

X

BETWEEN

TAUA

Appellant

1669

AND

THE POLICE

Respondent

Hearing: 3 December 1984

Counsel: No appearance of Appellant
Jones for Respondent

Judgment: 3 December 1984

(ORAL) JUDGMENT OF PRICHARD, J.

The Appellant appeals against both conviction and sentence imposed in the Otahuhu District Court in respect the offence of stealing two sheets valued at \$79 from George Courts Ltd on 10 April this year. This is what is commonly referred to as a shoplifting case.

The learned District Court Judge accepted the evidence of two prosecution witnesses who identified the Appellant and also described how the sheets were taken and placed in a bag.

This was essentially a finding of credibility on which it would be quite wrong for this Court to disagree with the finding of the learned District Court Judge.

As regards the sentence, the Appellant was fined the sum of \$150. That, of course, is a substantial fine for a person in the situation of the Appellant, but I note that she has a record of four previous theft offences, at least some of which were for shoplifting. She has had the benefit in the past of periodic detention. The learned District Court Judge referred to that fact and gave her a warning that a repetition of this offence would be likely to result in a sentence of imprisonment.

I am not persuaded that the fine of \$150 - which can be paid off by instalments - was imposed on any wrong principle or that it was manifestly excessive. The appeal must be dismissed as regards both conviction and sentence.

Glen Pridel 5.