

**IN THE DISTRICT COURT
AT HAWERA**

**CRI-2016-043-001584
[2017] NZDC 5389**

NEW ZEALAND POLICE
Prosecutor

v

HURA BOWMAN
Defendant

Hearing: 15 March 2017
Appearances: Sergeant S Hickey for the Prosecutor
N Bourke for the Defendant
Judgment: 15 March 2017

NOTES OF JUDGE C D SYGROVE ON SENTENCING

[1] Mr Bowman you appear before me for sentence in regard to three charges of burglary, burglary carries a maximum sentence of 10 years' imprisonment, one charge of receiving TV, PlayStation, Samsung tablet valued at \$2200, that carries a sentence of seven years' imprisonment, possession of Class C cannabis three months' imprisonment or a \$500 fine and one breach of community work and one breach of supervision.

[2] The burglaries just relate to private dwellings that were unlocked at the time and you and your co-offender took advantage of the properties. You stole televisions, jewellery, went from house to house stealing, burglarising the properties and when you were searched at the police station they found cannabis on you. You also received a TV, PlayStation and Samsung tablet valued at \$2200.

[3] You have two previous convictions in 2014 for burglary.

[4] The victim impact statements show that the victims in this case feel understandably very upset that you would break into their property. They have always left their properties unlocked and felt that they were safe. Lucky for you one of their properties have dogs there which were at the vet that day. Just a feeling of betrayal by the owners of these properties who have worked hard, purchased a property, never expected someone like you to just go in and help themselves to their possessions. As an example, “I cannot believe someone would break into my home address. I feel uneasy about someone being inside my address and going through my property. It’s like they have invaded by personal space, my life.” This woman lives alone with her three year old daughter. “I fear for the safety of my daughter now. I make sure all the doors and windows are locked every time I leave the address and when I go to bed at night.” So your offending has ramifications beyond you simply committing a criminal offence at their address.

[5] The pre-sentence report recommends a sentence of imprisonment. The address that you have given as a home detention address they do not regard as suitable. The police certainly do not regard it as suitable because there have been callouts to that address on two occasions already, 17 November and 7 August. The probation officer who wrote the report and is in Court today, she does not regard the address as appropriate. You are unable to offer reparation unlike your co-offender and your type of offending is described in *Senior v Police*¹ as a spree burglar. You can expect a sentence of around four years’ imprisonment. Spree burglars appear for a large number of burglaries committed within a short space of time. They tend to be candid with the police usually in the form of admissions to some burglaries that result in those burglaries and potentially other burglaries being solved. Their co-operation is a significant sentencing factor that must be balanced with the sentencing principles of deterrence and denunciation. The factors in *Nguyen* that need to be considered are the degree of planning and sophistication, that was minimal, the nature of the premises entered, private home, the kind and value of property stolen substantial, damage done minimal, impact upon the occupants and owners substantial, high, extent of offending three burglaries. You fit within those

¹ *Senior v Police* (2000) 18 CRNZ 340

categories quite well Mr Bowman. And based on that I regard the starting point for you taking into account the applicable authorities and statutory factors as one of three years' imprisonment. The offences were committed while you were on bail subject to a sentence and the number, seriousness, date and relevance of previous convictions justify an uplift of eight months' imprisonment. There are no mitigating factors so far as you are concerned. You have breached community work. You have breached intensive supervision and I am sorry to say that your lawyer's submissions to me to impose home detention fall on deaf ears. Do not commit the crime if you cannot do the time Mr Bowman. You are sentenced to 33 months' imprisonment.

[6] On the charges of breach of community work and sentence of intensive supervision those sentences are cancelled and you are convicted and discharged.

[7] On the charges of burglary and receiving you are sentenced to 33 months' imprisonment concurrently.

[8] On the charge of possession of Class C cannabis you are convicted and discharged.

[9] I am not ordering reparation because I just see no prospect of it being paid.

C D Sygrove
District Court Judge