32

Conviction History Report

SROUBEK, KAREL

IN REPLY TO YOUR REQUEST FOR INFORMATION, THE FOLLOWING INFORMATION IS RECORDED AGAINST A PERSON/ORGANISATION WITH THE SAME/SIMILAR NAME WHO MAY BE IDENTICAL TO YOUR APPLICANT, HOWEVER ENQUIRIES HAVE NOT BEEN MADE TO ESTABLISH IDENTITY.

Applicant Details

Applicant Name:	SROUBEK, KAREL	Application Id:	9(2)(a)
Date of Birth:	20/02/1981	Gender:	Male
Place of Birth:	Czech Republic	Driver Licence:	9(2)(a)

Applicant's Known Aliases

Name:	ANTOLIK, JAN

*** REPORT CONTAINS NAME SUPPRESSED INFORMATION ***

Convictions

Court	Result Date	Offence Date	Offence	Charge Outcome	Sentence Detail
Auckland District Court	03 Jun 2016	17 Sep 2014	Import/Export - Ecstasy	Convicted and Sentenced	Imprisonment (Concurrent) - 03/06/2016 - 9 Months, 5 Years / Order For Destruction *** Subject to name suppression ***
Auckland District Court	24 Jan 2013	06 Jul 2012	Refused Officers Request For Blood Specimen	Convicted and Sentenced	Fine - $200.00, Court Costs - $132.89 / Disqualification From Driving - 25/01/2013 - 6 Months
Auckland District Court	12 Oct 2006	11 Aug 2005	Operated A Vehicle Carelessly	Convicted and Sentenced	Fine - $100.00, Court Costs - $130.00 / Reparation - $500.00

New Zealand Police Vetting Report

SROUBEK, KAREL

Request Details

NAME SUPPRESSION: PLEASE NOTE THAT NAME SUPPRESSION EXISTS IN RESPECT TO THE INFORMATION RELEASED TO YOU BY POLICE. YOU MUST NOT RELEASE OR DEAL WITH THIS INFORMATION IN A MANNER THAT WOULD RISK BREACH OF THE SUPPRESSION ORDER, BUT IT MAY BE DISCLOSED TO THE APPLICANT.

Requesting Agency:	New Zealand Immigration Service - Resolutions Team	Agency Id:	N80666
Type:	Exception Section 19 of the Criminal Records (Clean Slate) Act 2004 applies	Application Id:	9(2)(a)
Category:	Standard		
Date Requested:	19 Dec 2017 08:06	Date Processed:	22 Dec 2017 12:09
Agency Reference:	9(2)(a)	Batch No:	

LIMITATIONS ON ACCURACY AND USE OF THIS INFORMATION

1. The accuracy of this Police Vetting Report depends on accurate identification of the Applicant (including aliases) according to the information provided in the Request and Consent Form and the comprehensiveness of Police records.
2. While every care has been taken by NZ Police to conduct a search of Information held or accessed by NZ Police that relates to the Applicant, this report may not include all information relating to the Applicant. Reasons for information being excluded from the report include the operation of laws that prevent disclosure of certain information, or that the applicant's record is not identified by the search process across the Police systems. The Police Vetting Check is a point in time check and should not be relied upon for an unreasonable amount of time.
3. It is important to provide the Applicant with a reasonable opportunity to respond to or validate the information in this report before making any decisions that may adversely affect the Applicant.
4. To the extent permitted by law, all information provided in this report is made available for use on the following conditions:
   (a) The information in this report should form only one part of any process for determining a person's suitability for any entitlement, profession, undertaking, appointment or employment.
   (b) This information is provided by NZ Police for vetting purposes and should be stored, retained, used and disclosed in accordance with the Privacy Act 1993 (NZ) or equivalent overseas privacy law. It should not be disclosed to anyone other than the Applicant without the Applicant's authorisation or otherwise in accordance with the Privacy Act 1993 (NZ) or other legislative authority.
5. To the extent permitted by law, NZ Police accepts no responsibility or liability for any error or omission in the information.

Applicant Details (as entered by New Zealand Immigration Service - Resolutions Team)

Name:	SROUBEK, KAREL	Date of Birth:	28/02/1981
Alias(s):	ANTOLIK, JAN	Place of Birth:	
Address:	9(2)(a)	Gender:	Male
		Role of Applicant:	Deportation

NEW ZEALAND
PAROLE BOARD

Parole Hearing
Under section 21(2) of the Parole Act 2002

Jan ANTOLIK

Hearing:	12 March 2018 at Auckland South Corrections Facility
Members of the Board:	Ms K Snook – Panel Convenor Ms M More Ms G Hughes
Counsel:	Mr L Herbke
Support Persons:	9(2)(a)
In Attendance:	Mr T Graham – (NZ Parole Board Communications Manager)

DECISION OF THE BOARD

1. Jan Antolik, 37, appeared for the first consideration of parole on a sentence of five years nine months' imprisonment for the importation of five kilograms of ecstacy in September 2014. Mr Antolik was convicted by a jury and the Court of Appeal dismissed his appeal on 8 December 2017.

2. Mr Antolik's sentence commenced on 3 June 2016, he has a parole eligibility date of 9 March 2018, and a sentence expiry date of 1 January 2022. He has a RoC*RoI of 0.141 and is on a minimum prison security classification.

