

**IN THE DISTRICT COURT
AT HAMILTON**

**CRI-2014-019-002934
[2016] NZDC 4577**

THE QUEEN

v

NICHOLAS WARD

Hearing: 17 March 2016
Appearances: T Tran for the Crown
R Laybourn for the Defendant
Judgment: 17 March 2016

NOTES OF JUDGE R G MARSHALL ON SENTENCING

[1] Mr Ward, I gave you the sentence indication on 15 December last year and I applied a reasonably novel approach to that sentencing where I sentenced you on a number of charges, but not the main charge of supplying methamphetamine, to home detention and gave you an opportunity of attending Odyssey House. That has not worked out. There has been a setback and now it falls to me to sentence you on the charge of supplying methamphetamine.

[2] The Crown have suggested a starting point of four to four and a half years, it being in the lower band 2 of *R v Fatu* (2005) 22 CRNZ 524 (CA). That range is three to nine years. I agree with that but intend to take the lower end of that, of four years. I apply an uplift of six months due to recent serious relevant previous convictions which left me with four years six months. From that I give you allowance of six months for your restricted bail conditions and also your endeavour to partially complete or your partial completion of rehabilitation and, by way of

encouragement, for you to continue along that path in future for which you have a determination.

[3] That leaves me with an end starting point of four years' imprisonment. For that I give you a credit of 20 percent for your guilty plea and acknowledgement of responsibility. That, in my view, once again applying a generous credit is 10 months, which brings me back to an end sentence of three years and two months on the charge of supplying methamphetamine.

R G Marshall
District Court Judge