

**IN THE DISTRICT COURT
AT MANUKAU**

**CRI-2015-092-004570
[2016] NZDC 3932**

THE QUEEN

v

MARC BENNETT

Hearing: 9 March 2016

Appearances: J Pridgeon for the Crown
S Cowdell on behalf of K Maxwell for the Defendant

Judgment: 9 March 2016

NOTES OF JUDGE D J McNAUGHTON ON SENTENCING

[1] Mr Bennett, you have pleaded guilty following a sentencing indication hearing before me on 27 January. My notes of the sentence indication set out the charges, the facts which the Crown relied on, your history which has no relevant criminal convictions, the aggravating factors relied on by the Crown, the authorities relied on by the Crown in terms of a proper starting point, and the victim impact statements which indicated a considerable degree of harm to all of the complainants in particular your [relationship deleted] who was concerned that there might be other images still out there which had not been recovered by the police; so I am not proposing to repeat any of that now, all of that information is already there in my notes.

[2] I then deal with the respective Crown and defence arguments in relation to an appropriate starting point and respective uplifts and discounts. Where I ended up was a starting point for the sexual offending of four years' imprisonment. Looking at

the objectionable material charges separately my assessment was a starting point of three years' imprisonment would be appropriate or those charges and, on a combined basis putting both sets of offences together a combined starting point on a totality basis was five and a half years' imprisonment and I said it could easily have been six years on these facts.

[3] From that starting point of five years six months I discounted the sentence taking into account your previous good character. I said that would not be a full 25 percent discount on the basis that it would not be right to rely on good character where the offending has been as prolonged as this was and involving a significant breach of trust. But, applying a lesser discount of 15 percent the sentence was reduced from 66 months to one 55 months and I was prepared to permit a full 25 percent discount on the basis of early guilty pleas which have saved the complainants coming to Court and having to give evidence at your trial.

[4] So that means an end sentence of 44 months, three years eight months. That was the sentence I indicated, you accepted that indication and pleaded guilty.

[5] The matter was adjourned to obtain a pre-sentence report, which is brief. You accept your responsibility. You say you deeply regret what has occurred. You are assessed as high risk in terms of a likelihood of re-offending in this way but, you appear to be motivated to address your issues by way of a treatment programme which is available for offenders in custody working with a departmental psychologist. I hope you take the opportunity and I am sure you will. That is something that the Parole Board will take into account in deciding when you should be released and whether you can be released earlier than the full three years eight months.

[6] There is really nothing else in here which is going to have any impact on the end sentence. I simply confirm the indication which I gave you earlier which is three years eight months on each charge. Those sentences are concurrent, they run together so the total effective sentence is three years eight months' imprisonment.

[7] I note that interim suppression of name has lapsed at sentencing.

D J McNaughton
District Court Judge