

Kia ora koutou,

We appeared in the Supreme Court yesterday on a sentence appeal in respect of rape committed at 15 (but charged at 19 in the District Court). Our client received a prison sentence pursuant to *AM* and our submission was that a different approach should apply when the offending is committed under the age of 18 (i.e. a noncustodial sentence akin to what the Youth Court would have done if charged at the time).

We are aware of the various CA and HC decisions on this issue over the years where prison has been imposed/upheld (including successful SG appeals against HD sentences) but the Crown made a submission that in the District Court, prison is not inevitable, some defendants in the District Court are getting home detention, and the Crown is generally not appealing.

The Supreme Court requested that we and the Crown locate and file some District Court sentencing decisions on this issue. They are generally not available on Westlaw so **we would be grateful if anyone could provide us with DC sentencing decisions from the last five years or so where this issue has arisen. That is, specifically, rape committed under the age of 18, sentenced in the District Court (whether transferred from the YC or charged later).** We are keen to receive any decisions, whether the sentence was prison, home detention, or some other outcome.

Secondly, we would be grateful if we could be provided with any decisions for rape sentencing (regardless of age of the defendant) where a starting point below band 1 of *AM* was adopted. Or equally, where this argument was made but was rejected by the sentencing Judge.

We are required to file these cases by the 4th of August so would be grateful if they could be provided within the next week.

They can be emailed to me at emily@ordlegal.co.nz. Thanks very much for your assistance.

Kind regards,

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