IN THE COURT OF APPEAL OF NEW ZEALAND

C.A.100/78

THE QUEEN

v.

NARDINE TERESIA LOVE

Coram - Richmond P.
Woodhouse J.
Richardson J.

Hearing - December 4, 1978

Counsel - C. Toogood for Crown
L.H. Atkins for Appellant

Judgment - December 4, 1978.

ORAL JUDGMENT OF THE COURT DELIVERED BY RICHMOND P.

This is an application for leave to appeal against a sentence of two years' imprisonment which was imposed in the Supreme Court on the appellant Nardine Teresia Love on 28 July of this year. Appellant, along with another young woman called Sullivan and a man Hakaraia had been found guilty on a charge of aggravated robbery after a trial which took place before the Judge who sentenced all three of them later. None of them gave evidence at the trial but from the evidence that was given it is clear to us that the Judge had ample material before him to support the view that the two girls concerned, Love and Sullivan, while at a hotel formed a plan to rob a man who was also in the hotel. The girls had become aware that he was carrying a considerable sum of money in his wallet and they arranged for the man Hakaraia to take part also in this planned robbery. Hakaraia was sentenced to four

years' imprisonment and each of the girls to two years' imprisonment. Mr Atkins has taken a great deal of trouble in this matter and has obviously interested himself in the welfare of the appellant; the Court is grateful to him for the trouble which he has taken and the thorough way in which he has put forward everything that could be put forward in support of this appeal. During the morning adjournment the members of the Court had a chance to discuss the case and having heard some supplementary submissions made by Mr Atkins after the conclusion of the adjournment we are all of the view that this is not a sentence with which this Court should interfere. There are a number of matters in the background history of appellant and in her physical and mental condition at the time of this offence but unfortunately this type of violent offending has become all too prevalent and we cannot possibly say that the Judge was wrong when he expressed the view that nothing short of a sentence of imprisonment was appropriate to this particular case nor can we say that a two-year sentence in all the circumstances is manifestly excessive.

For those reasons, which we have given briefly, leave to appeal is refused.

We should add that we have considered the supplementary affidavits which have been filed but there is nothing in them which alters our view.

Solicitors for Crown: Crown Law Office, Wellington

Solicitors for Appellant: M.J. Behrens and Co. Palmerston North