3. The circumstances of the offending are set out in some detail in the Court of Appeal decision.

4. In short Mr Antolik was found guilty of being knowingly involved in the importation of ecstacy into New Zealand using his business which was involved in the importation of beverages. The shipment was sent from the Czech Republic and, on the evidence as accepted by the jury, Mr Antolik's mother appears to have been involved in aspects of

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0800 PAROLE 0800 727 653

the arrangement. The evidence indicates that the ecstacy is likely to have been introduced in Europe and was found in packets of juice imported by Mr Antolik's company.

5. At trial Mr Antolik denied the offending. At trial and during his appeal there were two scenarios whereby Mr Antolik said that people may have wanted to frame him for the offending to obtain retribution. Those scenarios are clearly set out in the Court of Appeal decision.

6. Mr Herbke appeared today for Mr Antolik. He filed written submissions in advance of the hearing. Mr Antolik was seeking a release on parole.

7. In support of that submission Mr Herbke referred to the fact that Mr Antolik is assessed as being at low risk of re-offending. Mr Herbke said that Mr Antolik now acknowledges the offending and is aware of the harm that drugs cause in the community. Mr Herbke's submission was that given this new awareness, as well as Mr Antolik's strong support in the community, he would not pose an undue risk to the safety of the community if released on parole.

8. Mr Herbke acknowledged that the offending was serious and that Mr Antolik had cognitive distortions at the time of the offending which are referred to in the report of the psychologist 9(2)(a) dated 13 February 2018.

9. In support of a release on parole Mr Herbke refers to the release proposal involving Mr Antolik's proposed release to live with 9(2)(a) The submissions refer to a number of employment opportunities being available to Mr Antolik on release. Two offers of employment are attached to Mr Herbke's submissions. Mr Antolik told the Board that he does not plan on being involved in his company again although he would remain as a shareholder. His wife continues to run that business in his absence.

10. Mr Herbke told the Board that Mr Antolik now realises that he tried to deal with his financial problems himself and did not turn to his friends. Despite this he continues to have significant support and that was evident at the hearing today.

11. We had a reasonably lengthy hearing with Mr Antolik. We note from the parole assessment report that his conduct is seen as acceptable. He was regressed from the self -care Residences in September 2017 because unauthorised items (namely a phone, a cable, other property and medication) were found in the communal area of the Residence. The officer, 9(2)(a) said that it appears that Mr Antolik was not involved in that incident. Mr Antolik is now back residing in the Residences as of 12 January 2018.

12. There are issues with entitlement also referred to in the parole assessment report. However we also note Mr Herbke's submissions on these comments and that in any

event Mr Antolik's attitude is described as having shown a marked improvement in recent file notes.

13. At this time no rehabilitation programmes are on Mr Antolik's sentence plan because it has been determined that he does not meet the criteria for any departmental programmes.

14. We talked to Mr Antolik about what he now accepts about the offending. He said that he now acknowledges he did know that the drugs were being imported. He said that he was in contact with an associate back in the Czech Republic. He told that associate that he needed easy money and the associate arranged for the drugs to be hidden in the shipment being sent to Mr Antolik. However Mr Antolik still referred to the possibility that he may have been framed because he is still not sure how Customs knew that the drugs were hidden in the shipment.

15. The Board had a *Herald* article dated 8 December 2017 which we made available to Mr Antolik in advance of the hearing. That article refers to other charges that Mr Antolik has faced during his time in New Zealand. We accept Mr Herbke's submissions that we cannot take account of those matters as Mr Antolik has been acquitted of the charges or the charges have been dropped.

16. However we are of the view that the fact that Mr Antolik has faced several serious charges since arriving in New Zealand in 2003 at the very least indicates ongoing poor judgement by Mr Antolik regarding his associates as well as poor decision making. Mr Antolik's discussion with us today about what he knew about the background of his various associates and what led to the charges being laid did not allay our concerns.

17. There is also reference in the *Herald* article and in the Court decisions to the fact that the reason why Mr Antolik originally came to New Zealand on a false passport was his potential involvement in a murder investigation in the Czech Republic. We talked to Mr Antolik about the circumstances of that crime. He told us that he did not know that anything was going to happen that day. He did accept however that the people he was with on that day could be described as "antisocial".

18. Even Mr Antolik's choice of flatmates seems to have created difficulties for him. He denied that the ecstacy that was found at his property as referred to in the Judge's sentencing notes belonged to him. He said it belonged to a flatmate who lived with him and his wife at the time.

19. At the very least Mr Antolik's index offending has continued his pattern of choosing poor associates, including his contact in the Czech Republic who arranged the shipment, and poor decision making (importing drugs to alleviate financial difficulties).

20. In terms of Mr Antolik's financial position he said that the Crown had recovered around $250,000 by way of a settlement under the Criminal Proceeds (Recovery) Act 2009. He said that came from his acceptance that if he did not repay the $250,000 (being the amount that he would have been paid if the shipment of the drugs had proceeded without issue) the Crown would have pursued his parents-in-law for at least some of the money. He said that he had received numerous cash payments, and given that there would be a presumption that they were tainted, he made the payment of $250,000. He had to sell his house to do so.

21. For the record we had difficulty with Mr Antolik's contention that the cash payments all related to money paid to him for personal kick boxing training. The decision of Lang J dated 5 October 2017 refers to Mr Antolik funding the purchase of an Eban Avenue home "largely by means of cash deposits". He is then said to have funded the mortgage instalments by means of cash payments.

