

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

CRI 2008-020-2387

THE QUEEN

v

PATRICK SHAUN EDMONDS

Hearing: 6 November 2009
Counsel: N M Graham for Crown
T M Petherick for Accused
Sentence: 6 November 2009

SENTENCING NOTES OF RONALD YOUNG J

[1] Mr Edmonds you are for sentence today having been convicted by a jury of wounding with intent to cause grievous bodily harm. Somehow Mr August, on the evening of 8 June 2008, came to be at the Mongrel Mob headquarters in Hastings. It was clear he was grossly intoxicated and it is clear to me he was doing no harm to anybody.

[2] Suddenly he was struck and knocked to the ground. You and your co-accused, Mr Pritchard, immediately arrived and began kicking him in the head and the body. It is hard to know how many times you both kicked him but Mr Biddle's evidence which was clearly credible and reliable said it was between twenty to fifty times.

[3] The victim was very seriously injured. One of the witnesses took the victim to the hospital. He was immediately admitted to intensive care. He was in very serious condition. The hospital staff could not contain the bleeding into his lungs and so he was transferred to Wellington Hospital where he underwent surgery and remained in intensive care for some time.

[4] This was without question a cowardly brutal attack on a completely harmless drunken man. You showed no mercy nor the slightest care for the fact that he was a fellow human being.

[5] As far as the victim impact is concerned as I have recounted Mr August suffered serious injuries. He had a grossly swollen face, cuts to his face, multiple rib fractures, bleeding into his lungs and chest which as I have said required evacuation to Wellington.

[6] The victim impact report records the serious consequences of your attack on Mr August. He was subsequently on accident compensation for three and a half months. He suffered significantly financially. He and his mother, with whom he was living with his children, almost lost their home. His diving hobby has been severely restricted and he has lost confidence socially. He fears retribution.

[7] The Crown seek a sentence of preventive detention. I take into account what your counsel has submitted both in his written submissions and oral submissions. He submits that this is a case for a finite term of imprisonment including a minimum period of imprisonment but not a sentence of preventive detention. He accepts a starting point of around eight years' imprisonment is appropriate and an uplift for your past offending is also appropriate. He accepts a minimum period of imprisonment could properly be imposed.

[8] As to preventive detention he submits first, that if you are sentenced to a finite term of imprisonment then you are unlikely to be released until you are near fifty years of age. At this age you will have a reduced motivation to offend and preventive detention is therefore not required for public protection.

[9] He says that your last offending for violent offences was now twelve years ago and that there is no real pattern of serious violence in your case. He submits there are no barriers to rehabilitation. You have average intelligence, behave well in prison and have expressed an interest in going to Northland away from your gang connections. He says that you have not previously had a chance at long term treatment for violent offending.

[10] Mr Edmonds you are a long term patch member of the Mongrel Mob. You have a shocking list of previous convictions for violent offending going back over twenty-five years. You were sentenced to corrective training on three occasions. You have over seventy separate sentences of imprisonment and over twenty-five convictions for violent offences including convictions for grievous bodily harm and attempted murder in the late 1990's. Since your release from these sentences you were imprisoned in 2006 for one year, in 2007 for violent offending and two more occasions in late 2007 and late 2008 for violent offending and now this offending, grievous bodily harm.

[11] As the probation officer observes your frequency of offending may be lessening but your violent offending is getting worse. As to preventive detention you have committed a qualifying offence and you are over eighteen years of age. I assess any finite sentence for you at nine years' imprisonment based on a sentence of eight years for the offending and a one year uplift for your past record of violent offending.

[12] I have already described your very serious history of past violent offending. The seriousness of harm to the victim and to his family has been very high in this case and thus harm to the community.

[13] The evidence that you will likely commit serious offences in the future is frankly overwhelming. The psychological testing and the assessments illustrate that you are at very high risk of serious violent offending and within a very short time of any release from prison. And, as the psychiatric report observed your violent offending stretches over twenty years, there is no lessening of the violence as you get older, prison has no effect on you and finally you intend to maintain your Mongrel

Mob links. All of these illustrate that you have a high risk of re-offending and points strongly towards a sentence of preventive detention as being appropriate.

[14] In my view you have no real motivation to change. You pay lip service to courses to advantage yourself. They have had no effect on your re-offending. Clearly the first step towards any change would be to leave the Mongrel Mob which it is clear you will not do.

[15] I am satisfied you are likely to commit a serious violent offence upon release and that a finite sentence would not protect the public given the factors I have mentioned.

[16] I am satisfied therefore a sentence of preventive detention is appropriate and I impose that sentence plus a minimum sentence of five years' imprisonment.

Ronald Young J

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