

BETWEEN DARRYN WILSON

Appellant

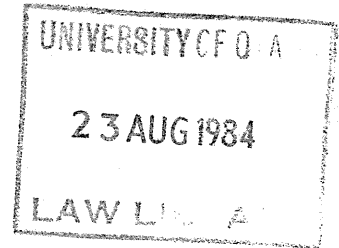
A N D POLICE

Respondent

Hearing : 6th June 1984

Counsel : M.H. McIvor for Appellant
C.Q.M. Almao 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 Te Awamutu on 16th April 1984. Although Mr McIvor is shown in the sentencing notes as appearing for the appellant, in fact the appellant was not represented by counsel in the lower Court, he having been refused legal aid. The papers do not show the usual certificate that the requirements of Section 13A of the Criminal Justice Act were complied with.

The appellant pleaded guilty to two charges of false pretences and one involving the cashing of two stolen cheques in January 1984 and one charge of theft of \$10. The appellant is aged only 17; he was virtually a first offender although he did have a conviction in the Children and Young Persons' Court in 1981 for charges of theft and burglary.

The District Court Judge noted that the appellant, prior to sentencing, had not attended the Probation Service. Mr McIvor now provides an explanation, founded on the appellant's instructions, which indicates that there was some confusion on the part of the appellant as to his responsibilities with regard to the Probation Office. This may or may not be correct; whether it is or not, in my view, the sentence of Corrective Training of a virtual first offender aged 17 on relatively minor offences such as these, is manifestly excessive.

In my view, Corrective Training should be imposed on young offenders only if the offending is very serious or if non-custodial sentences have been tried and have not worked. In my view, this young man who is now in employment, would better serve the community staying in that employment than in custody.

I therefore allow the appeal; in lieu of the sentence of Corrective Training, he is sentenced to 4 months' Periodic Detention. He is to attend the Periodic Detention Centre at Myrtle St, Hamilton, at 6 p.m. on Friday, 8th June 1984. He is to attend at such times as shall be indicated to him in a notice to be given by the Registrar to him before he leaves the Court; he is to attend at such times as the Warden of the Periodic Detention Centre may advise. In addition, he is placed on probation for a period of 16 months with the special condition that he live and work as directed by the Probation Officer. The sentence is concurrent in respect of each of the three charges.

H. D. Barker J.

SOLICITORS:

Edmonds Dodd & Co., Te Awamutu, for Appellant.
Crown Solicitor, Hamilton, for Respondent.