

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

M.1010/84

1215

BETWEEN GRANT ROGER MCKAY of
Auckland, BuilderAppellantA N D POLICERespondent

Offence: Receiving
Dealt With: 6 September 1984 At: Auckland By: Hall DCJ
Sentence: Imprisonment 6 months

Hearing: 17 September 1984

Counsel: R B Moss for appellant
D B H Jones for respondent

Oral Judgment: 17 September 1984

Decision: APPEAL DISMISSED

(ORAL) JUDGMENT OF HENRY J.

This appeal is against a sentence of 6 months imprisonment imposed in the District Court at Auckland on 1 August 1984 in respect of one charge of receiving stolen property. The property concerned consisted of some nine fur jackets, of a value estimated at \$9000.00, although possibly having regard to the inability to fix individual values it may have been something a little less than that figure in total. The appellant's role was embarked upon the day after the burglary, by means of which the property was obtained.

Mr Moss, on appellant's behalf, has pointed to circumstances which he contends establish that the sentence is excessive. In my view having regard to the seriousness of the offence, the value of the property concerned, the appellant's own previous record which includes an offence of receiving in 1983, leaves the Court in a position where I do not think it could possibly hold that a sentence of imprisonment was in these circumstances inappropriate. So far as its length is concerned, the learned District Court Judge expressly took into account, in fixing the term, the fact that the appellant had rendered assistance to the Police following his apprehension. Undoubtedly, had such assistance not been rendered something in excess of the present sentence would have been imposed.

Looking at the matter in its totality, I do not think that the length of the sentence is shown to have been excessive, and the appeal must therefore be dismissed.



Solicitors:

R B Moss Esq., Auckland, for appellant

Crown Solicitor, Auckland, for respondent