22. We also talked to Mr Antolik about whether Immigration New Zealand had been in contact with him regarding the possibility of deportation. We raised this issue with him as in 2011 Mr Antolik was discharged without conviction despite having been found guilty of having a false passport and lying to Immigration officials. That was on the basis that Mr Antolik told the Court that he offended in this way to escape the Czech Republic for his own safety as a result of the murder he witnessed as referred to earlier in this decision. Mr Antolik was discharged without conviction at that time to ensure that he was not deported given ongoing concerns for his safety back in the Czech Republic.

23. Mr Antolik said that he anticipates that a deportation order may be served in due course. He said that he will fight that on the basis that it is still his view that it would be contrary to his safety to return to the Czech Republic.

24. Despite the positive features of Mr Antolik's case as emphasised by Mr Herbke in his submissions and in person today, including the support available to him in the community, we are unable to be satisfied today that risk is anything other than undue. In reaching this view we have had regard, as we must, to sections 7 and 28 of the Parole Act 2002.

25. We remain concerned that Mr Antolik's acceptance of responsibility is very recent and still contains elements of minimisation and justification. At this time we only have his word that he is a changed man. We must assess Mr Antolik's risk to community safety for the just under four years that remains on his sentence. Given the information before the Board we have concerns that Mr Antolik's risk to the safety of the community over that period may have been underestimated. We note in that regard that some of the information we discussed with Mr Antolik was not known to 9(2)(a) when she prepared her psychological assessment. We are concerned about Mr Antolik's decision

making and his ongoing involvement with antisocial people both in the Czech Republic and in New Zealand given the length of time left on his sentence.

26. While not critical to our decision today we note for completeness that we also have some concerns about Mr Antolik's release proposal. We are concerned that the issue of potential collusion by 9(2)(a) must remain a live issue given the nature and purpose of the index offending.

27. On the evidence before us we are not satisfied that risk is anything other than undue at this time. Parole is declined. We will schedule Mr Antolik to be seen again by a Board in September 2018 and no later than the end of that month.

28. Before the next hearing we ask that Mr Antolik have a psychological assessment. He should be open and honest with the psychologist about his life in the Czech Republic and in New Zealand and about the people with whom he has associated.

29. The psychologist should assess Mr Antolik's safety plan and consider his release proposal and whether any treatment is required given the matters discussed in this decision today.

30. For the next hearing we also ask for information from Immigration New Zealand in relation to Mr Antolik's immigration status. Of course if deportation is on the cards a different release proposal would be required.

31. We also ask for a copy of Mr Antolik's overseas criminal conviction history for the next Board under the name Jan Antolik or Karel Sroubek.

Ms K Snook
Panel Convenor

LAURENT LAW
BARRISTERS & SOLICITORS

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SCHEDULE OF DOCUMENTS

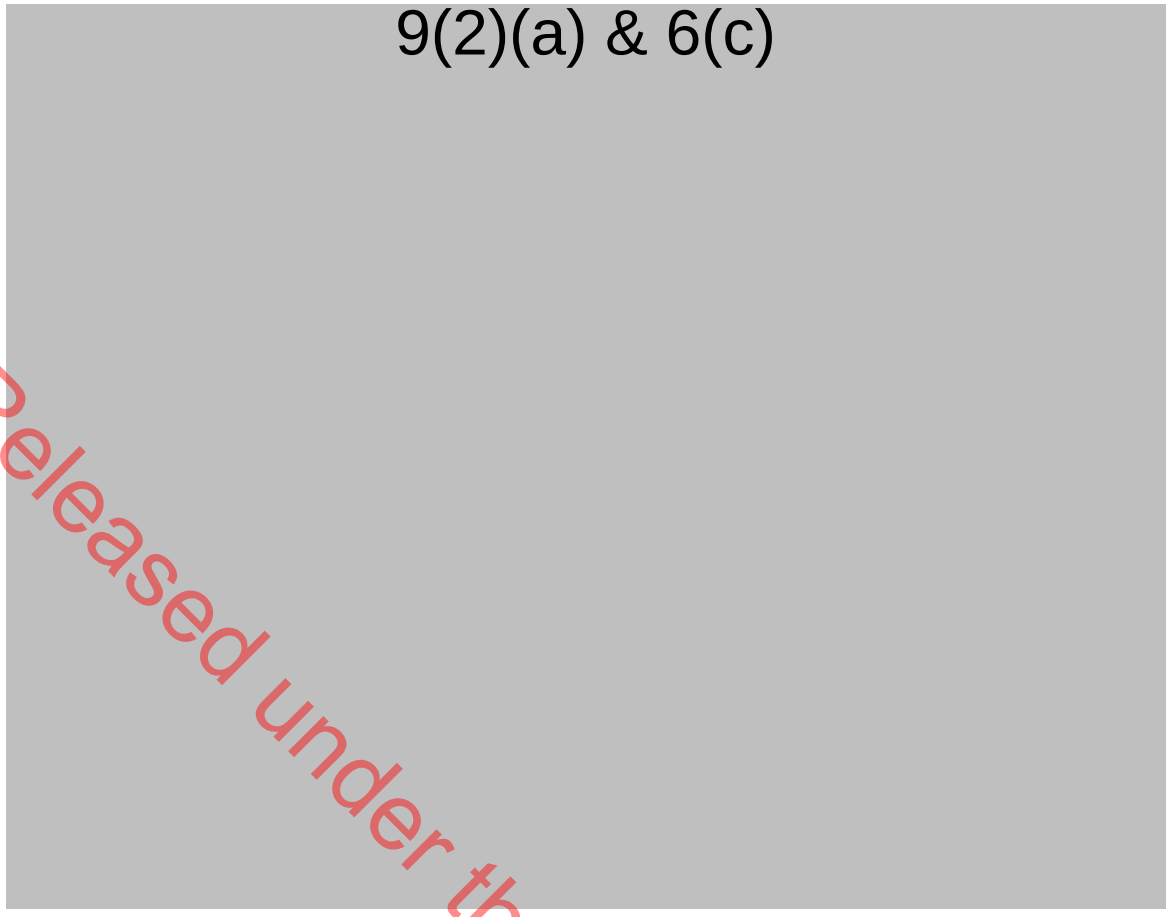
Karel SROUBEK - Pre-Deportation Response

