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IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

M. 574/89



1765

IN THE MATTER of an application for
bail by ROBERT JAMES
HASKETT of Christchurch

In Chambers

Hearing: 3rd November 1989

Counsel: Joan Rotherham for Applicant
M. Lennard for Crown

ORAL JUDGMENT OF WILLIAMSON J.

This is an application for bail by Robert James Haskett. He has pleaded guilty in the District Court to charges of assault on a female, using a document with intent to defraud, driving while disqualified and unlawfully taking a motor vehicle. He is now remanded until 16th November for sentence.

When a person has pleaded guilty and is awaiting sentence, bail is not granted often by this Court unless it is abundantly clear that the applicant is unlikely to be sentenced to any term of imprisonment. The reason why that approach is usually taken is because it is said to be inhumane to release a person, who is likely to go to prison, for a short time between conviction and sentence. Unfortunately such an approach requires the Court deciding about bail to make a preliminary decision possibly based on inadequate facts in determining whether prison is likely or not for the offences to which the plea has been entered. Such a case also, of course, requires regard to be had to the previous history of the applicant and

to sentences which that person has had imposed on him in the past.

When this matter was dealt with by the District Court Judges, bail was refused not only because the Applicant had pleaded guilty but also because he had been offending while he was at large and because previously he had been in breach of a bail condition which required him to reside at Odyssey House. From the papers which are before me it is unclear as to when the Applicant last offended and to the exact relevance of the period at Odyssey House.

In general terms the Court has to consider whether or not the Applicant is likely to appear in answer to his bail and matters of public interest. In this case the Court also has to consider whether he is likely to be sent to prison in respect of these charges. On the information before me it does appear likely that a prison sentence may result, although I am not expressing any view that such a sentence would be appropriate since I am conscious that the details concerning more recent offending and the Applicant's living circumstances are not before me.

The charge relating to the assault on a female, given the circumstances described in the summary, is a serious matter. For that reason alone it is not appropriate for this Court in its inherent jurisdiction to grant bail.

A further matter which weighs against bail is the frequent offending. In light of the Applicant's history this certainly suggests that there is a likelihood that he would offend again if granted bail and consequently it is not in the public interest for him to be granted bail.

For those reasons this application is declined. In doing so I emphasise, as I have done to Counsel, that some facts do not appear to be before me. If these facts are not in accordance with the indications which have been given to me, namely that the Applicant has been in prison for part of the last year and that he has committed other offences during that period, or that his lifestyle has been different to that indicated in the papers already before me, then of course the Applicant is at liberty to make a further application for bail.

A handwritten signature in cursive script, appearing to read 'J. Williams', with a small 'J' at the end.

Solicitors:

Osborn & Rotherham, Christchurch, for Applicant
Crown Solicitor, Christchurch, for Crown