

IN THE HIGH COURT OF NEW ZEALAND
INVERCARGILL REGISTRY

M.46/84

882

BETWEEN

THOMPSON

Appellant

A N D

INVERCARGILL POLICE

Respondent

Hearing: 28 June 1984

Counsel: No appearance for Appellant
 B.M. Stanaway for Respondent

ORAL JUDGMENT OF WHITE J.

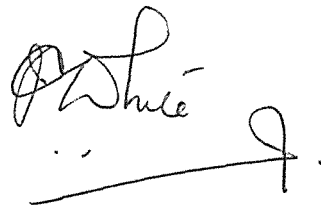
This is an appeal against a sentence imposed in the District Court at Invercargill on 7 June 1984. The appellant was convicted of assault on a child, his infant daughter, and was sentenced to eleven months' imprisonment. The ground of appeal is that the sentence was manifestly excessive or inappropriate. The appellant was not represented before me but was represented in the District Court, and he has submitted written submissions at some considerable length which I have considered. I have also considered the reports on the file, and the District Court Judge's full comments on sentencing.

As to the facts of the case, it is sufficient to say that there was a very serious assault, indeed it was a series of assaults, which might well have been fatal. The facts were

not disputed. The Judge described the assault as horrific and that was not overstating the facts.

The Judge pointed out that the appellant was liable to two years' imprisonment. He imposed a sentence of eleven months to be followed by twelve months' probation with special conditions that the appellant live and work where directed, and that he take such medical treatment and/or counselling as directed. It will be noted that the sentence takes into account the background to the offence. Faced with the facts before him and the need to impose a deterrent sentence, I do not consider that the sentence of eleven months' imprisonment was manifestly excessive. Indeed, in my view, it is clear I think that the Judge imposed a sentence which took into account the effect of liquor and the no doubt genuine remorse of the appellant after the offending. But in these matters it must be remembered that tragic aspects of the appellant's life and record itself cannot excuse conduct of this nature.

The appeal must be dismissed.

A handwritten signature in cursive script, appearing to read "J. White", with a horizontal line underneath it.

Solicitors:

Crown Solicitor, CHRISTCHURCH, for Respondent.