

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

**CRI-2009-463-37**

**MAREK KRZYSZTOF WROBEL**  
Appellant

v

**NEW ZEALAND POLICE**  
Respondent

Hearing: 25 June 2009

Appearances: Mr B Cooper and Ms R Anderson for Appellant  
Ms S-L Wootton for Crown

Judgment: 25 June 2009

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**(ORAL) JUDGMENT OF LANG J**  
**[on appeal against sentence]**

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Solicitors:  
Crown Solicitor, Rotorua  
Counsel:  
Mr B Cooper, Rotorua

[1] Mr Wrobel pleaded guilty in the District Court to two charges of theft from motor vehicles. He also pleaded guilty to a further charge of being in possession of instruments for car conversion.

[2] His Honour Judge Cooper took a starting point on the theft charges of 12 months imprisonment. From that he deducted four months to reflect an early guilty plea, leaving an end sentence of eight months imprisonment.

[3] On the charge of possession of instruments, the Judge selected a starting point of nine months imprisonment. He deducted three months for an early guilty plea, leaving an end sentence on that charge of six months imprisonment.

[4] He then imposed cumulative sentences of eight months imprisonment and six months imprisonment respectively on the two sets of charges. This led to an end sentence of one year two months imprisonment.

[5] Mr Wrobel contends that the sentence was manifestly excessive having regard to the totality of his offending.

[6] In order to understand the issues that the appeal raises, it is necessary to have regard to the factual background.

### **Factual background**

[7] The charges arose out of a journey that Mr Wrobel made through the central North Island in February 2009. He hired a rental car in Auckland and drove first to Rotorua, where he went to the Blue Lake Holiday Park carpark. There he broke into two vehicles. From those vehicles he stole cash in both New Zealand and foreign currencies. He also stole a passport, personal papers and a camera from one of the vehicles. Both of the vehicles belonged to overseas tourists. The Judge had before him evidence of the serious effect that the thefts had had on the victims of the offending.

[8] Two days later, the police apprehended Mr Wrobel in Taupo. When they did so, he was found in possession of instruments capable of being used for breaking into cars. They also found on him cash in various currencies and denominations.

### **The appeal**

[9] On appeal Mr Wrobel contends that the overall sentence was manifestly excessive because it was far greater than the sentences that have been imposed upon him in the past on occasions when he has appeared on multiple charges. He contends that, viewed overall, an overall starting point of not more than 12 months imprisonment was warranted. Once allowance was made for the guilty pleas, he contends that an end sentence of eight to ten months imprisonment was appropriate.

### **Decision**

[10] That submission must, however, be viewed against the backdrop of Mr Wrobel's previous convictions. Mr Wrobel has now amassed more than 250 previous convictions. Of those, more than 200 are for offences of dishonesty. By far the greatest proportion of these arise out of dishonesty offences relating to interfering with or stealing from cars.

[11] Mr Wrobel has appeared on three previous occasions when he was sentenced for multiple offences. In February 2003, he was sentenced to two years ten months imprisonment on a total of 164 charges. Two months later, in April 2003, he received the same sentence in respect of a further 49 charges. I infer that that sentence was imposed concurrently on the earlier sentence that had been imposed in February 2003. Then, in July 2007, he was sentenced to one year six months imprisonment on a further 50 charges.

[12] I do not think that matters can be approached on a mathematical basis. Mr Wrobel has now reached the point where the Judge correctly described him as a "career criminal" who makes his living out of interfering with cars. The current offending had the aggravating aspect that it involved dishonesty in relation to

vehicles being driven by tourists in popular tourist destinations. This has a significant flow-on effect for the communities in which the offending takes place.

[13] Mr Wrobel must now accept that when he appears on charges such as this he will receive sentences at the maximum, or near the maximum, level that can be imposed.

[14] For these reasons I have reached the view that the Judge was correct to select a starting point of 12 months imprisonment on the two charges of theft.

[15] The possession of instrument charge was different in time and circumstance because it occurred at Taupo some days after the earlier offending. I consider that the Judge was correct to treat that as being a matter that should be subject to a sentence in its own right.

[16] The real issue is one of totality. Having regard to Mr Wrobel's record, I do not consider that an overall end sentence of one year two months imprisonment can realistically be described as excessive.

[17] For that reason the appeal against sentence is dismissed.