

**IN THE DISTRICT COURT  
AT NORTH SHORE**

**CIV-2016-092-003487  
[2017] NZDC 10276**

**DEPARTMENT OF CORRECTIONS**  
Prosecutor

v

**ROCKLIN CUTHBERT**  
Defendant

Hearing: 16 May 2017

Appearances: A Foye for the Prosecutor  
No appearance by or for the Defendant

Judgment: 16 May 2017

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**ORAL JUDGMENT OF JUDGE P J SINCLAIR**

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[1] On 22 November 2016, Rocklin Cuthbert was deported from Australia to New Zealand. A determination notice making him subject to standard conditions until 21 November 2018 was served on him. Six special interim release conditions were also imposed on him, remaining in force until 24 January 2017.

[2] Community Corrections are seeking special conditions be imposed on Mr Cuthbert pursuant to the Returning Offenders (Management and Information) Act 2015. Community Corrections seek four special conditions be imposed. A notice of application was served on Mr Cuthbert on 8 May by his probation officer. Mr Cuthbert indicated he would not be present in Court on 12 May when this matter was originally called, and consents to the proposed conditions.

[3] By way of background, on 30 June 2011, Mr Cuthbert was convicted in Australia of “robbery in company cause wounding”, which involves conduct that constitutes an imprisonable offence in New Zealand. He was sentenced to eight years’ imprisonment.

[4] On 23 March 2012, Mr Cuthbert was convicted in Australia of “break and enter”, which also involves conduct that constitutes an imprisonable offence in New Zealand. He was sentenced to two years’ imprisonment.

[5] Mr Cuthbert became liable for deportation or removal as a result of these convictions. On 7 June 2016, he was detained and transferred to Villawood Detention Centre. He was released from custody within six months of returning to New Zealand. Ajay Kumar, senior practitioner at Community Corrections, deposes that while Mr Cuthbert has been subject to standard and interim special conditions Corrections have been able to monitor and facilitate his reintegration into the community. Mr Cuthbert has engaged well with Probation Services. He has the support of his whānau, who would [continue to] be involved with his reintegration and resettlement.

[6] Since arriving in New Zealand, Mr Cuthbert has been residing at accommodation through People at Risk Solutions and has been actively seeking alternative residential properties. He is intending to reside with extended family in Warkworth. He is presently employed in a labouring job. There is no evidence to suggest any escalation to his risk, and he remains open and forthcoming in discussing his personal circumstances and is receptive to supervision. He has not as yet been referred to any specific offending related interventions.

[7] The purpose of the Act is obtain information from offenders and establish release conditions for offenders returning to New Zealand following a prison sentence of more than one year in an overseas jurisdiction.

[8] Mr Cuthbert has served a prison sentence of more than one year and had not been in the community for more than six months when he returned to New Zealand following his prison sentence. In my view, the conditions sought by Community

Corrections are appropriate in that they will reduce the risk of further offending by Mr Cuthbert and will facilitate or promote his rehabilitation and reintegration.

[9] The following special conditions will be imposed until 21 November 2018:

1. To reside at an address as directed by a probation officer, not to move from that address without prior written approval of a probation officer.
2. Not to travel outside of New Zealand without the prior written approval of a probation officer.
3. Not to possess or consume alcohol or illicit drugs, excluding those prescribed to him by a doctor, including codeine based over the counter or prescribed drugs.
4. To attend and engage in a rehabilitative assessment and/or any subsequent recommended treatment or programme as directed by the probation officer and/or assessor or treatment provider.

P J Sinclair  
District Court Judge