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**NOT
RECOMMENDED**

IN THE COURT OF APPEAL OF NEW ZEALAND

C.A. 96/88

THE QUEEN

v/d3

v.

DAVID GORDON ZANDER

Coram: Cooke P.
McMullin J.
Casey J.

Hearing: 3 August 1988

Counsel: Miss Helen Croft for Appellant
C.T. Young for Crown

Judgment: 3 August 1988

JUDGMENT OF THE COURT DELIVERED BY COOKE P.

This appellant is a man of 31 years of age making his ninth appearance before the Courts, this being his third conviction in relation to drugs. He told the probation officer that he had been using drugs from the age of 14. His previous drug convictions were some considerable time ago; one for procuring or possession of cannabis in 1974 and one for selling lysergide in 1975.

On the present occasion he was stopped by the police when driving and they found in his car no less than 1875 grams of cannabis plants, that is to say something over four pounds, packed in three lots. He pleaded guilty to a charge of cultivation but was found guilty by a jury of

possessing the cannabis for supply. The presiding District Court Judge imposed a sentence of two years imprisonment on the possession for sale charge. We should add that it was in fact a charge of possession for sale to persons over 18. There was a concurrent sentence of six months imprisonment on the cultivation charge.

Miss Croft has said for the appellant this morning what can be said, including stressing the time that has elapsed since both previous drug convictions but, notwithstanding that factor and all other other matters which she has raised, it seems to us to be a very plain case of possession for sale of such a considerable quantity that there can be no doubt at all that two years imprisonment is a completely appropriate sentence. Only very clear mitigating factors might justify something less. There is nothing of that sort here. The application for leave to appeal must be dismissed.

R. B. Costello P.

Solicitors:
Crown Law Office for Crown