

**IN THE DISTRICT COURT  
AT WELLINGTON**

**CRI-2014-085-014643  
CRI-2015-085-010977  
[2016] NZDC 3517**

**THE QUEEN**

v

**CAMERON HUIA SHAW  
DEFENDANT**

Hearing: 3 March 2016  
Appearances: S Woods for the Crown  
V Nisbet for the Defendant  
Judgment: 3 March 2016

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**NOTES OF JUDGE B DAVIDSON ON SENTENCING**

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[1] Mr Shaw, you appear for sentence on a raft of serious drug and other related charges committed over a 4½ year period between May 2010 and December 2014. That said, the greater bulk of the offending arose in late 2014.

[2] The charges include 3 of cultivating cannabis, conspiracy to cultivate cannabis, selling cannabis, possession of cannabis for sale or supply, possession of cannabis oil, producing cannabis oil, theft of electricity, 2 charges of forgery, a charge of attempting to pervert the course of justice, a charge of making a false statement in a voting enrolment application and, lastly, 2 charges of breach of community work.

[3] The charges stem from a police operation in late 2014 into large scale commercial cannabis cultivation and distribution in the lower part of the North

Island. Substantial sums of money were involved. You were, unquestionably, a key player. The police operation included an analysis of telecommunication and text data between you and other co-offenders, some of whom were related to you. This analysis spanned a 3-month period between September and December 2014. The operation also looked at bank records over the previous year or so.

[4] However, your offending begins several years beforehand.

[5] In May 2010 you applied for and were issued a driver's licence in the name of a relative who had moved to Australia a few years earlier. Over the next 3½ years, between September 2010 and early 2014, you were stopped by the police on a number of occasions for minor traffic infringements. On each occasion you provided false details by using the invalid driver's licence.

[6] In April 2012 you completed a customs import application form in the false name using the invalid driver's licence. Over the next few months you imported, on around 9 occasions, equipment worth about \$11,500. The equipment was designed and to be used for growing cannabis.

[7] Around the same time, you completed a false voter enrolment form as well.

[8] The police investigation in 2014 culminated in the execution of a number of search warrants in December. At your home address the police located 280 grams of packaged cannabis, 77 grams of loose cannabis and other cannabis remnants. The police also located scales and snap lock bags, capsules, and isopropyl alcohol, a small amount of cannabis resin, cannabis seeds, and \$4250 in cash.

[9] When the police analysed your text messaging, they discovered that between 8 September and 11 December you had supplied 127 ounces of cannabis for at least \$33,000.

[10] Search warrants were executed on 3 other addresses, 2 in Wanganui, 1 in Porirua.

[11] At an address in George Street, Wanganui, the police located 2 mature cannabis plants and 153 seedlings. These were growing under lights with other associated cultivation paraphernalia. The police also located 67 grams of dried cannabis of good quality head, 96 grams of cannabis leaf, and equipment capable of producing cannabis oil. The potential yields and values from this cultivation are significant. The police estimate that over 3 crops each year, 186 pounds of cannabis could have been grown with a potential value of at least \$650,000, possibly considerably more if broken down.

[12] At the second address in Wanganui, in Roberts Avenue, the police located a second significant hydroponic cannabis operation. Here, there were 102 plants and 123 seedlings. A large amount of cannabis stalk and leaf was found, able to be converted to cannabis oil. In various parts of the house – the shed, the lounge, the kitchen – the police located 3.2 kilograms of dried cannabis. The electricity meter at this address had been bypassed and at least \$19,000 of electricity had been stolen from the supplier over the prior 2 years. Again, the potential yields and values of this cultivation were significant. The police estimate that the cultivation was capable of producing at least 270 pounds of cannabis worth at least \$945,000, possibly even more.

[13] At the third address, in Beauzami Crescent in Porirua, the police again located a hydroponic cannabis operation. There were 12 mature plants and 52 seedlings, and a large amount of equipment used for cultivating cannabis. The potential yield from this address is said to be at least 76 pounds of cannabis, with a value of at least \$268,000.

[14] The charge of conspiring to cultivate cannabis relates to the setting up of yet another cannabis growing operation at a warehouse in Wanganui. The conspiracy was well advanced. Premises had been rented. The arrangement in relation to the lease included an option to purchase. A substantial deposit had been paid. A company had been incorporated. Bank accounts had been opened. Equipment had been ordered, and construction work was already underway. When the police eventually searched the warehouse in December 2014, it had already been largely converted for its ultimate purpose.

[15] So, in summary, here you are involved in 3 substantial cultivations with very significant potential values and yields. In summary, at least 200 kilograms of cannabis could have been grown, with an estimated value of at least \$1.7 to \$1.8 million. You were also involved in very advanced plans to convert a warehouse into a cannabis growing operation. There is abundant evidence that this involved not only the growing of cannabis but the producing of cannabis oil and, also, actually supplying cannabis. This was all, in my view, against a background where you had deliberately, and in an ongoing way, attempted to conceal your true identity.

[16] You have a fairly limited list of previous convictions between 1987 and 2010. Significantly, you had a series of cannabis dealing charges in 2008, where you were ultimately sentenced in early 2010. On those charges you were originally charged under a different name; but, finally, that was corrected and you were sentenced. About 3 months after that sentencing you then set about taking on a fresh identity in the way that I have described.

