



BETWEEN THOMAS EDWARD ENNIS

Appellant

A N D THE POLICE

Respondent

Hearing: 27th November 1987

Counsel: G.J.A. Proudfoot for Appellant
 Rosemary Carruthers for Respondent

ORAL JUDGMENT OF WILLIAMSON J.

This is an appeal against a sentence of three months' imprisonment on charges of assault with intent to injure and resisting arrest. The sentence was imposed in the Timaru District Court on the 10th November 1987. In my view the appeal has no merit whatsoever. In particular I have carefully considered whether or not this is an occasion when the Court should in fact allow the appeal by increasing the sentence.

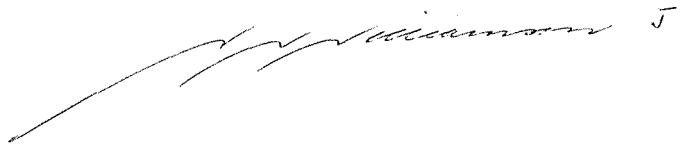
The Appellant pleaded guilty and consequently was convicted of assault with intent to injure. This was an appropriate offence for the facts which are described in the summary. Shortly before 2 a.m. on the morning of Sunday, 25th October, according to the summary, the Appellant went to the Twizel Police Station to inquire about his brother who had been arrested. He booted the front door until it was answered. Then, after saying he would break the windows of the Police Station if he had to wait outside, he was spoken to by the Constable who told him not to do anything silly, at which stage he then head butted the Constable causing injury to his face.

How it can be suggested that a sentence of three months' imprisonment was excessive for such an offence I am unable to understand. An assault is always serious. An assault is more serious when it is on a Police Constable who is

merely trying to do his job, a job which is difficult particularly in small communities where he must rely very much upon the respect which the community gives him. The Appellant has elected to commence serving his sentence and is not present. Because of that and because of the reasons set out in the District Court Judge's remarks on sentencing, I have decided that it would not be appropriate to double the sentence, even though such a result might well be an entirely appropriate one.

There is nothing in the Appellant's background which would suggest that he should have received any special consideration. He has previous convictions, including one for assault. Counsel, during the course of submissions, handed to me a reference from the Chairman of the Twizel Community Council which does put a different complexion on the Appellant's character. It is certainly to be hoped that his actions on this occasion were out of character and will not be repeated.

For the reasons I have given, this appeal must be dismissed.

A handwritten signature in dark ink, appearing to read 'Williamson', is written across the right side of the page. To the right of the signature is a small handwritten mark that looks like the number '5'.

Solicitors:

Petrie Mayman Timpany & More, Timaru, for Appellant
Crown Solicitor, Timaru, for Respondent