

BETWEEN EARL RANGI MATHEWS

Appellant

A N D POLICE

Respondent

1064  
Hearing : 5th September 1984

Counsel : R.P. Boast for Appellant  
P.J. Morgan for Respondent

Judgment : 5th September 1984

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(ORAL) JUDGMENT OF BARKER J

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The appellant was sentenced on 5th June 1984 in the District Court at Te Awamutu to a total of 12 months' imprisonment. He faced charges of burglary, car conversion and driving whilst disqualified.

The appellant has a bad list of previous convictions including two previous convictions for driving whilst disqualified. The District Court Judge chose to impose a term of 12 months' imprisonment in respect of the burglary charge and 6 months' imprisonment on the other two offences, to be served concurrently.

Mr Boast, as assigned counsel for the appellant, sought to submit that the 12 months' imprisonment for the burglary charge was excessive. I invited counsel to look at the total criminality principle which requires one to ask whether the total sentence of 12 months' imprisonment was excessive. On the facts of this case, given the record of the appellant,

one cannot say that the sentence was manifestly excessive. Indeed, I think that, for a third offence of driving whilst disqualified, 6 months' imprisonment can be regarded as somewhat lenient for a blatant disregard of the Court's orders.

In my view, there is absolutely no justification for this appeal which is dismissed.

*R. J. Barker J.*

SOLICITORS:

Stace, Hammond, Grace & Partners, Hamilton, for Appellant.  
Crown Solicitor, Hamilton, for Respondent.