

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

**CRI-2008-083-101**

**THE QUEEN**

v

**MICHAEL GEORGE MEAD**

Hearing: 31 March 2009  
Counsel: H C Mallalieu for Crown  
D M Goodlet for Accused  
Judgment: 31 March 2009

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**JUDGMENT OF DOBSON J ON BAIL APPLICATION**

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[1] Mr Mead had for some time been on bail, pending trial on four charges. Those charges were for sexual violation, male assaults female, indecent assault and blackmail. In breach of his terms of bail, the Police allege that on 27 March 2009 Mr Mead attempted to make contact with the complainant in respect of these charges. He was arrested for breaching the terms of his bail and appeared before me yesterday. At that time, counsel were agreed that further consideration of Mr Mead's entitlement to bail ought to await his arraignment on these charges, which he had some time ago requested should occur this morning.

[2] On arraignment, Mr Mead duly pleaded guilty to all but the first charge, on which he is due to face trial in June. Counsel were agreed that sentencing on the

charges to which he has pleaded guilty should await the outcome of the trial, and a reasonable period thereafter for the preparation or updating of any reports that would be required, depending on the outcome of his trial.

[3] I accordingly remanded Mr Mead to appear for sentence, notionally on 3 July 2009, it being recognised that there may need to be an adjustment to that date depending on subsequent events.

[4] Subsequent to entry of the pleas, Ms Goodlet renewed an application on behalf of Mr Mead for bail. She indicated that he does not accept the Police allegations as to the circumstances of a breach of the conditions of his previous bail. She submitted also that there has been no difficulty with compliance with strict terms of bail, with Mr Mead living with his parents under a 24 hour curfew that is strictly enforced. He is not working, and Ms Goodlet advised that he has always turned up for Court appearances when required.

[5] Further, Ms Goodlet argued that if he is not convicted on the sexual violation charge which is to go to trial, then a prison sentence on the other convictions would not be inevitable, with the circumstances of the blackmail charge not having the usual connotations that make that charge more serious in many instances.

[6] In all these circumstances, she suggested the interests of justice favoured his continued remand on bail.

[7] For the Crown, Mr Mallalieu submitted that the blackmail charge was indeed a serious one in that there were sexual overtones, the imposition of humiliation and that a prison sentence would, in the Crown's view, be inevitable.

[8] Mr Mallalieu drew to my attention the previous criminal record, including a history of breaches of bail, and submitted that the presumption in favour of a remand in custody under s 13 of the Bail Act 2000 could not be rebutted in the present case.

[9] In all of the circumstances, I agreed with the Crown position that Mr Mead could not establish, on the balance of probabilities, that it is in the interests of justice

for him to remain at large. Without forming any settled view, there is a high likelihood that the existing convictions will lead to a term of imprisonment and that is potentially more than a short sentence. The period of the remand between the end of March and early July is not inordinate, and even if Mr Mead were to defend any charge brought in relation to the alleged breach of conditions of his previous bail, the nature of the relationship reflected in the circumstances of the charges to which he has pleaded guilty must give rise to some cause for concern at the prospect of any further contact with the complainant.

[10] Accordingly, I denied the bail application and remanded Mr Mead in custody until 3 July 2009. At this stage, that is a remand on the three charges to which he has pleaded guilty. On the remaining charge, he is further remanded to appear for trial on 2 June 2009.

**Dobson J**

Solicitors:  
Crown Solicitor, Wanganui for Crown  
Debbie Goodlet, Wanganui for Accused