

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

M.332/84

1004

BETWEEN

CUTHERS

Appellant

A N D

THE POLICE

Respondent

Hearing: 17 August 1984

Counsel: Miss E.H.B. Thompson for Appellant
 G.K. Panckhurst for Respondent

ORAL JUDGMENT OF ROPER J.

This is an appeal against an order for disqualification from driving for a period of one year on a charge of theft. There is no appeal against the associated fine of \$300.

In this case the Appellant and a co-offender went to Hagley High School, stole a racing cycle worth \$200, carried it off in the Appellant's car and proceeded to sell it.

It has been submitted by Miss Thompson that a fine of \$300 coupled with a disqualification period of one year is inappropriate or manifestly excessive in all the circumstances. I do not agree. This was a mean theft and it is not the first time that the Appellant has been in trouble, although his list is not serious. It was a calculated and planned offence and I am inclined to agree that overall, as Mr Panckhurst said, the penalty was moderate. Mr Panckhurst has also raised the question of restitution which was perhaps by oversight not ordered by the District Court Judge. I do not know the reasons for that omission but I am not prepared to make it good at this point.

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In the result the appeal is dismissed.

(Handwritten signature)

Solicitors:

Miss E.H.B. Thompson, Christchurch, for Appellant
Crown Solicitor, Christchurch, for Respondent