

**IN THE DISTRICT COURT
AT CHRISTCHURCH**

**CRI-2017-009-001405
[2017] NZDC 25755**

THE QUEEN

v

TRACY DAVINA WILLIS

Hearing: 15 November 2017
Appearances: C White for the Prosecutor
M Sewell for the Defendant
Judgment: 15 November 2017

NOTES OF JUDGE A D GARLAND ON SENTENCING

[1] Tracy Willis, you appear before the Court today for sentence. On 17 July last I gave you a sentence indication on charges of possession of methamphetamine for supply which carries a maximum of life imprisonment; a charge of possession of cannabis, which carries a maximum penalty of three months' imprisonment; and failing to carry out obligations in relation to a computer search, that offence carries a maximum penalty of three months' imprisonment. The sentence indication that I gave to you was one of five years and seven months' imprisonment, which you accepted.

[2] The relevant facts in relation to your offending are set out in my sentence indication decision which I adopt in terms of the analysis and reasoning for the purposes of sentencing today.

[3] I have read the pre-sentence report which has been prepared for you. It indicates to me you are aged 40 years of age. The probation officer says the charges show a continuation of an established pattern of offending which have increased in their seriousness. Your risk of re-offending is said to be medium. The probation officer assesses the factors contributing to your offending as your abuse of drugs, your denial that you had any problem with drugs, your disorganised lifestyle, your poor decision making and offending acquaintances as well as a sense of entitlement. The recommendation is for a sentence of imprisonment.

[4] I have also read the alcohol and drug report from Odyssey House. I note that the report writer says that you have been a polysubstance user since your teenage years, however it appears that your alcohol and drug use increased following the earthquakes in 2011 and that methamphetamine has latterly been more problematic in combination with various pills that you have consumed. It is noted that you were brought up in a house full of drugs. Your parents apparently sold cannabis and were always taking various pills.

[5] By contrast I note with concern that you reported prior to your imprisonment that you were living in your own home with your three children, sons aged 16 and 15 and a 12 year old daughter. I wonder whether this is not history repeating itself. You apparently appeared somewhat naïve about the effects of your polysubstance use upon your own health and your own family. I would have thought, given your experiences, that you would understand more than anyone what the consequences of your drug use and your drug dealing might have on your own children.

[6] You have written a detailed letter to the Court expressing regret, talking about your drug habit, expressing strong intention to make the most of support and therapeutic intervention that is offered to you in prison so that you can once again earn the respect and trust of your husband and of your family. Those expressions of intention are commendable. Only time will tell whether or not you are able to walk the talk.

[7] For the reasons set out in my sentence indication decision on 17 July last, which I adopt and incorporate, I am now going to sentence you. On the charge of

possession of methamphetamine for supply you are sentenced to five years and seven months' imprisonment. On the remaining charge you are sentenced to one month imprisonment which is to be served concurrently. That means the total sentence is five years and seven months' imprisonment.

A D Garland
District Court Judge