

104

NZLR

IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY

AP.160/97

**NOT  
RECOMMENDED**

BETWEEN

GLENN RICHARD CHARLES  
HOLDEN

Appellant

AND

P O L I C E

Respondent

Hearing: 25 July 1997

Counsel: Appellant in Person  
H. Janes for Respondent

Judgment: 25 July 1997

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ORAL JUDGMENT OF SALMON, J.

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Solicitors: Crown Solicitor, Auckland. (DX CP 24063)

Mr Holden appeals against the sentence imposed on him for one charge of using a telephone for the purpose of disturbing the Sell Customer Services Centre, and four charges of breach of a protection order. The charges of breach of a protection order relate to an order taken out by a Miss C with whom Mr Holden previously lived.

He has twice before been convicted of protection order breach charges. On 7 April this year he was convicted and fine \$200 on two charges of contravening a protection order and on 15 May was convicted on 13 charges and ordered to come up for sentence, if called upon within nine months.

The current protection order offences occurred in June and July of this year and Mr Holden pleaded guilty to them and to the telephone charge. He was sentenced in the District Court on 10 July to eight months' imprisonment on the protection order charges and to two months' imprisonment on the use of a telephone, those sentences to be served concurrently.

In his Sentencing Notes the District Court Judge referred to the Victim Impact Statement, signed by Miss C. That statement, if true, describes a long period of harassment by the appellant. I have no reason to

believe that it is not true and, of course, as already indicated, Mr Holden pleaded guilty to the charges.

The District Court Judge also had before him reports from the Community Corrections Office. The most recent of those was dated 10 July and was accompanied by the previous reports dated 15 May and 25 June. During the course of the preparation of these three reports probation officers have spoken to Mr Holden himself, to a Victim Support worker, to a Miss Shanahan who, I understand is Mr Holden's solicitor, and to his employer and also with his mother and his current partner.

The most recent of the reports recommended the imposition of a term of imprisonment and expressed the view that a suspended sentence would not be appropriate and given Mr Holden's past record I agree with that. I also agree that given his record periodic detention is not appropriate.

I pointed out to Mr Holden at the commencement of the hearing in order for him to succeed on the appeal against sentence he needed to satisfy me that the sentence imposed by the District Court Judge was manifestly excessive.

Given the matters to which I have referred above and particularly Mr Holden's previous convictions which largely relate to offences of dishonesty, intimidation and failure to comply with Court orders, I am not satisfied that

4.

the sentence imposed by the District Court Judge was manifestly excessive,  
and I, therefore, disallow the appeal.

A handwritten signature in cursive script, appearing to read "D. L. ... J.", written in black ink.