

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

**CRI 2009-470-41**

BETWEEN

PAUL LASSLETT  
Appellant

AND

NEW ZEALAND POLICE  
Respondent

Hearing: 2 February 2010

Appearances: Bill Nabney for Appellant  
Hayley Booth for Respondent

Judgment: 2 February 2010

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**JUDGMENT OF HARRISON J**

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**SOLICITORS**

WT Nabney (Tauranga) for Appellant

Ronayne Hollister-Jones Lellman (Tauranga) for Respondent

[1] Mr Paul Lasslett appeals against a sentence of 15 months imprisonment imposed upon him by Judge Spiller in the District Court at Tauranga on 17 November 2009 following his pleas of guilty to charges of cultivating cannabis, permitting premises to be used for cultivating cannabis, and possessing cannabis.

[2] It is unnecessary for me to traverse the merits of Mr Lasslett's appeal in any detail. It is sufficient to record counsel's consensus that the Judge proceeded on an inexplicable factual error. Contrary to Mr Nabney's submissions which were based upon a statement of facts agreed with the prosecutor, the Judge appeared to sentence Mr Lasslett on the premises that, first, his offending was for commercial purposes and, second, a prison sentence was mandatory. Ms Booth for the Crown accepts most responsibly that both premises were wrong and that a sentence of imprisonment cannot be sustained on any rational basis. Fortuitously Mr Lasslett was granted bail pending determination of his appeal.

[3] The only issue then is to determine the appropriate sentencing response. Mr Lasslett was in possession of and cultivated a small amount of cannabis for his own purposes. He was not a commercial grower or supplier. However, he has previous convictions dating back to 2004 for possession and cultivation of cannabis on a small scale. The most serious attracted a fine of \$450 and a final warning in 2007.

[4] I agree with Ms Booth that a fine would not be an adequate penalty. In my judgment the appropriate sentence is one of 200 hours community work coupled with a period of six months supervision, subject to the condition that Mr Lasslett is to complete and attend an appropriate drug and alcohol programme to the satisfaction of the probation officer and the programme provider.

[5] Accordingly Mr Lasslett's appeal is allowed. The sentence of imprisonment is quashed. Instead he is sentenced to community work and supervision on the terms just set out. I wish to express my appreciation both to Mr Nabney and Ms Booth for the quality of their submissions this morning.

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Rhys Harrison J