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THE QUEEN

v

WAYNE TAYLOR THOMPSON

(Injuring with intent to injure;
Aggravated Burglary)

Date of Sentence: 24 July 1991

Counsel: M.T. Lennard for Crown
M.C. Smith for Prisoner

SENTENCE OF NEAZOR J

Mr Thompson, you are here for sentence this morning on charges of aggravated burglary and injuring with intent to injure.

You were a party to a violent attack with others on a man in his own house in the early hours of the morning. Not only was he assaulted, but property was damaged.

I have read the depositions that were prepared for the trial of the others. At the end of this assault there was blood splashed in quite a large part of the house, clumps of hair were found. The victim suffered a number of serious injuries to his head. He was admitted to hospital and he was off work for three weeks. It seems to me from the

depositions that the injuries to his head might well have been caused by another man who was said to have been wearing steel capped boots and kicked him in the head. But you admitted hitting him about the face and chest with a plastic pipe and as Mr Smith has conceded, your statement to the Police indicated that you were the first one to hit him.

I have also read in the papers which suggests that this assault was committed because of allegations that that man had committed an indecent assault on a child. As far as I can see the whole thing was instigated and spurred on by the mother. I am also prepared to accept that you might have got involved originally more or less accidentally but it seems to me you joined in enthusiastically once you got involved in it.

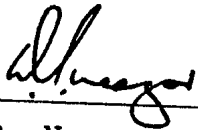
I think, and I accept from Mr Smith, you believed you were justified in what you did to this man and I think the position now is that you still think that he deserves what he got. You did not know him; you went with others simply to take part in giving him a severe beating. You might have thought that that was a proper thing to do but it was not and the Court has to deal with it as the law requires.

An assault of this kind to this degree on somebody in his own house has to be regarded as serious offending. Mr Smith has accepted on your behalf that I am required to sentence you to imprisonment and I think that is the case. I cannot see any special factors in the offence or relating to you that would alter that. If it was some kind of vigilante reprisal that is not a special reason. It is the sort of thing that has to be discouraged.

I doubt if Corrective Training would have been a suitable sentence even if it had been available but I am going to give you credit for your plea of guilty which I accept like an admission to the Police came straight away. I also accept that this is your first serious offence and I also

accept that the most serious injuries were probably caused by someone else. If I did not accept those things you would be getting a good deal more significant sentence than you are about to get.

But the thing I think I must take into account is that I have got a responsibility to make it clear that this sort of beating people up and causing them severe injuries which for a start were thought to include brain damage or a fractured skull, will not be tolerated, cannot be tolerated. I am going to give you credit for those things that I have mentioned and I think the appropriate sentence to pass on you is 15 months' imprisonment and that is what I pass.



D.P. Neazor J

Solicitors: Crown Solicitor, Wellington

Harrison Murphy & Partners, Wellington for
Prisoner