must suffer, as he made the young girl suffer, not once but

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on a large number of occasions, when he tried to persuade her to go to a motel with him and go through the sort of sexual exercises which he had observed in the photographs in his possession.

The appeal against sentence, therefore, is dismissed.

Solicitors for Appellant:

Young, Hunter, Cooke & Penlington, CHRISTCHURCH.

Solicitors for Respondent:

Crown Law Office, WELLINGTON.