

**IN THE DISTRICT COURT
AT WHANGAREI**

**CRI-2015-055-002528
[2016] NZDC 3604**

NEW ZEALAND POLICE
Prosecutor

v

CHRISTOPHER JAMES LEWIS
Defendant

Hearing: 2 March 2016
Appearances: Sergeant S Wilkes for the Prosecutor
K Johnson for the Defendant
Judgment: 2 March 2016

NOTES OF JUDGE D J McDONALD ON SENTENCING

[1] Mr Lewis, you have pleaded guilty to three breaches of release conditions, one of them representative, nine thefts of petrol, theft of four tents from The Warehouse, assault on a woman, and an intentional damage.

[2] On 17 June 2015 you were released from prison on release conditions. You were told what that sentence entailed, including the consequences of failing to comply with the standard and special release conditions of your sentence.

[3] On 24 September you appeared in the Papakura District Court on a charge of breach of release conditions. You entered a guilty plea and remanded off to monitor compliance. According to your probation officer, on 24 September 2015, since then you have not reported.

[4] You changed your address without telling your probation officer, and repeatedly failed in June and July to report to a probation officer as requested, right

through until 11 September 2015 when contact was received from your mother saying she had no idea where you were.

[5] On nine occasions you drove into various petrol stations, filled up your car and drove off. Sometimes filling up with substantial amounts of petrol, \$90, \$80 and the like.

[6] On 13 November, in the morning you went into The Warehouse, put four tents onto a trolley, pushed them out the front door without paying. The security guard followed you, asked you to return to the store, and you told him, "To get fucked," and got in your vehicle with the tents and drove away.

[7] The assault occurred on 14 November when you were at an address in (inaudible 14:37:25), your [relationship details deleted] address. She was awoken by you nudging her, and you were asking her for money. She told you to get out of her face. You hit her on the side of her face with something. You then fled the house. You were later arrested, declined to comment.

[8] I have taken into account the purposes and principles of sentencing.

[9] I set a starting point, this are quite separate offences, the breaches of parole, there are five previous convictions for breaches. In my view a start of 10 months is appropriate.

[10] Theft of the petrols, start point of two months cumulative in respect of two, and the rest concurrent.

[11] Theft of the tents, six months.

[12] I then take into account personal matters. You have an appalling list of previous convictions. You are a prolific shoplifter. You have other dishonesty and violent offences. There will be an uplift of six months.

[13] In addition to that I take into account your plea this morning to the assault, that is four to five months, making a start point of 29 to 30 months.

[14] You are entitled to 20 percent discount, bringing it down to 24 months.

[15] That is the sentence that I indicated to you which you accepted.

[16] I deal with you in this way.

[17] On each of the breach of release conditions you will be convicted and sentenced to nine months' imprisonment.

[18] On the theft of the tents, you will be convicted and sentenced to six months on top of the nine months.

[19] Theft of the petrol on 4838, from Pukekohe, you will be convicted and sentenced to two months cumulative on the nine and the six, and,

[20] You are disqualified from holding or obtaining a driver's licence for a period of five months from today.

[21] Another theft from Pukekohe, 4847, you will be convicted and sentenced to two months cumulative on the other two months.

[22] On all the other theft of the petrols, you will be convicted and sentenced to two months' imprisonment to be served at the same time.

[23] You are ordered to pay reparation to the value of each petrol that you took.

[24] On the intimidation, you will be convicted and sentenced to two months to be served concurrently.

[25] On the assault, you will be convicted and sentenced to six months, cumulative on the last two months, making a total sentence of 24 months.

[26] You will be released on the standard and special release conditions, and I make an order under s 123(B), that is a protection order in favour of your [relationship details deleted] the complainant.

D J McDonald
District Court Judge