

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

**CRI 2008-020-2387**

**THE QUEEN**

v

**JOSEPH RICKY PRITCHARD**

Hearing: 6 November 2009  
Counsel: N M Graham for Crown  
A J S Snell for Accused  
Sentence: 6 November 2009

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**SENTENCING NOTES OF RONALD YOUNG J**

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[1] Mr Pritchard you are for sentence today having been convicted by a jury of wounding with intent to cause grievous bodily harm. I recount essentially the same facts as I did with respect to Mr Edmonds. 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 Edmonds, 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.

[8] I take into account Mr Snell's submissions, both his oral submissions and his written submissions. He submits the proper starting point for the offending is around eight years' imprisonment and that a lengthy determinate sentence with a minimum period of imprisonment would be a sufficient sentence as opposed to preventive detention. He says that while there has been past violent offending there could not be seen to be a pattern of serious violent offending in your case. He says you have not previously committed a qualifying offence. He submits the fact that the offending occurred in a gang house reduces the negative social harm to the community.

[9] As to future offending he submits that you do have a desire in his words “to move forward positively”. He says given your age you have taken a lesser role in the gang and that together these factors point toward a determinate sentence of imprisonment. He stresses that your past offending has resulted in a longest sentence for violence of eighteen months’ imprisonment.

[10] Finally, he mentions that you do have motivation to comply with rehabilitative sentences.

[11] Mr Pritchard on my count you have at least twenty convictions for some form of violent offending of various types. You have been sentenced to prison on ten occasions. The longest prison sentence I acknowledge for violent offending is eighteen months’ imprisonment. There were two sets of violent offences in June 2006 and February 2007. Before that there was other serious violent offending in 1999 and 2000. Of course at thirty-seven years of age you are well past the time when ordinarily the violence of youth should have subsided. It is clear to me that despite your protestations you are in a position of authority in the gang that you choose to belong to.

[12] Understandably given the level of persistent violence plus consumption of alcohol and lack of interest or motivation to change the probation officer assesses the chance of re-offending as high.

[13] At your interview with Dr Barry-Walsh you refused to be interviewed other than to repeat your claim that you had improved your circumstances. It was of course entirely your choice as to whether you co-operated with the psychiatrist at interview. Such a choice should neither advantage nor disadvantage you.

[14] Frankly claims that somehow you have or intend to improve your circumstances fly in the face of your actions. As I have recounted rather than your behaviour, especially your violent behaviour improving, it has gotten worse. This is the most serious violent offence you have been convicted of and it follows other serious violent offences.

[15] To illustrate the point since 2006 you have been convicted of possession of an offensive weapon, two charges of possession of a knife, assault with intent to injure, injuring with intent to injure, common assault, disorderly behaviour, assault on the police and now wounding with intent to cause grievous bodily harm. All within the last three years.

[16] I turn therefore to consider whether to impose a sentence of preventive detention or whether a finite sentence would sufficiently protect the public.

[17] First, you have committed a qualifying offence and you are over eighteen years of age. As to an assessment of an appropriate finite sentence I assess that, as I have said with respect to Mr Edmonds, at nine years imprisonment, I view the fact that this was a planned attack on an innocent, drunken, vulnerable man, kicking and striking him in the head only when he was on the ground and defenceless. He was kicked multiple times and suffered serious injury. The nine years would include a twelve month uplift for your past convictions. Taking that therefore as the base line I turn to the statutory criteria relating to preventive detention.

[18] I am satisfied that you have a pattern of serious violent offending. I accept that it is not at the most serious level but the violence is still of a serious kind and it is in my assessment increasing.

[19] The harm done to the community including your victim from the offending is high. The direct human cost as I have described of course is well beyond simply the victim himself.

[20] As to the future there is ample evidence in my view that you will continue to offend with serious violent offending. Firstly, the probation officer's assessment is that you will continue to violently offend if not seriously.

[21] As to the psychological assessment on all the multiple risk factors you are shown to be at very high risk of violent offending both within the community and within prison. Indeed you have a high probability of committing a serious violent offence within two years of any release.

[22] Although you have made some statements about establishing a business it is clear that you will continue your association with the Mongrel Mob. And while you do so there will inevitably be a continuation of your violent lifestyle which as I have observed has been getting worse rather than less serious.

[23] In addition your justification for your violence illustrates that currently while you hold these attitudes there is frankly little chance of change. You go through the notions of offering rehabilitation, frankly, in my view, in the hope that it will advantage you but there is no real chance of rehabilitation given your current attitude and your determination to continue with the gang.

[24] I am satisfied therefore on the evidence that I have that you are likely upon release from any finite sentence to commit another serious violent offence. I take into account in assessing this what I have mentioned together with the assessment of a finite sentence of nine years' imprisonment plus a consideration of any extended supervision order.

[25] I consider the risk is overwhelmingly clear and that a finite sentence simply would not adequately protect the public. I consider the chances of a further serious violent offence by you, as I have said, to be significant. I am satisfied, therefore, that this is a proper case for the imposition of preventive detention. I am required to set a minimum period of imprisonment which I set at five years' imprisonment and I sentence you to preventive detention.

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Ronald Young J

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