

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

CRI 2008-085-1530

THE QUEEN

v

KERRY BRUCE SHANE KNOX

Hearing: 27 February 2009
Counsel: P K Feltham for Crown
K Jefferies for Accused
Sentence: 27 February 2009

SENTENCE OF RONALD YOUNG J

[1] Mr Knox you are charged with and have pleaded guilty to:

- a) supplying methamphetamine;
- b) possession of methamphetamine for supply;
- c) possession of pipe for methamphetamine.

[2] I just want to remind you right at the beginning that supplying methamphetamine and possession of methamphetamine for supply bring a maximum penalty of life imprisonment and the reason why I mention that is to illustrate the seriousness of what you were involved with.

[3] A search warrant was executed at your address. You were trying to leave as the Police arrived. They found \$18,800 in cash in a backpack that you had along with 11.3 grams of methamphetamine in that backpack. In the house in various other bags was another 5.5 grams of methamphetamine, a total of 16.8 grams. In the bag also were a set of digital scales and a number of small zip lock bags in both the backpack and throughout the house. Other cash was found in total more than \$26,000.

[4] I have read the Probation Report. I acknowledge that you have no previous convictions and that you had been able to run a relatively successful business. It is quite clear that you became a regular methamphetamine user and that you are a fragile person but your foolish denial of dealings and frankly your incredible explanation for the presence of these drugs and most of the money has not helped you at all.

[5] Since the offending it is said you have stopped using methamphetamine and that you are currently at low risk. I commend the effort that you have made if that is the case. The drug and alcohol assessment and the psychiatric assessment I take into account. They say that you are quite depressed, that you have had a methamphetamine dependence and something of a gambling problem. Those factors indicate to me that rather than a low risk you are a high risk of re-offending if you do not deal with your propensity to drug addiction and your gambling problem.

[6] The Crown say that this offending places you in Category Two of *R v Fatu* [2006] 2 NZLR 72 and they suggest a sentence in the range of 3½ to 4 years.

[7] I have read Mr Jefferies submissions with care. He stresses your chronic addiction to the drug and that the drugs were mostly for personal use. He stresses also your guilty plea and the fact that you have a previous good character and no previous convictions and that your risk of re-offending was low.

[8] I have no doubt at all, and your plea of guilty accepts, that you were involved in commercial dealing of methamphetamine. The scales, the bags, the cash and the

share volume of drugs all illustrate that. The total amount of drugs were over 16 grams of methamphetamine and the \$26,000 cash, most of which clearly came, in my assessment from drug dealing. That cash, of course, could be the equivalent of somewhere near a further 25 or 30 grams of methamphetamine.

[9] In my view, the appropriate starting point for you is four years imprisonment. I accept that you pleaded guilty, although late, but before trial. I accept some allowance should be made for your lack of previous convictions and your good record. I give you a generous allowance then of slightly more than one third. You are, therefore, sentenced on the two dealing and possession for supply charges to 2½ years' imprisonment. On the other charge you are convicted and sentenced to one month imprisonment concurrent. I hope Mr Knox that you are never seen here again. You will understand that further drug dealing would result in a very high sentence.

Ronald Young J

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