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IN THE HIGH COURT OF NEW ZEALAND
HAMILTON REGISTRY

M.244/84

840

BETWEEN: L B
 of Hamilton, Solo Mother
 Appellant

A N D: THE POLICE
 Respondent

Offence: Theft

Dealt With: 12 June 1984 At: Hamilton By: Green DCJ

Sentence: Fined \$50.00; Name not suppressed

Appeal Hearing: 18 July 1984

Oral Judgment: 18 July 1984

Counsel: M J Cameron for appellant
 R G Douch for respondent

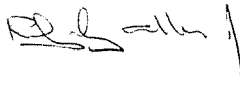
Decision: Appeal allowed - Publication of name suppressed

(ORAL) JUDGMENT OF GALLEN J.

One could have some sympathy for the learned District Court Judge who, because of the particular circumstances of the appellant, felt unable to impose a fine which he would have regarded as appropriate to the offence. He made the comment that he regarded the offence as being "particularly shabby" - and clearly enough it was. However, the rather restricted nature of the particular offence would suggest that this was not a case where the public needed to be warned against the offender. I do regard the factors put forward by Mr Cameron in relation to the children of the appellant as being of great significance. There is really no justification for

them to have to suffer as a result of something in which they were in no way involved. It also appears that from the comment made by the learned District Court Judge he may have perhaps confused the application for another.

Under those circumstances, I am prepared to make an order granting suppression of the name of the appellant.

A handwritten signature in dark ink, appearing to be "R. L. Hinton", written in a cursive style.

Solicitors:

Cameron & Hinton, Hamilton, for appellant
Crown Solicitor, Hamilton, for respondent