

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

CRI-2008-092-015060

THE QUEEN

v

DOBSON PAUL ABRAHAM

Hearing: 27 February and 26 March 2009

Appearances: A M Wharepouri for the Crown
D L O'Connor for the Prisoner

Judgment: 26 March 2009

SENTENCE OF DUFFY J

Counsel: D L O'Connor P O Box 2283 Shortland Street Auckland 1140 for the Prisoner

Solicitors: Meredith Connell P O Box 2213 Downtown Auckland 1140 for the Crown

[1] Mr Abraham, when you appeared before me for sentence on 27 February 2009, I issued an interim judgment setting out reasons as to why I considered that a sentence of 10 months' home detention was the appropriate sentence to impose. However, because you were currently serving a sentence of six months' imprisonment for non-payment of fines, there were difficulties with imposing the sentence of home detention that day. Instead, I adopted a course of action whereby sentencing was adjourned until today to enable you to serve the sentence of imprisonment for non-payment of fines. You have now served that sentence. You appear before me today and I am told there has been no change in your circumstance which would cause me to reconsider the imposition of a sentence of home detention. I, therefore, propose to impose such a sentence today.

[2] Mr Abraham, if you will stand.

[3] On the two offences of possession of cannabis for supply and possession of an offensive weapon, you are sentenced to 10 months' home detention. The conditions of the sentence are those set out in the home detention report. They are that:

- i) Upon sentencing on home detention, you are travel directly to 15 Finlayson Park Avenue, Dargaville, and await the arrival of the probation officer;
- ii) You are to reside at 15 Finlayson Park Avenue, Dargaville, in compliance with the conditions of home detention;
- iii) You are to abstain from the consumption or possession of alcohol and non-prescription drugs for the term of home detention;
- iv) You are to attend and complete any such counselling as directed by the probation officer; and

v) You are not to pose an undue risk to the safety of the community or any person or class of person while on home detention.

[4] In relation to the \$1,440 that was in your possession at the time of your arrest, I make an order for forfeiture.

[5] In relation to the cannabis found on you on the day of your arrest, I make an order for its destruction.

[6] In terms of the offensive weapon charge, should that weapon still be in the custody of the New Zealand Police, I make a destruction order for that as well.

[7] Mr Abraham, I wish you well and I hope you take this opportunity to turn your life around.

[8] You may stand down.

Duffy J