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IN THE HIGH COURT OF NEW ZEALAND  
HAMILTON REGISTRY

M.492/84

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BETWEEN: SHANE CHRISTOPHER REIDY  
\_\_\_\_\_ Appellant

A N D: POLICE  
Respondent

Hearing: 18 December 1984  
Counsel: Ms Mills for Appellant  
Mr Almao for Respondent

ORAL JUDGMENT OF BISSON, J.

The Appellant was sentenced to two years imprisonment in respect of two offences of burglary and one of theft of a motorcycle. The motorcycle was stolen on 19 September 1984 and on 17 October of that year he broke into a warehouse and stole goods to a total value of approximately \$2,400. Then on 26 October following, he and three associates entered a dwellinghouse in Hamilton and stole goods to the total value of \$3,000. It is to his credit that the stolen property has been recovered and that he pleaded guilty to the offences.

It is unfortunate that these have occurred shortly after he was sentenced to one year's imprisonment in respect of other offences of dishonesty and at the youthful age of seventeen years, Ms Mills referred to his addiction to alcohol and drugs

and considered the sentence of two years imprisonment inappropriate and excessive.

Mr Almaso, for the Respondent, however, has submitted that the Appellant should first be punished for his offending and then he may well, if motivated so to do, voluntarily undertake treatment to cure these problems if they should arise again after his release from prison.

The learned District Court Judge regarded the Appellant as a serious public menace and traversed his previous offending and his reasons for imposing a substantial prison sentence on this occasion. He expressed the hope that in the course of that sentence and in the parole that will automatically follow, the Appellant would obtain the necessary specialised assistance to enable him to get over the problem of alcohol and drugs.

In my view, a sentence of imprisonment was appropriate, but taking into account the youth of the Appellant, his plea of guilty and the assistance he gave in the recovery of stolen property, I feel the term was excessive in all the circumstances. The sentences imposed were nine months imprisonment in respect of one conviction of burglary; six months imprisonment in respect of the car conversion, cumulative on the sentence of nine months for burglary; and finally a further term of nine months in respect of burglary, cumulative on the other sentences, making a total of two years. I feel that some sentence in excess of twelve months imprisonment is called for as the previous sentence of one year's imprisonment does not seem to have taught this young man a lesson.

In my view, taking into account the matters I have already mentioned, the appeal should be allowed by reducing the total

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term of imprisonment to one of eighteen months. Accordingly, each cumulative sentence is reduced by two months.

*as Division J.*