

**IN THE DISTRICT COURT
AT WELLINGTON**

**CRI-2016-017-000014
[2016] NZDC 9339**

NEW ZEALAND POLICE
Prosecutor

v

JASON PETER GOLDSWORTHY
Defendant

Hearing: 20 May 2016
Appearances: Sergeant G Coffey for the Prosecutor
L Davison for the Defendant
Judgment: 20 May 2016

NOTES OF JUDGE A I M TOMPKINS ON SENTENCING

[1] Jason Goldsworthy appears for sentence in somewhat unusual circumstances in respect to five charges which can loosely be characterised as fraud charges, emanating from the Gore District Court in relation to which guilty pleas were entered on 9 March 2016.

[2] He also appears in the context of an application for review of a home detention sentence which was imposed in the Tokoroa District Court on 29 October 2015.

[3] It seems in very broad summary that Mr Goldsworthy completed about that half that home detention sentence. But the application for review indicates that there were reasons to believe that Mr Goldsworthy had removed the on body electronic

monitoring equipment, and failed after that to return to the detention address as instructed.

[4] That sentence was imposed following conviction for a number of fraud charges, taking and using bank cards dishonestly, and theft. In addition a charge of possession of a methamphetamine pipe, which Mr Goldsworthy tells me he had not been using but he had pleaded guilty to that charge to enable a flatmate to depart overseas.

[5] Mr Goldsworthy has written a letter to the Court advising the Court that he has been diagnosed with a terminal illness, and seeks to be sentenced today without an updating pre-sentence report. Although the Court has the pre-sentence report that was prepared for the District Court at Tokoroa in October of last year. Furthermore, in light of his recent diagnosis and put bluntly Mr Goldsworthy expects on the basis of the medical advice he has to date received that he may well die in prison.

[6] Ms Davison who appears as duty solicitor today, but in addition Mr Goldsworthy has made submissions on sentence advises that Mr Goldsworthy instructs her that he is about to receive in the near future a ACC lump sum payout which would be available to him to meet any reparation orders made today.

[7] The most outstanding feature of Mr Goldsworthy's history is the very large number of dishonesty charges he has accumulated over a long criminal career. By one Judge's count earlier in Mr Goldsworthy present progress through the justice system he has now something over 400 earlier convictions for fraud offending. He has served a significant number of terms of imprisonment. Although he advises that during those terms of imprisonment, and despite his request repeated on numerous occasions he has not been afforded any rehabilitative intervention.

[8] In those circumstances Mr Goldsworthy was not expecting anything other than a term of imprisonment to be imposed, and given that history and given the circumstances in which the home detention sentence which was imposed, at least in part as a rehabilitative sentence on Mr Goldsworthy's last appearance was breached,

then full-time imprisonment is the least restrictive outcome consonant with the need to protect the public from Mr Goldsworthy's fraudulent activities.

[9] In those circumstances on the current offending for which he is today for sentence he is convicted and sentenced on each charge to two years and one month's imprisonment. That will ensure that in due course Mr Goldsworthy appears before the Parole Board, and it may be that with the Parole Board's assistance he is able to assess rehabilitative options which might otherwise not have been available to him, if indeed there are any.

[10] For the Parole Board's information I advise that Mr Goldsworthy tells me that on an earlier hearing he was subject to a psychological assessment, although he tells me has not seen that assessment.

[11] There will be a reparation order for Mr Goldsworthy to repay \$1384 as per the reparation schedule.

[12] In respect of the Tokoroa matters the review is granted that the sentence of home detention is reviewed, and the sentence of community work is cancelled. Given the time that Mr Goldsworthy did spend on community work in respect to each of those charges he is convicted and sentenced to nine months' imprisonment to be served concurrently.

[13] Any reparation order made at that earlier occasion will still stand.

A I M Tompkins
District Court Judge