

NOT  
RECOMMENDED NZLR

8/5

(3)

IN THE HIGH COURT OF NEW ZEALAND  
HAMILTON REGISTRY

A.P. 7/86

451

BETWEEN PETER CHARLESWORTH  
JOHNSON

Appellant

AND Q U E E N

Respondent

Hearing: 10 April 1986

Counsel: No appearance of Appellant  
Mr Morgan for Crown

Judgment: 10 April 1986

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ORAL JUDGMENT OF ELLIS, J.

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Appellant appeals against his sentence of one years imprisonment for a charge of assault on a female.

While he has an unenviable record of offending it does not appear that any of the charges relate to assault, although of course one cannot be entirely sure from the papers. However, the assault was a serious one and while the Court below accepted that it was due to excessive consumption of alcohol or drugs or both, neither the District Court Judge nor this Court is impressed with that as a defence or even as a mitigating factor. The appellant will be able to take the necessary steps to assist him in his problems with drugs and alcohol when he is released from prison, which if he performs satisfactorily should not be too far distant. The appeal will be dismissed.

*APP. Ellis J*

Solicitor: Almao McAllen & Kellaway, Hamilton for Respondent