

IN THE HIGH COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY

M.305/84

1003

BETWEEN

NIGEL JOHN PINN

Appellant

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THE POLICE

Respondent

Hearing: 17 August 1984

Counsel: E. Bedo for Appellant  
 G.K. Panckhurst for Respondent

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ORAL JUDGMENT OF ROPER J.

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This is an appeal against a sentence of five months' periodic detention which was coupled with probation for twelve months and an order for restitution in the sum of \$107 on a charge of theft from a motorcar which was carried out in the company of three associates. The other three were sentenced separately from the Appellant but together and later in time, but apparently by the same District Court Judge. The Appellant is 21, the other three offenders were 18, 20 and 21 and their lists of previous convictions just do not compare with that of the Appellant. Each was ordered to make restitution in the sum of \$53, a discrepancy which cannot be explained.

The grounds of appeal are that the sentence in itself, having regard for the offence, was manifestly excessive and secondly that, as the Appellant's part in this incident was no more serious than that of the other offenders, there was an unacceptable disparity which it is submitted must leave the Appellant with a justifiable sense of grievance. On the other hand it was the Appellant who forced the quarter-light window and there was a basis for different treatment having regard for the Appellant's list of previous convictions which is quite appalling. For all that I think the difference between

the sentences was just too great in the circumstances.

The appeal is allowed with effect that the period of periodic detention is reduced to one of three months and the restitution order for \$107 reduced to \$53 which was the sum ordered to be paid by the other three offenders.



Solicitors:

E. Bedo, Christchurch, for Appellant

Crown Solicitor, Christchurch, for Respondent