

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

**IN THE DISTRICT COURT  
AT HAMILTON**

**CRI-2017-019-001384  
[2017] NZDC 10582**

**NEW ZEALAND POLICE**  
Prosecutor

v

**KRYSTAL JANET MARIE PEARCE**  
Defendant

Hearing: 22 May 2017  
Appearances: Sergeant M Frost for the Prosecutor  
G Prentice for the Defendant  
Judgment: 22 May 2017

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**NOTES OF JUDGE P R CONNELL ON SENTENCING**

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[1] Ms Pearce you know that you are in some trouble with the Court because you are being sentenced today for two charges of burglary and then a series of charges that relate to your use of credit cards that you had obtained and stolen while you were actually committing these burglaries, so that is the proceeds of the burglaries used then to get money dishonestly. You are not a stranger to that because you have a very large number of previous convictions.

[2] Before I deal with them I just want to canvass the facts because that is the basis upon which I make an assessment of your culpability. In this series of offences you were on 24 February about 6 o'clock in the morning at [motel 1] situated in Ulster Street. The victims who were staying in the room were in bed and asleep. You opened their motel door and you got access into the room. Once inside you located the victim's handbag on a table. You took that and left the motel. The bag itself was worth some \$400 and contained a lot of the victim's property including

bankcards, card holders, business cards, Visa business cards, Westpac Master Card, a fuel card, some prescription glasses, some headphones, a connector related to the phones themselves and some 40 or \$50 worth of cash. It is serious offending because of what you eventually took and those things as you know are costly to replace.

[3] On 25 February 1 o'clock in the morning, between then and 3.00 am, you again were at another motel, the [motel 2] situated in Ulster Street. Again the victims were asleep in their room. You opened the motel door and on that occasion you took a Malaysian ID and bank cards in the victim's name and some Malaysian currency.

[4] On 25 February again at quarter to six in the morning you used the stolen Malaysian credit card to buy some phone credits for your own cellphone. At 6.30 am on 25 February you were at the [petrol] station and you used a payWave system of the bankcard to obtain some \$88 worth of property. On 28 February you were in Sefton Crescent and you were found there. You were hiding from the police. They searched the property and located property inside your bedroom. They discovered some cannabis material and they also discovered a small amount of methamphetamine.

[5] The list of previous convictions shows that you have 14 convictions in the Youth Court, that for purposes of sentencing today do not add any significant weight to your situation, but they do demonstrate a developing pattern in those days and a tendency to commit the offence. Then as an adult you have 18 convictions for burglary with the last three convictions being committed in August 2016. At that stage you ended up with a total sentence of a year and two months. You were on release conditions and you were on those release conditions at the time of committing these offences. I have to say that weighs against you too because you were on a sentence and yet you are still committing an offence.

[6] On top of all that (you know you have multiple shoplifting convictions and you have had convictions for fraud), there are three convictions in your record for escaping custody. None of those things assist you in trying to say today that you are

someone who wants to change and you want to undergo a home detention sentence. It seems to me that nothing that is done for you, or with you, works in terms of stopping you offending.

[7] The probation officer whose report is before me in effect says much the same thing. That you are someone who despite being on sentence went and offended again and you are someone who has little in the way of any control over yourself to stop offending. They say you have no impulse control, that you are someone who has no skills to solve your difficulties and simply turn to crime. Of course, with all of that there is the fact that you are someone who apparently has a struggle with alcohol and with some form of addiction, possibly methamphetamine. That was part of what was found in your house at the time of your arrest. They say you are at medium to high risk of re-offending and that is something I have to take account of as well.

[8] You do not have a suitable home detention address. What Mr Prentice on your behalf asked for is leave to apply for a sentence of home detention. When you look at that list of previous convictions, and I note the fact that you have those convictions for escaping custody, you have the convictions for breaching sentence which was breaching release conditions. I mean in effect you have done that again, and that gives an indication to the Court that you are someone who is not likely to comply with home detention when you cannot be bothered even on release complying with conditions of reporting into the Probation Service and so on. It is very hard to accept a submission that that is something you would comply with at this very late stage.

[9] I have considered carefully the sentence that should be imposed and I am going to on one of these burglaries impose a sentence with a starting point of 18 months. I uplift that to take account of your other burglaries. That is an uplift of six months and I considered the principle of totality in all of that you will understand that I have reached a starting point of two years in relation to the burglaries. I will not add a further uplift for the charges of using those credit cards like you did. They really in effect can be covered in that two-year term that I have determined for the burglaries.

[10] There has to be an uplift for your past convictions, both for burglaries and for using documents in the way you have this time round but that will be an eight-month uplift. That takes you two years and eight months. Then you are entitled to a credit for pleading guilty and that means an eight-month deduction. You will end up with a 24-month term of imprisonment.

[11] Do I consider a sentence of home detention appropriate in this case? First of all you do not have an available address and that seems to have been for a number of reasons that I read about in the report, but can I grant you leave for home detention? I have to say to you I get worried about the fact you do not have control over yourself and your offending. You seem to be an impulsive person who offends. You have offended whilst on sentence. You have six previous convictions for breaching release conditions and that is a concern because, as I say, you are unlikely to comply with home detention. The escaping custody convictions also reflect on you badly because of your inability to comply with directions and to accept that even when you are legally detained you do not take any notice of that and are inclined to escape as you did on those three occasions.

[12] I do not consider you are suitable for a sentence of home detention. In total the penalty you have received today is a term of two years' imprisonment.

[13] On the possession of methamphetamine, given what has happened today I am simply going to convict and discharge you as I will on the charge of possessing cannabis itself. You will understand no penalty goes on those but they are recorded on your list of previous convictions.

[14] When you are released from imprisonment this time round Ms Pearce you will be on the conditions that are set out in the probation officer's report. That is for you to attend and complete an appropriate alcohol and drug programme to the satisfaction of the probation officer. You will do the same in respect of any counselling, treatment or programme that the Probation Service direct you undertake. You must complete that to their satisfaction.

[15] Those conditions will be extended by six months beyond the finite term of imprisonment as post-detention conditions. Your present conditions that you are currently on are now cancelled.

P R Connell  
District Court Judge