

**IN THE DISTRICT COURT
AT WELLINGTON**

**I TE KŌTI-Ā-ROHE
KI TE WHANGANUI-A-TARA**

**CRI-2019-085-003030
[2020] NZDC 7356**

NEW ZEALAND POLICE
Prosecutor

v

LORI ELLEN GRIFFITHS
Defendant

Hearing: 30 April 2020
Appearances: Sergeant K Shaw for the Prosecutor
L F Wesley-Smith for the Defendant
Judgment: 30 April 2020

NOTES OF JUDGE C N TUOHY ON SENTENCING

[1] Lori Griffiths, you have pleaded guilty to a number of charges basically falling into two groups. One group, charges of possession of drugs and drug utensils and the other group, breaches of the Health Act 1956, effectively breaches of the lockdown rules which have been turned into law in this present COVID-19 emergency.

[2] The drug charges involve some from Lower Hutt, which you have pleaded guilty to today. They date from 26 October and 21 November last year. On 26 October, the police found you in possession of methamphetamine and cannabis when you were stopped for a routine licence and alcohol check. There was a point bag of methamphetamine. There was also four LSD tabs at that time and then I think when you were released on bail from Court on the very day you had appeared in Court on

those charges, you were, again, searched by the police and found to have possession of a meth pipe, possession of cannabis and possession of methamphetamine, small amounts of both methamphetamine and cannabis. Then there are charges from this Court which relate to, first of all, 16 February, possession of a methamphetamine pipe, 5 March, procuring a controlled drug GBL. Prior to that, there were two other charges of possession of pipe for methamphetamine on 15 December and 4 January and then, again, 16 February and then procuring the GBL on 5 March. But then came the two charges which put you into custody and they are breach of Health Act requirements to do with self-isolation and being in Level 4 lockdown during the present COVID-19 emergency when after a number of warnings, the police finally charged you with breaches and I inferred from that that you were unable to remain in lockdown and self-isolate of your own volition because you needed to be out sourcing methamphetamine or other drugs. I have just inferred that. There could be no other sensible reason for those repeated breaches of the lockdown and against the background of your methamphetamine addiction. I might be wrong about that, but that is the inference I drew because that is happening with people.

[3] In any event, you have been in custody now since 18 April. We are still in this emergency until at least 11 May in terms of lockdown and isolation rules and distancing rules. In my view, a sentence of imprisonment is appropriate and that is necessary I think both to mark that. If the rules are broken, there has to be consequence and also because there does not really seem to be much way to be sure that you will comply with that emergency and the rules relating to it and thereby protect other members of the public otherwise because by your behaviour, you have shown that you just will not, but I think that also fits with a fair sentence for these offences.

[4] I think that all the offences other than the Health Act offences justify a sentence of one month's imprisonment altogether. If they did not have the Health Act charges with them, then you would not have been remanded in custody and I do not think you would have been sent to prison. As far as the Health Act charges are concerned, I consider they justify specific recognition by another month, a further month imprisonment, so there will be one month on all the drug charges and one month cumulative on the two Health Act charges, which means that you will be released shortly after 11 May.

[5] I am not going to put any release conditions on relating to a treatment of drug dependence because you are already subject to everything that the Court can do as a result of your intensive supervision sentence, which I intend to continue.

[6] That just may have given me a thought, however, Ms Wesley-Smith, and that whether a subsequent sentence of imprisonment automatically cancels a sentence of intensive supervision. I am not sure that it does or not. I am not quite sure without looking up the law on that, but I will assume that that is correct that the intensive supervision sentence does continue, but if it does not, I will re-call the sentence and, effectively, replace the balance of the intensive supervision sentence with release conditions. But on the assumption that it continues, there will be no release conditions.

C N Tuohy
District Court Judge