

**IN THE DISTRICT COURT
AT HAMILTON**

**CRI-2018-059-000014
[2018] NZDC 2286**

NEW ZEALAND POLICE
Prosecutor

v

JORGE EDUARDO RIQUELME CRUZ
Defendant

Hearing: 9 February 2018

Appearances: L Priess for the Prosecutor
J Keung for the Defendant

Judgment: 9 February 2018

NOTES OF JUDGE K B F SAUNDERS ON SENTENCING

[1] Mr Cruz I have, as I have already indicated, declined your application for a discharge without conviction and entered a conviction on this charge. The issue for me now is the appropriate sentence that I can impose.

[2] The law applies equally to visitors to this country as it does to New Zealand citizens. The difficulty that the Court faces is a practical one. You do not have funds to pay a substantial fine and I accept that to be so given the nature of your current travel, temporary work is at best what you do and you spend a lot of time working as a volunteer.

[3] Equally you are to leave New Zealand on 15 February. A sentence of community work will mean that you will have to stay in New Zealand longer and that has consequences in terms of your immigration status.

[4] The drone is worth around \$1700. It is clearly of value to you because you oppose its forfeiture to the Crown. The forfeiture of the drone is for you a real loss. In terms of its value it will go some way to recompense for the loss incurred as a result of your conduct.

[5] Let me repeat I am not applying one rule to you because you are a visitor. But having considered the matters that are submitted on your behalf as to your means to pay and your ability to comply with an alternative sentence I have come to the conclusion that the appropriate way of dealing with you is to order forfeiture of the drone to the Crown. And that then is my sentence.

[6] You are convicted and ordered to forfeit the drone.

[7] A copy of the summary of facts can be made available to the press.

K B Saunders
District Court Judge