

In this case, the appellant has made the submission
THE COUNSEL,
that the sentence of imprisonment was too severe in

that it was inappropriate. He anticipated that the court would accept his submission.

EDITH LAUVAO

Counsel: Richardson J.
Goodhouse J.
Wilson J.

Hearing: 4 September 1974.

Council: W. Jeffries for appellants
J. Rabone for Crown

COURT'S JUDGMENT OF THE COURT DELIVERED BY PERRY J.

This is an appeal against a sentence of two years imprisonment imposed in the Supreme Court at Auckland on the appellant Lauvao. Lauvao was aged 17 at the time of this particular offence which was one of aggravated robbery. He and another man aged 22 went into a public toilet at about 10 o'clock at night in Auckland. At that time there was a man called Madden who was using one of the toilets and was seated on it. Lauvao burst into the cubicle and accused Madden of being a man who had allegedly given chase to Lauvao's girl friend shortly before near a hotel. This was denied by Madden but in spite of that Lauvao kicked him or possibly slapped him with his hands - there have been two different versions in the evidence - insisted on having Madden's wallet given to him. This was passed by him to the other person involved and it appears that \$11, the contents of the wallet, were taken. The other person then punched Madden and then Lauvao threatened to kill Madden if he went to the police. But Madden did go to the police and after a trial before Perry J. and a jury this appellant and the other person involved were convicted. Both were sentenced to two years imprisonment.

In this Court Mr Jeffries has made the submission that the sentence of imprisonment was both wrong in principle and inappropriate. He accepted, as he of course was bound to do, that a deterrent sentence of some kind was required, but submitted that the appropriate sentence would have been one of borstal training, perhaps with a recommendation that a period of not less than one year be served of that sentence.

We have given careful consideration to everything Mr Jeffries has put to us but we are not prepared to disturb the sentence imposed by the learned Judge. He himself in his remarks on sentence commented on the need for deterrent sentences to protect people who go about their lawful ways at night in the heart of Auckland.

Wilson J., who is currently aware of the situation in Auckland, has pointed out in the course of argument that unfortunately this type of offending is all too frequent.

It is regrettable that a young man of this age should have to be dealt with in this way but the interests of the public require the Courts to act with severity in order to prevent this type of widespread thuggery continuing.

However as mentioned by Mr Tabone the Court does recommend to the authorities that every effort be made that is possible to keep this young man apart from the influence of older and more experienced criminals.

The appeal is dismissed.

Solicitor for the appellant: W. Jeffries, Esq.,
Wellington.

Solicitor for the Crown: Crown Solicitor,
Wellington.