9(2)(a) & 6(c)

R

LL056027

9(2)(a) & 6(c)



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INZ Resolutions
Level 1, 15 Stout St
PO Box 1473
WELLINGTON 6140

23 August, 2018
Firm Ref: **7098-002**

ATTENTION: Angela Vinsen

Dear Angela,

RE: Karel SROUBEK - CN 9(2)(a)

We provided submissions as to possible cancellation of Mr Sroubek's liability for deportation under cover of our letter of 21 May 2018. Additional material has been supplied to us which should be added to the evidence for consideration.

9(2)(a) & 6(c)

LL056064

We look forward to receiving the decision on our request to cancel or suspend Mr Sroubek's liability for deportation in due course. His next parole hearing is set for 17 September 2018, and no doubt it would assist the Parole Board if the Minister's decision on this matter could be notified to us before that date. Thank you.

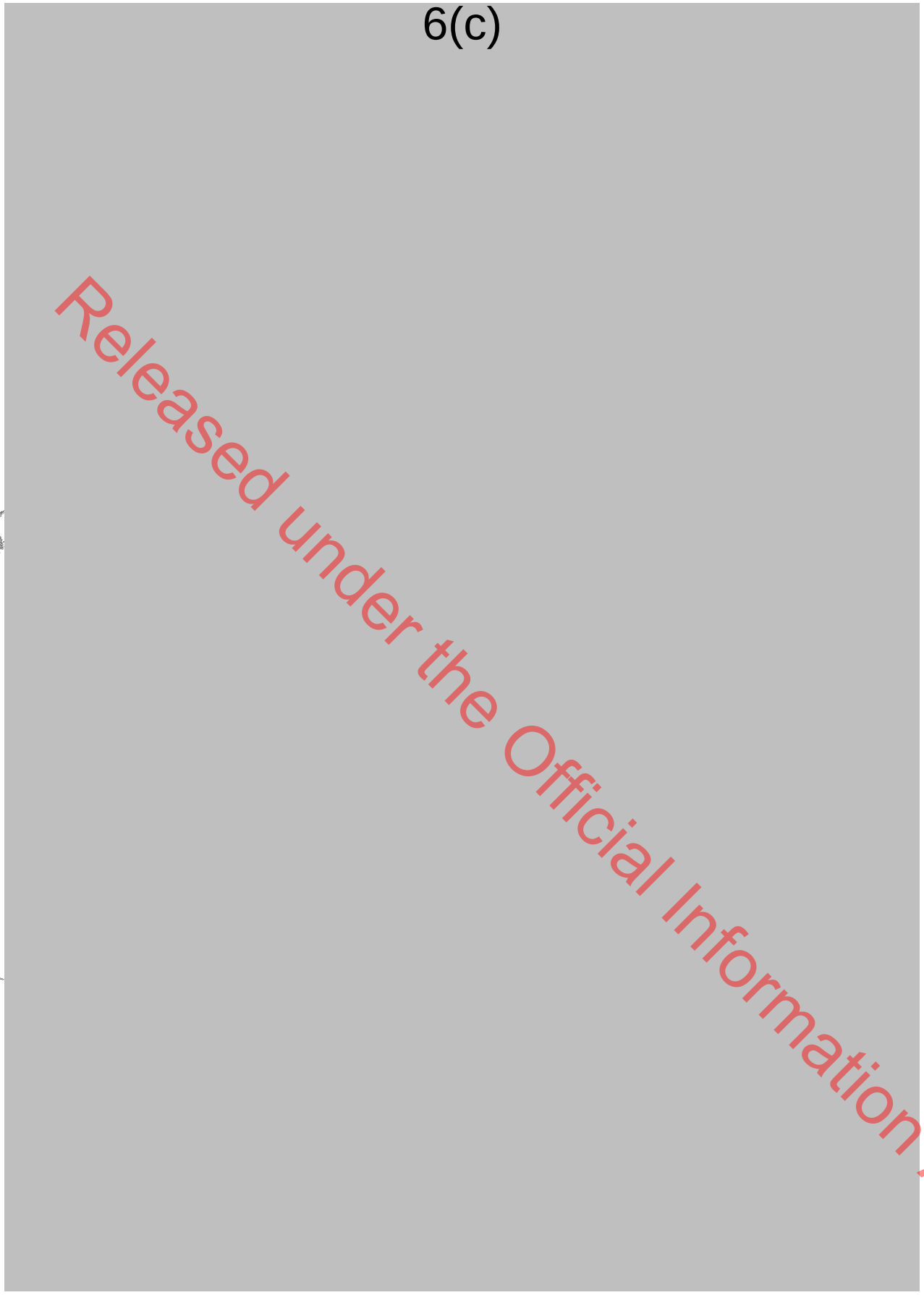
Yours sincerely
LAURENT LAW

Simon Laurent
Principal
slaurent@laurentlaw.co.nz

6(c)

