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IN THE HIGH COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY

No. AP133/86

BETWEEN MONTY TEMOANA HORUA

/205

Appellant

**NOT**  
**RECOMMENDED**

A N D POLICE

Respondent

Hearing: 20 August 1986

Counsel: B. McClelland Q.C. for Appellant  
D.J.L. Saunders for Respondent

Judgment: 20 August 1986

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ORAL JUDGMENT OF HOLLAND, J.

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The appellant appeals against a sentence of twelve months' imprisonment imposed upon him in the District Court at Christchurch on two charges of attempting to obtain money by fraudulently presenting a document and one charge of theft. Mr McClelland has said on his behalf all that can be said. I accept that the attempt to obtain money by false pretence was a matter in respect of which he was not the only party. I am also prepared to accept that he obviously had financial difficulties and he stole a toy from this shop for the purpose of his son's birthday present.

This, however, was not this man's first appearance in Court, nor was it his first appearance in Court on matters of this kind. Mr McClelland has said that he has already served a sentence of imprisonment which has not done him much good. During the relatively short period in prison one can only observe that it

probably did some good to the others who were not defrauded. While on parole on a sentence of eight months' imprisonment for a number of charges including burglary, theft and six charges of attempting to use a document with intent to defraud, he again repeats this behaviour. The Criminal Justice Act is not designed to keep people permanently out of gaol. It is perfectly apparent that punishment short of imprisonment also has failed because this man has had the advantage of periodic detention, orders to come up for sentence if called upon and other sentences short of imprisonment which likewise have not reformed him.

Nothing has been presented before me to indicate that the sentence decided upon by the District Court Judge was either inappropriate or excessive and the appeal against sentence is dismissed.

*C. D. Holland J.*