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IN THE HIGH COURT OF NEW ZEALAND  
TIMARU REGISTRY

GR.15/84

1242 481

BETWEEN

CRIBB

Appellant

AND

N.Z. POLICE

Respondent

Hearing: 30th March, 1984

Counsel: Rennie for Appellant  
Wallace for Respondent

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ORAL JUDGMENT OF SINCLAIR, J.

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When I first read this file to say I was horrified would be an understatement; quite frankly I wondered why the appeal had been brought because unless there were some very special circumstances existing it was very much in my mind to increase the term of imprisonment to make you earn full remission so then you would have a longer period on probation when you were released.

At the time you were before the District Court for sentence, while the probation officer realised that you needed some sort of help that Court was faced with a situation where you had continually re-offended in a similar sort of way until you had become a public nuisance. At that stage it was really being asked, I think as the District Court Judge stated, to subordinate your situation entirely to the dictates of what would normally be the course of law when at that time there was no real evidence that you were prepared to help yourself.

Now there has been a dramatic change. You yourself

have taken control of the situation and have demonstrated that with some help you can get over your troubles. Reading the report from the Bridge Programme it is quite obvious that if you had carried on you would not have lived to see 25; you might not even have lived to see 21. But while deterrence, particularly in this area, is a major factor, sometimes there are overriding factors which entitle a Court to step away from the usual and give the hand of assistance. On this occasion that is what I am prepared to do.

It may be some comfort to you to know that by having helped yourself, and having demonstrated that you are capable of helping yourself, others will go along the road with you. The future lies in your own hands, but for all the trouble that you have caused - and I remember that in one of these incidents a young girl was injured, and that has cost her pain and suffering and has cost money to the public - I will direct that you be sentenced to six months non-residential periodic detention. You will be informed by the Registrar of your date of reporting and place of reporting before you leave the Court. You will also be admitted to probation for a period of 18 months so that there is some control over you. During that time you will totally abstain from liquor. You will continue with such programme as the Bridge Programme directs and with any other programme the Probation Officer directs to assist you in your recovery. Other than for that, you having obtained a position and obtained somewhere to live, it does not seem to be necessary for me to impose any further conditions.

Remember, Cribb, that the opportunity you are now being given really merely postpones sentence; if you break the period of your probation during the term of it I do not think you can expect very much sympathy from the Courts. You are being trusted now; show that you have some faith in the trust which has been reposed in you and everybody will attempt to help you, but break the trust and be assured you will find that the heavy arm of the law will be on you for quite a long time.

*P. P. W.*

SOLICITORS:

Kennedy, Mee & Co., Ashburton for Appellant  
Gresson, Richards, MacKenzie & Wallace, Timaru for  
Respondent