6(c)

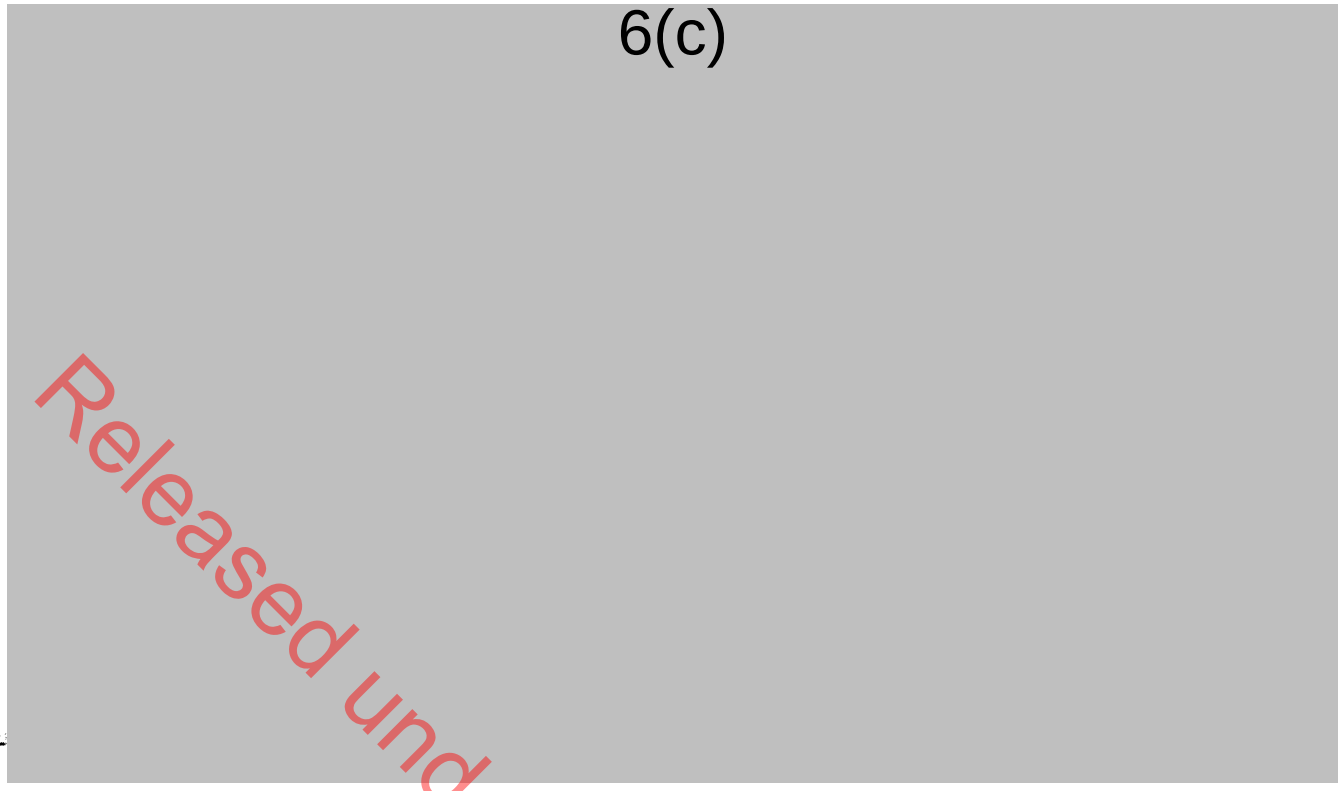
6(c)



Certified translation from the Czech language

6(c)

6(c)



2 DVD's from lawyer Sro

Page indicating that Mr Sroubek's lawyer provided 2 DVDs in support of his submissions; DVDs being withheld on 6(c) grounds

33

ORDER PROHIBITING PUBLICATION OF THE SENTENCE AND ANY PART OF THE PROCEEDINGS IN NEWS MEDIA OR ON THE INTERNET OR OTHER PUBLICLY AVAILABLE DATABASE UNTIL FINAL DISPOSITION OF ALL TRIALS INVOLVING ANDREW GEORGE LAVRENT, JEREMY HAMISH KERR AND RANGIMARIE KEMP AND INCLUDING, WITHOUT LIMITATION, AUCKLAND REGISTRY TRIAL CRI-2012-004-9674 AND CRI-2011-004-21250 OR ARISING OUT OF POLICE OPERATION "ARK". FURTHER ORDER THAT THE NAME OF THE DEFENDANT AND ANY IDENTIFYING PARTICULARS SHALL NOT BE PUBLISHED PENDING FURTHER ORDER OF THE COURT ON DETERMINATION OF ALL TRIALS INVOLVING ANDREW GEORGE LAVRENT, JEREMY HAMISH KERR AND RANGIMARIE KEMP. PUBLICATION IN LAW REPORT OR LAW DIGEST PERMITTED PROVIDED NAME SUPPRESSION ORDER COMPLIED WITH

