

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

M.316/84

1021

BETWEEN

JOANNE MARIA MURRAY

Appellant

A N D

THE POLICE

Respondent

Hearing: 25 July 1984

Counsel: M.J. Knowles for Appellant
Miss K.P. McDonald for Respondent

ORAL JUDGMENT OF ROPER J.

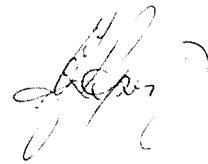
This is an appeal against an overall sentence of four months' imprisonment on charges which fall into two groups. There were two of false pretences and one of attempted false pretences when the Appellant obtained money from a United Building Society automatic money machine by punching in deposits but not depositing any money, and then the next day drawing out money. She obtained \$180, \$140, and was prevented from obtaining a further \$250. The second series of charges related to charges of false pretences and using documents fraudulently, on which she had originally been sentenced to community service but failed to complete that service so was called up for re-sentencing.

This Appellant, at the age of 21, has the most appalling list of previous convictions I have ever seen for a young woman. It has been submitted that there were two grounds why a sentence of imprisonment was inappropriate. First, that she has repaid the sums she obtained from the crimes on which she was re-sentenced and, it is said, not without some real effort on her part. Secondly, that she had an explanation for failing to comply with the community service order, in that at the relevant time she was undergoing problems with an

inappropriate man companion.

This Appellant has received considerable leniency in the past and in my view it is impossible to say that this sentence is either inappropriate or manifestly excessive. On any view of it it was a lenient sentence and the four months was more than justified on the Bank offences alone, because it seems to me that the time has come when such offending, namely by the misuse of automatic money machines, must be deterred.

The appeal is therefore dismissed.

A handwritten signature in cursive script, appearing to be 'A. J. Knowles', is written in the right margin of the page.

Solicitors:

M.J. Knowles, Christchurch, for Appellant
Crown Solicitor, Christchurch, for Respondent