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BETWEEN LAURIE SPOONER RICHMOND

Appellant

A N D POLICE

Respondent

Hearing : 6th June 1984

Counsel : Miss P.A.B. Mills for Appellant
C.Q.M. Almaso for Respondent

Judgment : 6th June 1984

(ORAL) JUDGMENT OF BARKER, J.

The appellant appeals against a sentence of 15 months' imprisonment imposed in the District Court at Hamilton on 20th January 1984. The appellant had pleaded guilty to a charge of receiving. The appellant appeals against a sentence of 15 months' imprisonment imposed in the District Court at Hamilton on 20th January 1984. The facts are not in dispute; they show that the appellant received a radio cassette player valued at \$800 from a person whom he declined to name. He told the Police he was going to buy the item and that it was going to cost him 3 ounces of cannabis. He acknowledged that he knew it was dishonestly obtained when he received it.

The appellant is aged 20 years. He has a list of previous convictions dating back to 1979. Apparently various

sentencing options have been tried and have not made him change his ways. He has had Periodic Detention, Corrective Training and imprisonment.

The probation report, prepared in November 1982 when the appellant was before the Court on charges of receiving, burglary and possession of cannabis for which he received imprisonment of 11 months, shows that his response to probation has not been good. At that stage, the Probation Officer was of the view that he needed a fairly long rehabilitative course because of his involvement in drugs.

The learned District Court Judge, when imposing sentence, stated that if there were any real evidence of a desire to keep out of trouble, then he would be happy to assist, but that persons like the appellant who kept offending can only expect one response from the Court. The District Court Judge noted that, a short time after the appellant's release, he committed precisely the same offence again. He took the public interest into account and imposed the sentence of 15 months' imprisonment.

I find it difficult, if not impossible, to hold that the District Court Judge was at fault in imposing a sentence of imprisonment. Miss Mills today, on behalf of the appellant, advises that the appellant has instructed her of his desire to change his ways; she produced a reference from an employer.

I think that, for such repeated offending of a deliberate kind such as the offence of receiving must always be, imprisonment was justified. I think, however, that I can alter the term so that I can impose a term of probation in addition to the term of

imprisonment.

Accordingly, the appeal is allowed to the extent that the term of imprisonment is to be one of 9 months with probation for one year thereafter on the special terms:

- (a) That the appellant live and work as directed by the Probation Officer; and
- (b) That he undertake such treatment, rehabilitative programme, etc. for drug problems as may be indicated by the Probation Officer or directed by him.

R. J. Baker J.

SOLICITORS:

Crown Solicitor, Hamilton, for Respondent.