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

CRI-2013-404-328
[2014] NZHC 727

THE QUEEN

v

JAN ANTOLIK (aka KAREL SROUBEK)

Hearing: 9 April 2014

Appearances: D G Johnstone for the Crown
P F Wicks for the Defendant

Judgment: 9 April 2014

SENTENCE OF WOODHOUSE J

Solicitors / Counsel:
Mr D G Johnstone, Meredith Connell, Office of the Crown Solicitor, Auckland
Mr P F Wicks, Barrister, Auckland

[1] Mr Antolik, you can remain seated while I explain the sentence I am going to impose. I do want to make clear at the beginning – not so much for your benefit, but for the benefit of others – that nothing that I refer to in these sentencing observations can be reported, and that the conclusions that I record in respect of other people are conclusions based on the evidence heard in this trial. I emphasise those matters because one of the people I refer to in this sentence – Mr Lavrent – is facing trial which is due to start in about a month.

[2] Mr Antolik, you are to be sentenced for one offence of producing or manufacturing a class C controlled drug. The formal charge was that the controlled drug was in class B or class C but because the Crown did not prove that it was a class B controlled drug, you are to be sentenced for a class C controlled drug. The maximum penalty is 8 years imprisonment.

[3] I wish to state to you at the outset that I have concluded, having received careful written submissions both from Mr Wicks, on your behalf, and from the Crown, that in the particular circumstances of this case I will impose a sentence of home detention. That is subject to obtaining a suitable home detention report. And there are particular reasons in your case relating to that, obviously enough, and that is what I need to explain.

Facts

[4] Firstly, the facts. The trial proceeded before me without a jury. The relevant facts are in my reasons for the guilty verdict. The essence of the offending is that it related to pills containing class C controlled drugs which were produced or manufactured by others on your behalf. Effectively, you ordered them – you contracted to have the pills produced. These can be broadly described as illegal party pills. The person who provided the controlled drug was Mr Lavrent who is a bio-chemist. The person who pressed the material into pills was a man named Kerr who had his own factory with pill pressing machines.

[5] Because the evidence was not entirely clear as to the quantity of pills that had been produced for you, in terms of my verdict, this question was left open. I invited

your counsel and Crown counsel to confer and there is now an agreed statement of facts relating to quantity.

[6] The relevant part of the agreed statement is as follows:

> [T]he evidence proves Mr Antolik's culpability for the manufacture of a sample run of a couple of hundred pills containing one or more controlled drugs on or around 7 November 2011. Further it proves that that offending was aggravated by Mr Antolik's agreement with Mr Kerr upon a further production run of 10,000 such pills (an agreement that was at the very least about to be fulfilled but for the intervention of police).

Personal circumstances

[7] Your personal circumstances. You are aged 33. You were born in the Czech Republic. You came to New Zealand in late 2003. You have New Zealand residency. You have your own home in Auckland where you live with your partner. You have established a business in New Zealand and, in relative terms, seemingly a reasonably successful business.

[8] You have in the past been a professional kickboxer and achieved some success in that sport. You gave evidence at the trial. An essential part of this evidence from your perspective is that the dealings you had with the manufacturers of the pills were to obtain supplements for training for kickboxing, not to obtain controlled drugs. I am prepared to give you the benefit of the doubt as to the circumstances in which you became involved in the manufacture of pills containing controlled drugs. And I emphasise that I am here referring to the early period which was in – from memory – late August, early September. The benefit of the doubt you get is that the initial contact arose out of the possibility of obtaining training supplements. This is consistent with your evidence of dealings with Mr Lavrent some years before in relation to legal training supplements. Giving you the benefit of the doubt in this regard does not conflict with the reasons for the guilty verdict, which relate to your conduct some two months or so after your resumed contact with Mr Lavrent.

[9] You told the probation officer who prepared the pre-sentence report that you continue to deny the offending. You said that your only wrong-doing was being in

contact with the co-offenders. The probation officer considers there are no identified needs or risk factors that increase the likelihood of re-offending.

[10] You have provided a number of character references. These include positive and supportive references from owners or directors of businesses you have dealt with in your lawful business enterprise, the CEO of the Czech New Zealand Business Association, the owner of a gym who commends your support of the youth programme at the gym, and neighbours who commend you as a good neighbour.

Sentence

[11] Coming to the sentence more directly. I need to fix what is called a starting point for the offence. This relates only to the circumstances of the offence itself – the seriousness of the offence. Personal factors that may increase or decrease a starting point are taken into account after this.

[12] I agree with Mr Wicks' submission on your behalf that you were not the primary offender in relation to the manufacture or production of a controlled drug. The primary offenders were Mr Lavrent and Mr Kerr. You were a party to this offence – that is to say, the offence of production or manufacture – because you asked them to produce the pills. But this offending would not have occurred were it not for the activities of Mr Lavrent and Mr Kerr, and of Mr Lavrent in particular, which had been going on for some time before your offence. In this context Mr Wicks also emphasised the fact that on the evidence it appears that Mr Lavrent was not the original producer of a controlled drug but that what was in fact provided to Mr Kerr, through Mr Lavrent, was material containing a controlled drug which may have been obtained from elsewhere. To that extent – and attempting to put Mr Wicks' submission into context by analogy – it is different, he would submit – and I am inclined to agree – from the circumstances that arise when offenders obtain pseudoephedrine and then subject that to chemical and other processes and produce methamphetamine.

