

BETWEEN ALBERT LESLIE COOK

Appellant

A N D THE POLICE

Respondent

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Hearing: 28th March, 1984.

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

Judgment: 28th March, 1984.

ORAL JUDGMENT OF TOMPKINS, J.

The Appellant has appealed against his sentence of 18 months' imprisonment imposed in respect of each of two convictions, one for driving while disqualified and one for receiving stolen goods. In addition he was disqualified from holding or obtaining a driver's licence for a period of 6 months from the 7th April, 1985, when a current disqualification expired. The Appellant was also sentenced to imprisonment for 3 months on a conviction for breach of probation. On that latter sentence he has not appealed.

In connection with driving while disqualified, this is the Appellant's ninth conviction for that offence. Any person with that record must by now be well aware that a further conviction for that offence is going to result in a substantial period of imprisonment.

In connection with the charge of receiving, the Appellant purchased two mag wheels and tyres for \$40 each. They were valued at \$500. After he had purchased the tyres

he became aware that the police were looking for his vehicle in relation to these wheels and tyres which had by then been fitted to his vehicle. Realising that they were stolen, he gave them away to a friend from whom they were recovered.

The Appellant has three previous convictions of dishonesty, although it appears from the list that these were not of a grave nature. He has an impressive list of convictions, including a large number of traffic convictions. He is aged 30, and is justifiably described by the Probation Officer as a confirmed recidivist. I am left in no doubt that a substantial term of imprisonment was appropriate. However, I also believe that 18 months was for these offences, and indeed allowing for his previous list, excessive.

I therefore propose to vary the sentence to one of 12 months on both convictions. The disqualification penalty remains undisturbed.

A handwritten signature in dark ink, appearing to read 'A. Thompson', is written in a cursive style.

Solicitors:

Crown Solicitor, Hamilton, for Respondent.