

**IN THE DISTRICT COURT
AT NAPIER**

**CRI-2016-020-002735
[2017] NZDC 20377**

THE QUEEN

v

RAYMOND DANIEL JONES

Hearing: 8 September 2017
Appearances: C Gullidge for the Crown
M Phelps for the Defendant
Judgment: 8 September 2017

NOTES OF JUDGE A J ADEANE ON SENTENCING

[1] Mr Jones appears for sentence on two groups of matters. The first is a combination of one burglary and one attempted burglary, together with associated possession of instruments.

[2] Together with a long-standing burglar accomplice because Mr Jones is a recidivist burglar, he burgled one rural property and attempted to burgle another but was interrupted. The target appears to have been outbuildings and fuel. Mr Jones went on these missions well-equipped with disguise, cutting instruments, et cetera and, as I say, in company with an accomplice who is equally experienced. I say this about Mr Jones because he has not so long ago been sentenced to the extraordinary term of seven years' imprisonment for burglary.

[3] Having regard to the fact that there are two charges, albeit one an attempt, in my view the correct position here is a starting point of two years' imprisonment. It might well be the subject of a discount for a guilty plea but that would immediately be offset by an uplift for those previous convictions of such relevance. The end result is a sentence of two years' imprisonment for the burglaries.

[4] There is then another matter of a quite different kind; the charge of injuring with intent to injure. There was a workplace argument in which Mr Jones got the upper hand. He knocked the complainant to the floor. The complainant was unconscious and while he was lying there, Mr Jones is said to have kicked him at least three times to the back of his head while wearing steel-capped boots. I have in front of me a victim impact statement which outlines the ongoing consequences of this and I have regard to it. The incident stopped when other staff members physically intervened.

[5] The submission which cannot be seriously contested is that an uplift by way of a cumulative sentence for this quite separate offending is required. I adopt a starting point of two years' imprisonment. It is reduced by 25 percent for an early guilty plea, with the end result that on the burglary matters Mr Jones is sentenced to two years' imprisonment, and on the injuring matter to 18 months' cumulatively upon the first-mentioned sentences.

[6] The Crown seeks a minimum non parole period in relation to the burglary. This is a matter well within the expertise of the Parole Board to address and matters of public safety do not loom as large here as they would in other cases. Provisions about parole can take their normal course in conjunction with provisions relating to cumulative sentences.

[7] Mr Jones is effectively sentenced to three and half years' imprisonment.

[8] There will be six months' imprisonment concurrently on the instrument matters.

A J Adeane
District Court Judge