

now

Geoff

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

AP.284/95

BETWEEN SUSAN JANE SHEPPARD

Appellant

AND POLICE

Respondent

Hearing: 15 March 1996

Counsel: Appellant in Person
 K. M. Williams for Respondent

Judgment: 15 March 1996

ORAL JUDGMENT OF BLANCHARD, J.

Solicitors: Crown Solicitor, Auckland for Respondent

Miss Sheppard received a sentence of four months' periodic detention on charges of receiving and obstruction under the Misuse of Drugs Act.

It is accepted that the sentence was a perfectly proper one in the circumstances.

She has subsequently served two of the periods of periodic detention, but unfortunately, circumstances have arisen which have made it very difficult for her to continue with that sentence.

I am satisfied from the medical certificate and the pre-sentence report which has been obtained for the purposes of this appeal from the North Shore Office of Community Corrections, that Miss Sheppard is a recovering drug addict. She has now been drug free for nearly seven months.

She found herself at the periodic detention centre the only woman with over 100 men. That in itself was of some difficulty for her, particularly given her vulnerability in relation to drugs, but more importantly, she came in contact there with a man who assaulted and raped her some years ago and she understandably found that very distressing indeed. This has been the reason why the appeal has been brought.

The report from the probation officer says that although time constraints have prevented independent investigation the officer is convinced by Miss Sheppard and by enquiries of the periodic detention staff that what she says is genuine. It is also accepted that she is genuine in her bid to lead a drug free life and that she accepts the seriousness of the offending for which she was convicted. There is a recommendation of community service.

For these reasons, although the original sentence was, as I have said, perfectly proper I consider that it is appropriate to set it aside and substitute instead a sentence of 120 hours of community service. Miss Sheppard understands that she must now report to her probation officer within 72 hours.