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BETWEEN

WASS of
Auckland, Car Groomer

Appellant

AND

THE POLICE

Respondent

Offence: Possession of Offensive Weapons (2)
Dealt With: 2 July 1984 At: Auckland By: Blackwood DCJ
Sentence: \$400.00 fine on each charge

Appeal Hearing: 17 September 1984

Counsel: Appellant in person
D B H Jones for respondent

Judgment: 17 September 1984

Decision: APPEAL DISMISSED

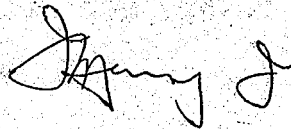
JUDGMENT OF HENRY J.

This is an appeal against the imposition of fines of \$400.00 each in respect of two charges of possession of an offensive weapon. The appellant, who is a single youth of 17 years, was located in Princes Street, Auckland, at about 9:10 p.m. on a Saturday, and found to be in possession of two instruments, one described as a bladed hammer type instrument, which was concealed under his jacket, and the other described as a four-pronged spiked instrument concealed in his boot.

The appellant appears here today in person, and is supported in his appeal by his grandfather who has spoken on his behalf. I accept that he has had an unfortunate background, that he is now living with his grandparents, and appears to be in regular and satisfactory employment.

The appeal, being one against sentence, must be looked at in this Court by asking whether or not the fines imposed were excessive. The particular weapons concerned here seem to me to be ones which could be described as nasty types of instruments, and ones which could be used for the purposes of promoting rather than for preventing any problems which may have arisen. It does not seem to me that the Court can possibly here hold that the fines imposed were excessive. The instruments were formidable ones, and I think the imposition of a substantial fine, even on a 17-year-old youth, was undoubtedly called for.

I do not feel able to interfere with the imposition of those fines, and the appeals in both cases will accordingly be dismissed.



Solicitors:

Crown Solicitor, Auckland, for appellant