

**IN THE DISTRICT COURT
AT AUCKLAND**

**CRI-2017-090-001723
[2018] NZDC 15136**

THE QUEEN

v

CHRISTIAN CHARLES STOKES

Hearing: 24 July 2018

Appearances: B Hamilton for the Crown
K Maxwell for the Defendant

Judgment: 24 July 2018

NOTES OF JUDGE P S ROLLO ON SENTENCING

[1] Christian Charles Stokes, you are 50 years of age. You are for sentence today on charges of possession of methamphetamine for supply, unlawful possession of a pistol, a .22 revolver, unlawful possession of ammunition, being four live rounds for that revolver, and possession of cannabis.

[2] You appeared before me on 2 July 2018 represented by Ms Maxwell, who represents you today. You sought a sentence indication. I gave you that sentencing indication taking into account the submissions of both the Crown and Ms Maxwell. I considered the facts of the case and the relevant case law that was notified to me as well as a number of other cases which I have referred to. I ended up with an end sentence of three years 11 months' imprisonment for all the offending.

[3] The lead offence, of course, was the possession of methamphetamine for supply. The quantity and the details of the offending are set out in my sentence indication decision which should be seen as part and parcel of the sentencing notes for

today. The total amount of methamphetamine recovered from a search warrant at your address was 9.39 grams, there was 15.71 grams of cannabis, the pistol and four rounds of ammunition all located, as I understand it, in your bedroom in close proximity to your bed.

[4] I calculated the end sentence, having regard to the submissions and the previous case law, taking a starting point of four years, an uplift of six months for the possession of the pistol and for the other offending a discount of 15 percent for your guilty plea, which gave the end sentence of three years 11 months' imprisonment. I indicated there would be orders for the forfeiture of the money which was recovered, near \$12,000 from your room and \$1200 on your person and, obviously, for destruction of the firearm and the ammunition.

[5] A pre-sentence report has been obtained, Mr Stokes. It sets out your personal circumstances in short form. You are supported today by your partner, whom I note was at Court on the previous occasion as well. I understand you have a daughter, who is supportive of you as well.

[6] You failed to attend to your sentencing at 9.30 am this morning. I was invited to issue a warrant to enable the police to uplift you and bring you to Court. You have made an apology for your non-attendance this afternoon. I do not condone your failure to attend, Mr Stokes, but I can well understand the prospect of facing close to four years' imprisonment is not a welcome interruption to anybody's life, but as you yourself have recognised at the sentence indication hearing, you have brought this on yourself by your actions.

[7] Whilst you might be feeling somewhat sorry for yourself, you should also feel sorry for the hapless souls who have been addicted to P or cannabis. It is to them that you have done an ill-service in supporting their habits and assisting the inevitable destruction of their lives and the lives of others who end up so often being the victims of crimes to support such serious drug habits. You yourself acknowledge, as you have to the report writer, problems with drugs and alcohol, a sense of entitlement, and a propensity to violence, all of which you have previously indicated you would wish to deal with through the sentence of imprisonment which I indicated.

[8] The real measure of your success in life, I guess, Mr Stokes, will be how you deal with this next period of your life and whether you are true to the comments you have made or implied that you wish to do better? You need to do better for yourself and your partner and for your family, but obviously also the community. As I say, that will be the real measure of your success in life, if you can turn yourself around from this situation and make a proper go of your life within the community as a constructive law-abiding member. Time will tell and I wish you well in that regard.

[9] It is unnecessary I repeat matters further from what I set out in the sentence indication decision. I deal with these matters on the following basis:

- (a) On charge 1, possession of methamphetamine for supply, you will be convicted and sentenced to three years 11 months' imprisonment. I deal with that as the lead offence.
- (b) On charge 2, the possession of the .22 pistol, you are convicted and sentenced to six months' imprisonment.
- (c) On charge 3, the possession of the four rounds of ammunition, you are convicted and sentenced to one month imprisonment.
- (d) On charge 4, the possession of the cannabis, you are convicted and sentenced to one month's imprisonment.

[10] All of those terms are concurrent; that is a total sentence of three years 11 months as indicated in the sentence indication.

[11] There will be an order for the destruction of the firearm and the ammunition. There will be an order for the forfeiture of the monies recovered by police under the search warrant from your room and from your person.

[12] The final matter I note from the pre-sentence report is that you have an outstanding sentence of community work of some 98 hours of a 100 hour sentence.

Given the duration of the sentence of imprisonment imposed I simply cancel that sentence.

P S Rollo
District Court Judge