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BETWEEN

PATRICK JAMES MULLINS

Appellant

NZLR

A N D

POLICE

Respondent

Hearing: 4 July 1984

Counsel: P M Lang for Appellant
P J Morgan for Respondent

Judgment: 4 July 1984

ORAL JUDGMENT OF WHITE J

This is an appeal against a sentence of two years' imprisonment imposed in the District Court at Hamilton on 9 February 1984 on a charge of stealing a Valiant Utility car valued at approximately \$3000.

The ground of appeal is that the sentence was manifestly excessive having regard to the nature of the offence and all other relevant circumstances. Those matters have been the subject of an address to me by Mr Lang who has said all that could be said on the matter.

In sentencing the appellant the learned District Court Judge pointed out that for ten to twelve years the list of the appellant's convictions show that at the age of 25 he seemed bent on a life of crime, some of that crime closely related to the use of drugs and alcohol. He is a man who has not been employed in recent times and apparently currently receives a sickness benefit.

As far as the present offence is concerned, the short facts were that he took a car from Cambridge, repainted it and kept it for his own use. Mr Lang has referred to impulsive

actions but the view I take of the matter is that there is a great deal of truth and factual accuracy in what the Judge said in the Court below and if the appellant was not properly described as a "hardened professional criminal", all the signs are that he is on the way to becoming one. The matters referred to by Mr Morgan in considering his history, confirm what.

Having regard to those matters and that a deterrent punishment was necessary in the circumstances, I am unable to agree that it has been shown that the sentence was manifestly excessive. Regarding the Probation Officer's report and the alcohol situation, I give a direction that while in custody the appellant be given the opportunity to have treatment for his alcohol problem to the extent that this is practicable knowing that he himself says that he wishes to co-operate in that. I also add that he be warned that if he appears before the Court again for an offence of dishonesty, he must expect a very severe sentence.

The appeal is dismissed.

Philips
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