

**IN THE DISTRICT COURT
AT ASHBURTON**

**CRI-2017-003-000335
[2017] NZDC 27513**

NEW ZEALAND POLICE
Prosecutor

v

JULIAN THEO CROSBY GIBLIN
Defendant

Hearing: 4 December 2017

Appearances: Sergeant I Howard for the Prosecutor
R J Burnside for the Defendant

Judgment: 4 December 2017

NOTES OF JUDGE J E MAZE ON SENTENCING

[1] Julian Giblin, you have pleaded guilty to dishonestly using a document, obtaining advantage by deception and using a false document dishonestly and those charges carry a maximum of seven years, seven years and ten years respectively. You used your own [family members] identity to obtain a benefit in the form of National Super and you have gained some \$20,943 that you were never entitled to and it was discovered when your [family member] returned to New Zealand. You had secured a false passport in your [family member]'s name and travelled on it and you had used the same passport to obtain a licence in a false name.

[2] I have a letter from Presbyterian Support acknowledging the assistance they have given you but asking me to take into account that they simply cannot continue to subsidise your life on a daily basis.

[3] You are 74 years of age. You have no previous convictions. There is no entitlement to funding from the New Zealand Government in any form. You have recently had a serious stroke. You have other serious health problems and in particular that includes heart problems, and I see that you are taking medication for what I assume is for angina. You are of no fixed abode, save that which is provided for you. It could be said that you are at low risk of re-offending but as Mr Taylor has said in his report that ignores the long period of living under what is a stolen identity. You have been served with a deportation order. You will be deported upon completion of any sentence.

[4] I accept it is very serious offending to steal and use another person's identity and to do so for a considerable period of time is a significant aggravating factor. You did not stop until you were confronted with the truth and understood that others knew. Conditions of release are not sought and a short sentence of imprisonment seems to be the only option. I accept that imprisonment is required to mark the seriousness of the offending and as deterrence to reflect the ease with which you seem to have been able to take advantage of your wrongdoing over a long period of time but because of the extraordinary circumstances set out in Miss Burnside's submissions, I accept a realistic approach is called for. I adopt a starting point of six months. I allow a reduction for plea and good character at one-third, giving me an end result of four months' imprisonment. That is not to be seen as indicative of the tariff or anything else. I have no real advantage from submissions as to starting point. It is merely a merciful response to reflect the extraordinary circumstances which are now before me.

[5] On each, you are convicted. You are sentenced to imprisonment for four months. Leave to apply for substitution of sentence is declined. The conditions of release imposed by statute and on statutory release date, reparation is declined as there is no realistic prospect of payment. Fines of \$1,040 are remitted forthwith.

J E Maze
District Court Judge