

EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN  
[SQUARE BRACKETS].

**IN THE DISTRICT COURT  
AT INVERCARGILL**

**I TE KŌTI-Ā-ROHE  
KI WAIHŌPAI**

**CRI-2020-025-000340  
[2020] NZDC 6614**

**NEW ZEALAND POLICE**  
Prosecutor

v

**MADDISON MCKENZIE WOODS**  
Defendant

Hearing: 21 April 2020

Appearances: Sergeant D Harvey for the Prosecutor  
R Smith for the Defendant

Judgment: 21 April 2020

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**NOTES OF JUDGE B A FARNAN ON SENTENCING**

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[1] I have before me today, Maddison Mckenzie Woods, who is facing a number of charges from an incident on 14 February 2020. The defendant was charged with dangerous driving, failing to stop, and driving while forbidden.

[2] Today she is before me additionally for her non-compliance with COVID-19 lockdown restrictions and, again, driving while forbidden.

[3] In respect of the most recent matters, the defendant had been warned by the police for breaches of the Ministry of Health guidelines.

[4] Specifically, at 11.49 pm on 1 April 2020 she was stopped when she was a passenger in a motor vehicle on a street in Invercargill, with another person. She was given an educational warning with regards to the requirements of the lockdown.

[5] On 9 April 2020, at 12.23 am, the defendant was again stopped. She was again a passenger in a motor vehicle, this time in Clyde Street, with another person, and again she was given further education.

[6] However, that education does not appear to have cemented into her thinking, because the next day, on 10 April 2020 at 4.59 pm, the defendant was again a passenger in a vehicle, this time on Morton Street. She said she was visiting an associate at a nearby address and a verbal warning was given.

[7] On 13 April 2020, at 2.30 pm, the defendant was again a passenger in a vehicle on Lindsfarne Street. She was given a written warning this time.

[8] Then, six days later, at 8.29 pm, the defendant was a passenger in a vehicle located outside the Invercargill Prison, where the occupants had been communicating with inmates. That, of itself, is concerning, without any lockdown. The defendant was arrested and released with a pre-charge warning.

[9] At that stage the defendant had been given three warnings orally, one written warning, and a pre-charge warning.

[10] However, that was not the end of her breaches of the COVID-19 restrictions. She was found again in a vehicle yesterday (20 April 2020) at 4.33 pm. The reason for her being in the vehicle was because she said she was attempting to pick up a child's car seat from a nearby address, although she accepted that the trip was not essential. On this occasion the defendant was driving, hence the reason why she was charged with driving while forbidden, as the defendant does not have a driver's licence, and has been forbidden from driving on at least four previous occasions, which are noted in her previous record.

[11] In respect of the 14 February 2020 offending, the defendant was the driver of a motor vehicle. She had four passengers at the time. She was observed by the police, who were able to clearly identify her. Enquiries found that she was forbidden from driving any motor vehicle. The police activated their red and blue flashing lights and sirens, in an attempt to stop her on Rockdale Road. She failed to stop, driving at high speeds to avoid the police.

[12] The police then engaged in a pursuit. The defendant drove at high speeds on the wrong side of the road, towards oncoming traffic, attempting to avoid the police. Traffic was heavy at the time. The police received three reports of her dangerous driving from members of the public regarding the incident. The police abandoned the pursuit due to the dangerous manner of the defendant's driving, and the risk she posed to the public.

[13] In explanation, the defendant told the police she was not driving and the police have mistaken her for someone else. However, the defendant subsequently pleaded guilty and accepted that she was driving.

[14] In addition to the driving while prohibited convictions, the defendant has a conviction in 2016 for common assault in a family violence context. In 2016, she also gave false details as to the identity of a driver, and she has other convictions including dishonesty, and another assault in 2013. The defendant has also committed offences while she has been on bail.

[15] There has been a pre-sentence report for the February 2020 offending. That report recommends the defendant be sentenced to home detention, with post detention conditions. The report refers to the fact that the defendant has four children, three of whom are in her care, and those three are under the age of four, one of whom has serious challenges. The defendant has been regularly offending over the last few years, and that is noted in the report as a matter of concern. Ms Woods' offending needs are assessed as being her lifestyle, attitudes, and drugs, and also the challenges of parenting a young family.

