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LOW
PRIORITY

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THE QUEEN

986

v.

RAYMOND JEFFREY HOARE

Sentence: 17 May 1991
Counsel: D.A. Stephens for the Crown
A.A. Zohrab for the Prisoner

SENTENCE OF RABONE J.

Raymond Jeffrey Hoare, you appear in this Court for sentence on two charges of arson, and you are now convicted of those charges. Both charges relate to the setting fire of bush on the same day at Wainuiomata and at Stokes Valley. An ingredient of one of the charges, to which you pleaded guilty, was that you knew or ought to have known that danger to life was likely to ensue. One of the fires burnt over an area of half a square kilometre and the other over an area of one square kilometre, and the fire came so close to some residences that the occupants of properties needed to be vacated.

As to your personal circumstances you are aged only 18 years. You have a previous appearance in the Youth Court for arson and that was in June of 1989.

Mr Zohrab on your behalf has suggested that in relation to that offence you had been lead, and there is reference in the Summary of Facts in relation to these offences to another person, but that summary indicates that that other person played a subordinate part. There is also before the Court a psychiatric report which describes you as being of limited intelligence and of immature personality, but there is no psychiatric or psychological disorder.

The first thing to say about the offences themselves is that they are, in my view, in a different category of offending to setting fire to a building. Nevertheless, the offences had the potential to put lives in danger and I have referred to the fact that occupants of houses had to be evacuated. Then too I think there was an element of vandalism in what you did, and that should attract a deterrent sentence. It is also the situation that you are for sentence for two offences, and your previous offending and what is said in the psychiatric report lead me to the conclusion that the risk of repetition of such offending is high, and the protection of the community is a substantial consideration in arson cases. Whereas when you were before the Youth Court concern for your welfare was paramount, now there has been repeated offending the interests of the community are I think paramount.

Your counsel has earnestly submitted that the Court should consider, as it has, a sentence other than imprisonment, either periodic detention or corrective

training, but the Court has reluctantly come to the conclusion that the public interest necessarily requires imprisonment. As to corrective training, the maximum term is three months, and I think it is important that the community be protected from you for a period until, hopefully, the temptation to light fires is something that you have outgrown.

In fixing the term of the sentence I take into account that, because of your youth and immaturity, imprisonment will probably be the more onerous, and I have also referred to the hope that with increasing age you will cease to be a risk to the community. Yours is not an offence where the District Prison Board is precluded from releasing you on parole, and it is the Court's hope that after the appropriate period an appropriate programme to address the matters referred to in the psychiatrist's report will be available.

On each conviction you are sentenced to 12 months imprisonment, those sentences to be served concurrently.


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Solicitors:

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