[17] You are aged 46. You have dependent children. There is evidence, which I accept, that you are generally regarded as a good parent. I also accept, from the letter that you have written, that part of the reason for taking on another identity was to avoid being taken into custody on an old active criminal charge, with all the consequential collateral family damage that might result. You have some work experience in both music and art.

[18] You dispute, to some extent, the potential yields and values. This is a feature commonly seen in such cases and I accept, unreservedly, that I need to approach the evidence of value and yield with a degree of caution.

[19] The aggravating features of the offending are self-evident. What is inescapable is the sheer size, sophistication, organisation, and premeditated nature of the offending itself. There was a large amount of cannabis actually located, and the potential yields and values were very considerable. As well, there is associated evidence of the production of cannabis oil and actual sales. The dishonesty offending is persistent and was designed, in my view – in part, at least – to facilitate

the other offending. Your prior convictions are also of some relevance and do justify a small uplift.

[20] The 2 primary mitigating features are your pleas of guilty and some recognition of your personal circumstances. I intend to give you a full discount for your pleas of guilty. Your personal circumstances show that there is another side to you. The principal of the school attended by 2 of your children has not only taken the time to write to me about your parenting skills but has attended court today. I understand she has also facilitated the meetings between you and your children at the prison. This can only show that there is another side to you.

[21] The position adopted by the Crown, Mr Shaw, I think is very reasonable. The Crown contend that the cannabis offending on its own would justify a starting point of 7 years' imprisonment, with an uplift of a further year to recognise the other offending and a modest uplift to recognise your previous convictions. The Crown point out that the charges of forgery and perverting the course of justice, standing on their own, could easily justify a starting point well in excess of 2 years' imprisonment. I think, Mr Shaw, the Crown's position at sentencing is very generous, indeed. A case could well be made out for a higher starting point.

[22] Your position is that you should be given a full discount for your pleas of guilty, that some discount should be afforded for your personal circumstances; and that some recognition should be given to your other reasons for attempting to take on another identity.

[23] I also need to bear in mind that I did give you a sentence indication in December 2015 in relation to 2 of the charges, those of possession of cannabis for sale or supply, and the charge of conspiring to cultivate cannabis. I indicated at the time that those 2 charges standing alone could justify a starting point of around 2½ years' imprisonment; but I went on to note that in the end, 9 months' imprisonment for both, cumulative on any other sentence, would be appropriate.

[24] Mr Shaw, in any view this was a truly significant cannabis cultivation operation. It probably places you in the higher echelons of cannabis cultivators that

come before the court. Across 3 properties there were 134 mature cannabis plants, 328 seedlings, a large amount of good quality cannabis head, and lesser quality cannabis obviously destined for the production of cannabis oil. The total amounts located, in themselves, let alone the potential yields and values, are significant. As well, there were actual sales of around \$33,000. All of that has to be seen against the background that you had made a concerted and determined effort to change your identity to avoid detection and that you were involved in very advanced plans for setting up a 4th cannabis operation in a warehouse in Wanganui.

[25] In my view, the cannabis offending grouped together could easily attract a starting point greater than that asserted for by the Crown. However, in the circumstances I adopt a starting point of 7 years' imprisonment for those charges.

[26] As to the other offending, there will be an uplift of a further 1 year to represent the charges of forgery and attempting to pervert the course of justice, and a smaller uplift to recognise your prior drug dealing convictions.

[27] All of that would lead to an overall starting point of 99 months' imprisonment.

[28] The first discount I give you is for 6 months' imprisonment. It recognises that there is some remorse on your part. It recognises that you are regarded as a good parent. These 2 features, of course, are features that indicate that there is a good chance that you will not re-offend upon your release from the sentence of imprisonment.

[29] I give you a full discount of 25% for your pleas of guilty.

[30] All of that would lead to an end sentence of 70 months' imprisonment; that is, 5 years and 10 months.

[31] Mr Shaw:

- 31.1 on the 3 charges of cultivating cannabis, the charge of selling cannabis, and the charge of conspiring to cultivate cannabis, you are sentenced to imprisonment for 5 years and 10 months;
- 31.2 on the charges of producing cannabis oil and possession of cannabis plant for sale or supply, you are sentenced to imprisonment for 3 years;
- 31.3 on the 2 charges of forgery and the charge of attempting to pervert the course of justice, you are sentenced to imprisonment for 1 year;
- 31.4 on the charge of theft of electricity, you are sentenced to imprisonment for 1 year;
- 31.5 on the charge of making a false statement in a voter enrolment form, you are sentenced to imprisonment for 2 months;
- 31.6 on the charges of breach of community work and the charge of possession of cannabis oil, you are convicted and discharged without further penalty.

[32] There are orders for destruction and forfeiture as sought by the Crown in its memorandum.

[33] There is no order for reparation, given your financial circumstances.

[34] I decline to order a minimum period of imprisonment. In my view, although the charges in themselves are serious in the ways that I have detailed, your criminal history is not of sufficient concern to justify the imposition of a minimum period of imprisonment.

B Davidson  
**District Court Judge**