

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

AP 247/91

BETWEEN

STEWART

Appellant

A N D

THE POLICE

Respondent

**NOT
RECOMMENDED**

2409

Hearing: 21st November 1991

Counsel: Appellant in person
C. Lange for Respondent

ORAL JUDGMENT OF WILLIAMSON J.

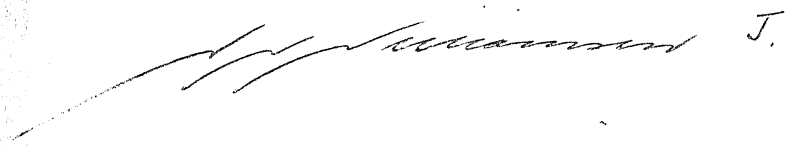
On the 14th November when this appeal was called before me I heard submissions from the Appellant primarily to the effect that since she had been sentenced in the District Court she had obtained employment with two different employers and consequently that a sentence of periodic detention would affect her ability to continue with that employment, and her ability to pay fines and reparation still outstanding against her. Because of the difficulty for persons, particularly young persons, to obtain employment and because the facts had altered since the matter was dealt with in the District Court, I said then that I was prepared to allow the appeal and alter the sentence to one of community service, provided there was some community service of a suitable nature available for her.

Today I have received a report from a probation officer to the effect that there is no community service of a suitable nature available for

her and to the effect that the probation officer recommends periodic detention. Unfortunately the report is not as detailed as I would have hoped. Also the list of previous offending does not appear to contain reference to the facts given to me by the Appellant, namely that she abandoned her appeal and subsequently went on to carry out her periodic detention imposed in May of this year; and secondly, it does not refer to the larger sum of reparation which she has said is payable.

All in all I am left in the position where, the Appellant having been sentenced to periodic detention and the change in circumstances which she has indicated to me not being sufficient to enable a sentence of community service, I conclude that the sentence of periodic detention has not been shown to be a clearly inappropriate one. It is to be hoped that some accommodation or arrangement can be reached between her and the Warden at the Periodic Detention Centre to enable her to retain the employment she has obtained. Other than to express that hope this Court must dismiss the appeal and does so accordingly.

The sentence having been suspended while this appeal was pending, it must now apply. I direct that the Appellant is to attend at the Periodic Detention Centre on Friday next at 6 p.m.

A handwritten signature in cursive script, appearing to read "H. J. Williams J.", is written in the lower right quadrant of the page.

Solicitors:
Crown Solicitor, Christchurch, for Respondent