

**NOT
RECOMMENDED**

IN THE COURT OF APPEAL OF NEW ZEALAND ^{6/3} C.A. 295/91

THE QUEEN

v.

DESMOND CLIVE CROSSLAND

Coram: Eichelbaum CJ
Casey J
Jeffries J

Hearing: 4 March 1992

Counsel: Miss Marie Martin for Crown
M A Bungay for Appellant

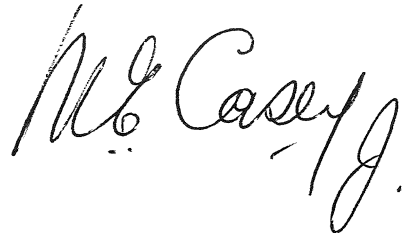
Judgment: 4 March 1992

JUDGMENT OF THE COURT DELIVERED BY CASEY J

This is an appeal against a sentence of 5 years 5 months after allowing for 7 months in remand custody imposed in the High Court at Rotorua on 8 August 1991 for manslaughter. The appellant shot his friend at close range after a drunken fight in the course of a party. The charge was originally murder. The Judge put provocation to the jury and thought they must have found that the accused acted under provocation as a result of blows and insults he had received from the deceased, and that this accounted for the reduction to manslaughter. After a careful review of the circumstances and a reference to sentences imposed in some other cases, he

determined that six years was appropriate, reduced by the time spent in remand custody.

In mitigation he took into account the offender's good character and the genuine remorse he felt in killing his friend. Mr Bungay, who was also counsel at the trial, informed us that he felt unable to make any submissions in support of the appeal. This is understandable. The Judge made an assessment of relevant factors and we can see no grounds for interfering with the sentence. The appeal is dismissed.

A handwritten signature in cursive script, appearing to read "M. G. Casey". The signature is written in dark ink and is positioned to the right of the main text block.

Solicitors: Crown Solicitor, Rotorua