[13] I agree with the conclusion in the joint memorandum – the agreed facts – that the completed manufacture to which you were a party was a couple of hundred pills.

[14] Mr Wicks and Mr Johnstone for the Crown agreed that the intended production of a further 10,000 pills is properly taken into account for the purpose of sentencing. This is on the basis of a Court of Appeal decision called *Fatu*.[1] The observations of the Court in *Fatu* in my judgment have reasonably limited application in your case. The Court was there referring to people who set up the manufacturing operation. The Court's observations in *Fatu* have more application to Mr Lavrent and to Mr Kerr. The almost completed manufacture of 10,000 pills needs to be brought into account as an indication of the level of commerciality, but you are not to be sentenced for an offence relating to 10,000 pills.

[15] The Crown submits that the offending was clearly commercial in scale and that is plainly the case. The Crown submits that the first order of sample pills would be worth $6,000 based on a conservative estimated street value of $30 a pill. And on that basis – and it is arithmetical – the second order, if completed and supplied, would have been capable of producing around $300,000.

[16] In fixing a starting point, both counsel referred to another decision of the Court of Appeal called *Terewi*.[2] That decision, although directly concerned with cannabis, can be used as a guideline decision for sentences for dealing in class C controlled drugs generally.

[17] Mr Wicks and the Crown both submit that your offending comes within category 2 of *Terewi*, which is for small scale commercial class C drug dealing. This has a range of 2 to 4 years imprisonment. Mr Wicks submits that the gravity of your offending puts it towards the lower end of category 2 with a starting point of not more than 2 ½ years imprisonment. The Crown submits that the starting point should be towards the upper end of category 2, although there is also reference in the written submission to a range of 2 to 4 years imprisonment.

[18] The Crown referred to another case, for comparison purposes, called *Jethwa*.[3] That was a case of importing and other dealing in class C controlled drugs contained in pills. The starting point in that case was 5 years imprisonment. The offending in

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1 *R v Fatu* [2006] 2 NZLR 72 (CA) at [40].
2 *R v Terewi* [1999] 3 NZLR 62 (CA).
3 *R v Jethwa* [2012] NZHC 2440.

the *Jethwa* case was far more serious than your offending. I have also considered two other cases called *Holden*[4] and *Vigneau*.[5] The offences in those cases were also more serious than in your offence. The starting point in both of those cases was 3 years imprisonment.

[19] Taking these matters into account I consider that the starting point should be 2 years 6 months imprisonment.

Personal factors

[20] I come to personal factors. There are no personal factors justifying an increase in the starting point. The previous conviction for possessing a false passport is not relevant to this offending. There are some unusual circumstances in relation to that earlier offence, which I need not go into. Aspects of this are referred to in an earlier bail decision of mine granting bail for you following the conviction.[6] The Crown noted that this offending occurred when you were on bail for the passport offence. I agree with Mr Wicks' submission on your behalf that this should not result in any uplift.

[21] The remaining question is whether there should be a reduction for your positive achievements since you have been in New Zealand and for the positive aspects of your character demonstrated by the range of character references and by some other evidence. Some of these positive achievements, such as those through your business acumen and professional ability, are also factors, Mr Antolik, which indicate you should have known better. A different way of looking at it is that you have misused your obvious skills and ability.

[22] Overall, however, I am satisfied that a reasonably substantial reduction is required given your range of positive achievements and, importantly, given the circumstances in which you were drawn into this offending. On the second point – how you got involved – it is reasonable to approach this sentence in my judgment on the basis that, were it not for the influence of Mr Lavrent in particular, your positive

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4 *R v Holden* HC Timaru CRI-2010-076-463, 4 November 2010.
5 *R v Vigneau* HC Wellington CRI-2011-085-404, 7 December 2011.
6 *R v Antolik (aka Sroubek)* [2014] NZHC 242.

achievements in New Zealand would not have been seriously blotted by this offending. I referred to this aspect when discussing the starting point, but there I was dealing with it in a different way. In my judgment, by referring to it now, it does not result in double counting in your favour. It is this balance, Mr Antolik, between plainly positive achievements by you and positive achievements arising out of difficult circumstances, which has saved you from a sentence of imprisonment. And you need to reflect on that.

[23] In my judgment – and I don't want to go into a lot of detail and cases, but I have taken it all into account – the relevant purposes and principles of sentencing, which are rehabilitative as well as penal, justify a reduction of the starting point by 6 to 9 months.

[24] From a starting point of 2 years 6 months, at most, this would result in a prison sentence of between 21 and 24 months imprisonment.

Home detention

[25] With a short term of imprisonment indicated in this way I am entitled – and I am bound – to consider the imposition of home detention. I am satisfied that this is a case where home detention should be imposed. And again, I do not consider it is necessary to go into reasons in detail about that. Home detention in itself is a serious sentence and does meet the penal aspects of sentencing in appropriate cases. And there are numbers of decisions of the Court of Appeal which make that quite clear.

