

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

**IN THE DISTRICT COURT
AT QUEENSTOWN**

**I TE KŌTI-Ā-ROHE
KI TĀHUNA**

**CRI-2020-059-000175
CRI-2020-059-000269
CRI-2020-059-000268**

[2020] NZDC 6759

NEW ZEALAND POLICE
Prosecutor

v

GAVIN BRUCE SPENCE
Defendant

Hearing: 22 April 2020

Appearances: Sergeant I Collin for the Prosecutor (via teleconference)
L Denton for the Defendant (via teleconference)

Judgment: 22 April 2020

NOTES OF JUDGE B A FARNAN ON SENTENCING

[1] I note for the record that I am hearing this Queenstown sentencing matter from Invercargill Court during the COVID-19 level four Government restrictions.

[2] Mr Spence you are for sentence today.

[3] Firstly, Mr Spence, you have been charged with stealing a box of bread worth \$64.17, on 18 January 2020, the property of [restaurant deleted]. I will convict and discharge you on that and order you to pay reparation \$64.17.

[4] In respect of being unlawfully on a property in [address deleted], Queenstown on 21 April 2020, I will sentence you to two months' imprisonment. No conversion to home detention. You do not have an address and no release conditions. There will also be a reparation order for the lock, of \$300.

[5] You failed to comply with the Health Act requirements. I have withdrawn one of the charges, but the other one alleges that you breached the COVID-19 regulations yesterday. The Health Act charge is also based on the fact that you were in Queenstown and should not have been there as well. I am giving you one month's imprisonment for that and it is cumulative on the two months' imprisonment, and no release conditions and no conversion to home detention.

[6] For the breach of the community work charge, I am giving you one month's imprisonment cumulative on the breach of the Health Act charge, CRN 352. No conversion to home detention, no release conditions.

[7] I am going to cancel your community work.

[8] As Mr Denton said, Mr Spence, when you get out of jail you will have 'a clean slate', so start afresh and behave yourself.

[9] The end result is four months' imprisonment, with no release conditions, and no community work.

[10] I have also made an order for reparation, \$300 for the lock, plus \$64.17 for the box of bread. You must make arrangements to pay that off, on your release.

Judge BA Farnan
District Court Judge

Date of authentication: 24/04/2020
In an electronic form, authenticated pursuant to Rule 2.2(2)(b) Criminal Procedure Rules 2012.