

IN THE SUPREME COURT OF NEW ZEALAND

SC 46/2014  
[2014] NZSC 87

BETWEEN                      JOHN DAVID WRIGHT  
   Applicant  
  
AND                              THE QUEEN  
   Respondent

Court:                          Elias CJ, McGrath and Glazebrook JJ

Counsel:                      R M Gould for Applicant  
   C A Harold for Respondent

Judgment:                    7 July 2014

---

**JUDGMENT OF THE COURT**

---

**The application for leave to appeal is dismissed.**

---

**REASONS**

[1]     Mr Wright pleaded guilty to one charge of injuring with intent to injure in the Blenheim District Court. On 13 November 2013 he was sentenced to six months home detention.<sup>1</sup> The Court of Appeal quashed that sentence and replaced it with a sentence of one year and two months imprisonment.<sup>2</sup>

[2]     Mr Wright seeks leave to appeal against the Court of Appeal's decision.

---

<sup>1</sup>     *R v Wright* DC Blenheim CRI-2013-006-180, 13 November 2013 [Sentencing notes].

<sup>2</sup>     *R v Wright* [2014] NZCA 119.

## **Background**

[3] The offending took place in a police station in Picton after Mr Wright had been arrested for disorderly conduct. Mr Wright punched a police officer in the mouth without warning, causing the officer to fall backwards onto the concrete floor. He then threw over 30 more punches. As a result the police officer suffered delayed concussion, was off work for two months and, at the time of sentencing, was still only able to work part time.

## **Grounds of appeal**

[4] Mr Wright now accepts that a sentence of six months home detention for a serious assault on a police officer can be viewed as manifestly inadequate.

[5] He submits, however, that, given the time already spent on electronic bail and home detention, his limited intellectual functioning due to brain damage, the fact it was a Solicitor-General appeal, that he had made good progress on home detention and that the offending was a spontaneous outburst, the term of home detention should have been increased rather than a term of imprisonment imposed.

[6] Mr Wright also complains that the Court of Appeal appears to be “sending the message” that all serious assaults on serving police officers, whatever the circumstances, must be met by sentences of imprisonment.

## **Our assessment**

[7] Taking the second point first, the Court of Appeal did say that the only appropriate sentence for this serious assault on a police officer was imprisonment and that Mr Wright’s personal circumstances and other factors referred to did not outweigh this.<sup>3</sup> That cannot be read as a general direction that all serious assaults on police officers will invariably result in imprisonment. The comment was one related to the facts of Mr Wright’s case.

---

<sup>3</sup> At [31].

[8] As to the submission that the Court of Appeal should have increased the sentence of home detention, the Court considered all the factors put forward on Mr Wright's behalf. Established sentencing principles were applied and the decision reached was well open to the Court.

### **Result**

[9] No matter of general or public importance arises. Nor is there a risk of a miscarriage of justice.

[10] The application for leave to appeal is dismissed.

Solicitors:  
Crown Law Office, Wellington for the Respondent