

EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN  
[SQUARE BRACKETS].

**ORDER PROHIBITING PUBLICATION OF NAME(S), ADDRESS(ES),  
OCCUPATION(S) OR IDENTIFYING PARTICULARS OF DEFENDANT  
PURSUANT TO S 200 CRIMINAL PROCEDURE ACT 2011. SEE  
<http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360346.html>**

**ORDER PROHIBITING PUBLICATION OF NAME(S), ADDRESS(ES),  
OCCUPATION(S) OR IDENTIFYING PARTICULARS OF COMPLAINANT  
PURSUANT TO S 202 CRIMINAL PROCEDURE ACT 2011. SEE  
<http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360349.html>**

**IN THE DISTRICT COURT  
AT HUTT VALLEY**

**CRI-2017-096-004046  
[2018] NZDC 2450**

**NEW ZEALAND POLICE**  
Prosecutor

v

**[LIAM CHARLTON]**  
Defendant

Hearing: 9 February 2018

Appearances: Sergeant G Burr for the Prosecutor  
C Nicholls for the Defendant

Judgment: 9 February 2018

---

**NOTES OF JUDGE I G MILL ON SENTENCING**

---

[1] [Liam Charlton] I am going to sentence you now on the two charges that you have pleaded guilty to.

[2] The first, being a person over the age of 16 who intentionally exposed a young person under the age of 16 to indecent material; namely, child pornography by phone messaging.

[3] The second charge is one of impersonating a police officer.

[4] You are a young man and at the time of these offences, as I estimate it, you had just turned 17 the month before. You have no previous convictions.

[5] The facts in this case are very worrying and the effect on the young person in this case has been severe.

[6] The victim, in this case, was 15 years of age, she lived in [location deleted]. You got to know each other through on line messaging, and then from [dates deleted] you regularly sent her messages and there were requests by you for her to take pictures in her swimming togs whilst in a changing room and that it came to be that you did not care whether smaller girls or younger girls were in the background, but you became more insistent as time went on that they would be in the background and you wanted to receive all of these pictures and you became quite demanding of this young girl.

[7] Then on [date deleted] you sent a message to another person claiming to be a police officer. The purpose of that was to get that person to leave you alone.

[8] I have a s 38 report which is a specialist report, no doubt that you have seen, which explores some of the reasons for your behaviour. The worrying aspects of it are that you were somewhat bullying in your attitude towards this young woman and you chose her particularly because of her vulnerability. In the report that I have, I have to say that you have been very frank with the report writer and you have revealed possibly more than most people would in those circumstances, and although a revelation of some of the things in that report concern me also, I think it does you some credit to have been honest to the extent that you have revealing the full extent of your problem in this respect.

[9] There are enormously complicated reasons for you being the way that you are, but the fact that you have at least discussed it with one person, knowing that that would be made available to others, gives me a little hope that perhaps this can be addressed and the future may be different.

[10] The victim has really felt a lot worse because of your treatment of her. She was a vulnerable person who has become more vulnerable through your actions. She does have the support of a family but she will be affected by this for some time.

[11] I have been asked to sentence you today and I intend to do so, and I am going to sentence you to intensive supervision. Under that sentence you will have to complete the WellStop counselling that you are getting and a copy of the specialist report will go to your counsellor so that the counsellor will have a lot more information possibly than he has now, and I understand that when you say that you are reluctant to discuss all the details with a number of people and that perhaps you would rather have the counsellor read the report to get a lot of the information that perhaps you should have disclosed already and that may assist.

[12] I do this for several reasons. I think at your age there is always a hope that things can be corrected or changed and your behaviour can change. I think you want to change. I do not know that you want to be as you are, but it is not simply a matter of simply deciding the change. You need considerable help and I think you are in a supportive environment at the moment, where in the past you have had some pretty awful situations to deal with yourself, but you cannot take it out on other people. That is what has happened to you. You cannot let that happen to others.

[13] So the last thing before I announce the sentence and the terms of it is the question of your name publication. Had this offending occurred a short time before then there is a high possibility or probability that you would be dealt with in the Youth Court without any name publication. It is a matter of balancing the right for the public to know who is amongst them in society and to be aware of any risks that exist, and the need for you, particularly as a young person, to be able to rehabilitate, and given the sort of attention that these cases are likely to get, there is a real risk, in my view, of rehabilitation being seriously affected by publication of you, what you have done and your name and the speculation that would follow.

[14] In my view, by a small margin, it does satisfy the test for suppression of name. However, you know what you have done and you now have a conviction, in fact two convictions. As I said because of your age I think there is hope, and it is going to take

a lot of work on your part and a lot of determination to turn things around. If you do not really want to be the person that you have been at times in the past, you are not always a bad person but when you are like this you are a risk to others and you are a risk, I think, also to yourself.

[15] So in respect of these charges, you are now convicted and sentenced to one year's intensive supervision, 12 months' intensive supervision, on the following conditions:

- (a) You are to attend and complete any assessments, counselling, programmes or treatment for sexual offending at WellStop or otherwise as directed by a probation officer.

That means that you have to continue on and complete the programme.

- (b) You are to attend and complete any other assessments, counselling or programmes, including those recommended by any therapist or recommended in the s 38 report which is the specialist report if you are directed to do so by a probation officer.

So that is to follow up on things that may be recommended from the counselling that you receive.

- (c) You are not to contact any female under the age of 16 years by way of the internet or social media or any other electronic means, including text messages.
- (d) You are not to own or possess a cellphone. That is for the period of the supervision of 12 months.
- (e) A copy of the s 38 specialist report is to go to the probation officer and also to your WellStop counselling.

[16] I suppress details of your name.

I G Mill  
District Court Judge