

**LOW  
PRIORITY**2262  
2258

THE QUEEN

v

CYNTHIA CORINA RAMEKA

Coram: Eichelbaum CJ  
Hardie Boys J  
Holland J

Hearing: 9 November 1992

Counsel: Marie Dyhrberg for appellant  
A Perkins for respondent

Judgment: 9 November 1992

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JUDGMENT OF THE COURT  
DELIVERED BY HOLLAND J

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The appellant is a 26 year old mother of two children. She pleaded guilty in the District Court, Otahuhu to a charge of being in possession of cannabis plant for the purpose of supply. As a result of a police search there was discovered in her possession two full plastic shopping bags containing cannabis plant material, 18 small plastic bags containing cannabis plant material, and a further 21 cannabis bullets. The total weight of the cannabis was some 1000 grams. In addition there was found a small money box containing cash totalling \$2,950 which the appellant acknowledged had been received from the proceeds of selling cannabis.

She was sentenced to 18 months imprisonment and appeals against that sentence. We note that as a term of that sentence the sentencing Judge imposed, under the provisions of S 77A(1) of the Criminal Justice Act 1985 a condition that she undergo drug counselling and treatment on her release on parole.

Ms Dyhrberg on behalf of the appellant has said all that can be said on her behalf. It is her submission that the sentence of 18 months imprisonment is excessive, and that because of her commitments to her two young children a sentence of that term was inappropriate. The sentencing Judge carefully considered the guideline case of R v Smith [1980] NZLR 412, and another decision of this Court where the offender also had the responsibility of young children but also was pregnant at the time of sentence.

There is no doubt that the sentence of imprisonment on this woman has had some consequences as far as her two young children are concerned. That sadly is not an unusual consequence of criminal offending. It has been said by this Court on a number of occasions that those who embark on dealing in drugs must face a sentence where the personal circumstances of the offender will carry less weight than is sometimes allowed in other cases. A deterrent sentence is clearly called for.

This was the supply of drugs of some consequence. We were told that the street value of 1000 grams of cannabis would be in the vicinity of \$12,000. That is coupled with the fact that the appellant had obviously already sold cannabis to a value of \$2,950. Notwithstanding what has been said by Ms Dyhrberg, we are satisfied that the sentence was well within the range of appropriate sentences to be imposed by the sentencing Judge and nothing has been advanced that justifies our interference with that sentence. The appeal against sentence is dismissed.

*A D. Holland*

**Solicitors:**

**Marie Dyhrberg, Otahuhu  
Crown Solicitor, Auckland**