

IN THE HIGH COURT OF NEW ZEALAND

AUCKLAND REGISTRY

BETWEEN

BURRIDGE

Appellant

AND

POLICE

Respondent

Hearing: 3 August 1984

Counsel: K I Bullock for Appellant  
Ms L Shine form Respondent

Judgment: 3 August 1094

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ORAL JUDGMENT OF JEFFRIES J

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Appellant in this case faced two charges of burglary in the Auckland District Court and on 16 May 1984 was sentenced to 18 months' imprisonment. The facts of the burglaries are as follows. On 13 April 1984 appellant entered a dwelling in Remuera through a window and removed a video recorder and tapes valued in excess of \$3,000. Three days later on 16 April appellant again entered a residence at 295 Kapa Road and attempted there later to remove a television and video recorder. He had clearly broken into this establishment, was caught red-handed by the woman in the place. He fled but the registered number of his vehicle was taken and he was traced by the police to a motel. Fortunately at the motel full recovery of the

property stolen in the first burglary was made and he did not take any goods from the second burglary.

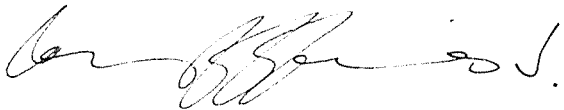
He came before the District Court, as stated, on the 16th of May. He was then represented by Mr Beech who made submissions on his behalf. They are recorded in the notes from the lower court and I agree with the observation of District Court Judge Finnegan that those submissions were helpful and sensitive. They said most things that could be said on behalf of this most unfortunate young man.

Perhaps it is convenient here to mention some personal facts. He is now aged 24 years and he has a list of criminal offences that is disgraceful, to say the least. He has appeared approximately 24 separate times, faced nearly 50 separate charges, has been sentenced on seven occasions to prison terms, but in the past the maximum has been one year. There are several offences of burglary, theft, receiving, assault, aggravated robbery, to mention some, that are in the more serious category of offending.

When he came before the court for sentence he realised that a term of imprisonment was inevitable but he now complains that it is too long. He wrote a letter to the court which I have read and if composed by him indicates a reasonably high level of intelligence. In this court Mr Bullock has appeared for him and again he has said everything that could be said on behalf of appellant. Mr Bullock was at particular pains to make two submissions to the court that had been specifically

requested by appellant. The first submission is that the sentencing Judge did not give him full credit for pleading guilty and not putting the court of <sup>or</sup> the country to inconvenience and expense. Normally that is a fact that can be taken into account but in this case appellant was caught red-handed in one burglary and had in his possession at the motel the result of a burglary committed three days beforehand. It seems that there is hardly anything to be said in his favour really in pleading guilty for no other reasonable alternative was available. He also had argued on his behalf by Mr Bullock that excessive consideration had been given by the sentencing Judge to his past list of offending. Looking fairly at that submission I do not think it can validly be made on his behalf. He admits in his own letter, which I have referred to earlier, about his offending and the time that he has spent in prison. When an offender is sentenced he is first sentenced on the charges that he faced but his past history or antecedents cannot be ignored when he has been such a flagrant and persistent offender.

In all the circumstances the appeal is dismissed.



Solicitor for Appellant:

K I Bullock, Esq.

Solicitors for Respondent:

Crown Solicitor, Auckland