

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

M.308/84

1033

BETWEEN

PERHAM

Appellant

A N D

THE POLICE

Respondent

Hearing: 17 August 1984

Counsel: Miss E.H.B. Thompson for Appellant
G.K. Panckhurst for Respondent

ORAL JUDGMENT OF ROPER J.

This is an appeal against sentence of fines totalling \$400, an order for restitution in the sum of \$400 and two years' disqualification from driving on a charge of theft of a car and three charges of false pretences which involved passing false cheques. It has been submitted that the overall effect of the fines, the restitution and the long period of disqualification makes the sentence inappropriate or manifestly excessive.

There was a co-offender involved in the theft of the car which was stripped of some parts and then burnt. He was the older brother of the Appellant and for some reason, which escapes me, he was simply admitted to probation for twelve months with no order as to fine or restitution. In fact the older brother has a far worse list of previous convictions.

At the relevant time this Appellant was 17 and had no income. He is now in employment and in a supervised environment, and a licence is really essential to his employment. Having regard for the punishment meted out to his brother, I am satisfied that this sentence requires some adjustment.

2.

The appeal is allowed to the extent that the order for disqualification from driving is quashed. Otherwise the sentence stands.

A handwritten signature in dark ink, appearing to be 'E.H.B.', written in a cursive style.

Solicitors:

Miss E.H.B. Thompson, Christchurch, for Appellant
Crown Solicitor, Christchurch, for Respondent