[16] Oranga Tamariki—Ministry for Children have engaged with the defendant and she has, I understand, been allocated a social worker, although there are currently no proceedings before the Family Court, which (wearing my Family Court Judge hat) surprises me a great deal, particularly when I reflect on the content of the pre-sentence report, and some of the comments that Ms Woods made to the report writer. These includes comments such as, “If [she] does not receive home detention she will continue to offend in a similar manner.” By that, I interpret that she will continue to drive, even though she is not permitted to do so. Ms Woods told the report writer she gets a thrill from fleeing from the police. She was not prepared to disclose to the report writer where her children were, or who was caring for them during the period of the dangerous driving and failing to stop incident.

[17] In terms of this more recent offending, which occurred overnight, likewise - like the report writer - I am extremely concerned as to who has been caring for Ms Woods’ children while she had been breaching the COVID-19 restrictions. It is not a matter of her breaching the restrictions during daytime hours once or twice: her breaching of the restrictions have been blatant and determined, to such an extent that despite written and formal pre-charge warnings, she has continued to breach the lockdown. At least three of the breaches involved Ms Woods being out in the community - at midnight, after midnight, and at 8.30 pm.

[18] There are serious concerns, on my behalf, whether or not Ms Woods has been leaving her children alone, or, if she has not, whether she has been leaving them with suitable adults. I am told that the children are currently being cared for by a friend who she may have, at some stage, been in a relationship with.

[19] The pre-sentence report writer has approved an address that Ms Woods resides at, and I understand and am told that she owns the property. That address is deemed suitable for electronic purposes in terms of monitoring, but the only occupant during the course of the home detention sentence may be Ms Woods and her children. When she returns to the address after Court today, she will need to ensure that there are no other occupants present, because the monitoring company will be coming to the address shortly to install the electronic monitoring equipment in her house, and also around her ankle.

[20] For the reasons given, I am making a s 15 notification, a report of concern regarding Ms Woods' care of her children.

[21] I am also, under s 19, directing that Oranga Tamariki need to consider convening an urgent family group conference. I understand there may have been consideration given to convening a family group conference, and I appreciate the challenges that that would be posing currently with the lockdown for the Ministry. However, we are soon, next week, to move into level 3 and I understand, from talking to other social workers, that some family group conferences are to be scheduled once a move to level 3 lockdown is commenced.

[22] Considering the purposes and principles of sentencing, I am going to deal with you in the following way, Ms Woods, which I form the view is the least restrictive outcome. I accept that your list of prior offending is not lengthy, but it is blatant, even when receiving a sentence of supervision in 2016 has not stopped your offending.

[23] Therefore, in respect of the charge of dangerous driving, you are sentenced to two months home detention.

- (a) That will be served at [address deleted].
- (b) You are to travel directly to that address from Court today and await the arrival of the field officer, from the monitoring company.
- (c) You are to reside at that address and not move to any new residential address without the prior written approval of a probation officer.
- (d) You are not to possess, consume, or use any alcohol or drugs not prescribed to you.
- (e) You are to attend an assessment for alcohol and other drug counselling programme, or treatment, as directed by a probation officer; and you are to attend and complete any counselling, treatment or programme, as recommended by the assessment, as directed by and to the satisfaction of a probation officer.

[24] You will also be the subject of post detention conditions for a period of six months beyond the expiry of your sentence, with the recommended special condition;

- (a) To attend an assessment and other drug counselling programme or treatment, as directed by a probation officer; and to attend and complete any counselling, treatment or programme, as recommended by the assessment, as directed by and to the satisfaction of a probation officer.

[25] In respect of the dangerous driving charge, you are also disqualified from holding or obtaining a driver's licence for six months, and that commences from today. So, not only are you forbidden from driving, you are now the subject of a driving disqualification.

[26] In respect of the driving while forbidden from 14 February 2020, you are convicted and discharged.

[27] In respect of the failing to stop from 14 February 2020, you are convicted and discharged, and disqualified from holding or obtaining a driver's licence for a period of 12 months, which will take effect from 21 October 2020.

[28] You are now disqualified for a period of 18 months. The reason the failing to stop disqualification is 12 months, is because of your prior record.

[29] In respect of the matters from yesterday, in terms of driving while forbidden, you are simply convicted and discharged.

[30] In respect of the obstruction under the Health Act 1956, you are convicted and sentenced to two months' home detention. That is cumulative on the dangerous driving home detention.

[31] Your home detention sentence is four months in total.

[32] You are also the subject of the same special conditions, and post detention conditions, for a period of six months beyond the expiry of your sentence.

[33] I am directing that a copy of my minute be released to Oranga Tamariki to support my notification.

[34] I am certifying the breach of your bail for being out and about.

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Judge BA Farnan  
District Court Judge

Date of authentication: 22/04/2020  
In an electronic form, authenticated pursuant to Rule 2.2(2)(b) Criminal Procedure Rules 2012.