

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

CRI 2009-004-2661

THE QUEEN

v

SHANE WILLIAM THORNE

Hearing: 16 June 2009

Counsel: L Marshall for Crown
M Kennedy for Accused

Judgment: 16 June 2009

SENTENCE OF RONALD YOUNG J

[1] Mr Thorne you are for sentence now by me on one charge of supplying methamphetamine and one conspiring to supply methamphetamine. You pleaded guilty in April this year. The offending is alleged to have occurred in late 2008 and early 2009.

[2] You were apprehended as a result of an investigation of drug supply into and out of Christchurch Prison. When an inmate's regular supplier failed you stepped into the gap and began supplying him with methamphetamine. You had, it seemed, known this prisoner beforehand and felt a sense of obligation to him.

[3] In late January 2009 you were able to supply that person with one ounce of methamphetamine. The original intention was that you would supply four ounces of

methamphetamine valued at approximately \$50,000. However, you could only obtain one ounce at the time but promised to supply the other three ounces later.

[4] When a search warrant was executed at your house you ran off but ultimately you were arrested. These events gave rise to the two charges, one of supplying one ounce of methamphetamine, one of conspiring to supply the other three ounces.

[5] In terms of your personal circumstances, you are forty-six years of age. You have a long history of offending which has kept you in prison for a major part of your adult life. Of course, you are now, somewhat unusual in continuing to offend into your forties.

[6] I take into account the letter of support from your family and the submissions by your counsel. I accept that you are a talented and intelligent man, but this of course makes your constant offending even more difficult to understand while you would choose prison over freedom is very difficult to understand.

[7] You have previously abused drugs but now apparently do not. But understandably the Probation Service assess you at high risk of re-offending because you have constantly re-offended in the past. And you can expect, should you continue to offend, Mr Thorne, longer and longer sentences.

[8] The Crown say the facts illustrate not just the supply of one ounce but your definite intention to supply a further three ounces of methamphetamine. They say you were a key player in this commercial operation and the fact that the recipient was a prisoner is an aggravating feature.

[9] They say a starting point of five to six years' imprisonment is appropriate with an uplift for your previous convictions. They accept your guilty plea should bring a discount.

[10] I take into account what your counsel, Ms Kennedy has said, both in her written and oral submissions today. She says that there is no clear evidence as to the purity of the drug here and I should assume it is at the lower level. She submits

taking account of the facts and your personal circumstances that a starting point of between three and a half to four and a half years' imprisonment is appropriate less mitigation.

[11] As I have said, Mr Thorne, this was clearly commercial drug dealing. You supplied 28 grams and you were prepared to supply a further 84 grams, of course, of unknown purity. There is no doubt it is a seriously aggravating feature that you were supplying to a person in prison. You, yourself, must know the affects of methamphetamine and the danger it can be. To supply people with methamphetamine in prison as I have said, makes your offending worse.

[12] The appropriate starting point for actual supply alone is three and a half to four years. Added to that is the conspiring to supply the three ounces and the fact that the supply was to a prisoner.

[13] The proper starting point, therefore, in my view, for that offending is five and a half years. I add to that six months to reflect your previous drug involvement and dealing. You have six convictions for possession of drugs. In 1990 possession of cannabis for supply. In 2002 burglary for drugs and possession of morphine for supply.

[14] From the six years I deduct two years a full amount for your guilty plea leaving a sentence of four years' imprisonment. I impose that on the supplying methamphetamine. On the other charge, conspiracy, you are sentenced to three years' imprisonment concurrent with the four years.

Ronald Young J

Solicitors:
L Marshall for Crown
M Kennedy for Accused