

EDITORIAL NOTE: NAMES AND/OR DETAILS IN THIS JUDGMENT HAVE BEEN ANONYMISED.

**IN THE DISTRICT COURT
AT HAMILTON**

**CRI-2016-019-001492
[2016] NZDC 17721**

THE QUEEN

v

TEDDY WALTER

Hearing: 8 September 2016
Appearances: M Dillion for the Crown
L Wilkins for the Defendant
Judgment: 8 September 2016

ORAL JUDGMENT OF JUDGE D M WILSON QC

[1] Teddy Walter, you are charged that on 12 March 2016 at Hamilton, you assaulted Belinda Farrell using a steak knife as a weapon. I would not be justified in convicting you of this charge unless the evidence established beyond the reasonable doubt that that is exactly what happened.

[2] Much of the background is recounted by people who are all affected by alcohol and there is not very much clarity about it except to say that the circumstantial evidence is very compelling, and that is that you, and Ms Farrell, had been drinking. You were in the throes of a relationship collapse and you both had been drinking excessively. You have claimed that Ms Farrell was abusing you but that was never put to her when she was a witness so I have to take that into account in deciding what weight to give your evidence on that but given the circumstances,

there was an altercation between you. You were almost out of control; behaviour that you did exhibit that day was very disturbing to the other residents.

[3] Mr William Jones gave evidence of what he saw of it and none of that is really in contention. There was continual degrading abuse of Belinda Farrell. She had rung her nephew to get a lift home and spent some time outside, how long that was, does not really matter because everything that happened that relates to this charge happened in the TV lounge room.

[4] You gave evidence that you were making dinner for her and you were very upset and agitated that she did not want to eat with you. You said you were making lamb chops and you identified that the photograph of the knife, the other witnesses talked about, was the one that you were carrying in your right hand when you came from the hallway into the lounge room where the TV was, and Mr Jones and Ms Farrell were watching TV at the time. You emerged through the doorway which is on the same wall of the lounge as the TV is, slightly to one side and your explanation is that you were so upset that you threw the knife onto the or downwards from your extended height using your right hand. You did not see where it went and then you decamped subsequently went outside to await the arrival of the police.

[5] The evidence that I have from Ms Farrell is about something hitting her on the side of the head and when she looked down she saw the steak knife. Her recollection is that she handed that to William Jones and that he put it on the table. His recollection is that he actually saw you throw the knife. He saw the knife hit her head and that he retrieved the knife and kept it safe until the police came.

[6] None of those discrepancies are really of much moment because you admit throwing the knife. It is just a question about whether, at the time when you threw the knife, I am justified in finding beyond reasonable doubt, that you intentionally threw it at Belinda Farrell.

[7] The explanation of throwing the knife to the ground does not explain in any way, how it could have hit her head, got as far as the lounge in which the two people were sitting watching television and your explanation in that respect, I am sorry to

say, is one I do not accept. I think you were completely overcome with rage and you had been drinking far too much and you threw it at her and in so doing, you assaulted her using that steak knife as a weapon.

[8] Accordingly, my verdict on this charge is one of guilty.

D M Wilson QC
District Court Judge