

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

**CRI-2009-404-000336**

**DEPARTMENT OF CORRECTIONS**  
Applicant

v

**JOSEPH SAMUEL PARKES**  
Respondent

Hearing: 30 October 2009

Appearances: E Harrison for Applicant  
J Munro for Respondent

Judgment: 30 October 2009 at 4:50 pm

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**JUDGMENT OF COURTNEY J**

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This judgment was delivered by Justice Courtney  
on 30 October 2009 at 4:50 pm  
pursuant to R 11.5 of the High Court Rules

Registrar / Deputy Registrar  
Date.....

Solicitors: *Meredith Connell, P O Box 2213, Auckland*  
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Counsel: *J Munro, Guardian Chambers, P O Box 210, Auckland*  
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[1] Joseph Samuel Parkes is currently serving a term of imprisonment of ten years imposed in 2001 for sexual offending including rape and unlawful sexual connection. Although released on parole in September 2007 the respondent was recalled to continue serving his sentence in January 2008. His statutory release date is 21 November 2010.

[2] The Chief Executive of the Department of Corrections has applied pursuant to s 107F Parole Act 2002 for an extended supervision order on the basis of the health assessor's report 31 August 2009 which concludes that the respondent is likely to commit an offence referred to in s 107B(2) of the Parole Act 2002 upon ceasing to be an eligible offender.

[3] The health assessor's report records the pattern of the respondent's previous offences. The sexual offending related to the abuse of the eldest of his three daughters when she was aged between 5 and 12 years. Mr Parkes also volunteered a history of sexual violence by him against his former partner and the mother of his daughters.

[4] Mr Parkes has a 20-year history of solvent and alcohol abuse. In addition, he has sustained a number of head injuries. The health assessor refers to previous assessments of Mr Parkes' intellectual functioning which was found to be in the borderline range. During his participation in the Te Piriti adapted programme his low level of functioning particularly regarding problem solving abilities and memory were also observed. Following various assessments Mr Parkes is considered as being a medium/high risk of committing further serious relevant sexual offences while in the community. The particular risk issues identified by the health assessor are that in the context of an unstable relationship characterised by substance abuse and violence he could offend again, most likely against female children for whom he has responsibility, he has difficulty controlling his sexual impulses. Although he does not have deviant sexual beliefs, sexual offending against children is likely to occur when he is feeling rejected and lonely within an adult relationship.

[5] Mr Parkes' counsel indicated his consent to the application and I accordingly made an order, as sought, with the reasons to follow in this judgment. The

commencement date for the order will be Mr Parkes' statutory date of 21 November 2010 on the standard conditions contained in Form 16 of the schedule to the Parole Regulations 2002.

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P Courtney J