

C.T.

BETWEEN GUY RICHARD GRAYSON

Appellant

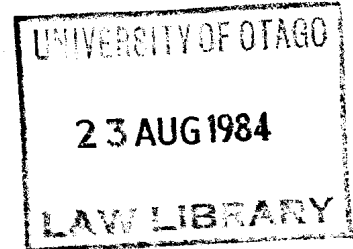
A N D POLICE

Respondent

Hearing : 6th June 1984

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

Judgment : 6th June 1984



(ORAL) JUDGMENT OF BARKER, J.

This is an appeal against a sentence of Corrective Training imposed on the appellant in the District Court at Hamilton on 13th March 1984.

The appellant had pleaded guilty to one charge of possession of cannabis plant. According to the Police summary, 3 deal bags of cannabis were located under his bed. They had a street value of \$100. The maximum penalty under the appropriate provision of the Misuse of Drugs Act 1975 is 3 months' imprisonment or a \$400 fine or both.

The appellant had a list of previous convictions dating back to 1982. He had in the past been sentenced to residential Periodic Detention; he had also been sentenced to Corrective Training in May 1983. According to the probation report,

for that offence, the Corrective Training had started to have some effect for the better on this appellant.

The appellant has now served all but 1½ weeks of the normal period of Corrective Training with remission (i.e. 2 months). Section 14A of the Criminal Justice Act 1954 states that the Court cannot impose a sentence of Corrective Training unless the Court is satisfied that, had the person been over the age of 20, it would have sentenced him to imprisonment for a term of not less than 3 months. Miss Mills points out quite correctly that this offence of possession of cannabis, for which the maximum penalty is 3 months' imprisonment and/or a fine, is by no means the worst possible offence one can imagine for an offence of possession of cannabis. For this offence of possession of this amount of cannabis, the imposition of a fine would probably be in order for a first offender.

It therefore seems that the threshold requirement for Corrective Training has not been really made out in this case; for that reason alone, the appeal against sentence must be allowed.

Accordingly, the sentence of Corrective Training is quashed. Because the appellant has served almost all his sentence, I agree with Miss Mills' submission that the appropriate sentence is to require him to come up for sentence within 12 months if called upon to do so.

R. D. Barker J.

SOLICITORS:

Miss P.A. B. Mills, Hamilton, for Appellant.
Crown Solicitor, Hamilton, for Respondent.

IN THE HIGH COURT OF NEW ZEALAND
HAMILTON REGISTRY

M.139/84

BETWEEN GUY RICHARD GRAYSON
Appellant

A N D POLICE
Respondent

(ORAL) JUDGMENT OF BARKER J