[26] There is, however, no home detention report which is necessary before home detention can be imposed. If there is no satisfactory home detention report then there will be a short term of imprisonment. I raised this matter with Mr Johnstone, for the Crown, as well as with Mr Wicks. Mr Johnstone effectively accepted that the appropriate course here is not to impose a short term of imprisonment granting you leave to apply for home detention, but to adjourn the final part of this sentencing pending receipt of a home detention report. And, accordingly, that is what I am going to do.

Directions

[27] The formal directions are therefore that a home detention report be obtained– and I do ask in the circumstances that it be provided as expeditiously as possible. That will be a report in respect of Mr Antolik's home at 9/13 Eban Avenue, Glenfield, Auckland.

[28] The second formal order is to adjourn this sentencing to a date which will need to be fixed to accommodate provision of the report. The conclusion of the sentencing is adjourned to 9:00 am on Wednesday, 7 May – which is four weeks from today. That specific date may be subject to review, but that can be dealt with in due course.

[29] The third order is that Mr Antolik is remanded to that date on bail. As indicated above there is an earlier decision on bail following the verdict and the conviction.[7] Mr Wicks, on behalf of Mr Antolik, has sought a variation of the conditions imposed by removing the curfew. The reason stated for this is instructions Mr Wicks has received that there have been frequent police curfew checks at all sorts of different hours and that this has become, in essence, oppressive. The curfew and the other conditions were imposed for the reasons set out in the earlier decision. Given the stage that has now been reached, and the relatively short adjournment, I am not prepared to remove that condition. I can only observe that discretion plainly must be exercised by police in exercising power to conduct curfew checks in an appropriate manner. I say no more about that.

[30] You should now stand down Mr Antolik.

Woodhouse J

[7] At [20].

34

ORDER PROHIBITING PUBLICATION OF THE DEFENDANT'S NAME, COMPANY NAME AND BRANDS PURSUANT TO S 200 CRIMINAL PROCEDURE ACT 2011.

ORDER PROHIBITING PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF THE DEFENDANT'S MOTHER AND HER TESTIMONY PURSUANT TO S 202 CRIMINAL PROCEDURE ACT 2011.

IN THE DISTRICT COURT
AT AUCKLAND

CRI-2014-004-009585
[2016] NZDC 10561

THE QUEEN

v

JAN ANTOLIK

Hearing: 3 June 2016

Appearances: R McCoubrey for the Crown
D Jones QC for the Defendant

Judgment: 3 June 2016

NOTES OF JUDGE E M THOMAS ON SENTENCING

A. Sentenced to five years nine months' imprisonment.

B. Order for destruction of the Ecstasy found in shipping container and wardrobe.

C. Order prohibiting publication of defendant's name, company name and brands pursuant to s 200 Criminal Procedure Act 2011.

D. Order prohibiting publication of name, address, occupation or identifying particulars of the defendant's mother and her testimony pursuant to s 202 Criminal Procedure Act 2011.

European Commission

Special Eurobarometer 6(c)

CORRUPTION

REPORT

Fieldwork: 6(c)

Publication: 6(c)

This survey has been requested by the European Commission, Directorate-General for Home Affairs and co-ordinated by the Directorate-General for Communication.

http://ec.europa.eu/public_opinion/index_en.htm

Special Eurobarometer 6(c) / **Wave** 6(c) – **TNS Opinion & Social**

Eurobarometer

Special Eurobarometer 6(c)

Corruption

Conducted by TNS Opinion & Social at the request of the European Commission, Directorate-General for Home Affairs

Survey co-ordinated by the European Commission, Directorate-General for Communication
(DG COMM "Strategy, Corporate Communication Actions and Eurobarometer" Unit)

TABLE OF CONTENTS

6(c); next 14 pages also withheld on same grounds; these now-blank pages are not included in release file

6(c); next 5 pages also withheld on same grounds; these now-blank pages are not included in release file

6(c); next 4 pages also withheld on same grounds; these now-blank pages are not included in release file

Office of the Government of the Czech Republic
Anti-Corruption Unit

25

Government Anti-Corruption Conception for the Years 2015 to 2017

Minister for Human Rights, Equal Opportunities and Legislation

Prague, December 2014

This page and next 5 pages (deleted in final release file) withheld under 6(c)

26

The Fight for Fair Police Practices in the Czech Republic

March 02, 2015 • by the League of Human Rights

Cases of police brutality are often go unprosecuted in the Czech Republic, forcing victims to turn to the European Court of Human Rights for justice.

Victims of police brutality in the Czech Republic lack access to justice and are often forced to seek redress before the European Court of Human Rights because the investigative and judicial failures of the state.

"For example, we helped one man who was illegally detained and beaten by police. In another case, we helped relatives of a young man who died under mysterious circumstances in a police station," said a representative of the League of Human Rights, which has recently settled these cases and received damages for the victim.

A recurring problem when assisting victims of police brutality in the Czech Republic is the utter failure of the General Inspection of Security Forces (GIBS), which does not fulfill its function to investigate cases of inhuman and degrading treatment. In fact, a complaint against GIBS for its failure to investigate cases of abuse was recently sent to the European Court of Human Rights.

In March 2014, on the occasion of the International Day against Police Brutality, a complaint was filed against the director of GIBS for his failure to investigate cases of police brutality and suspected ties to corruption. According to several independent sources, a fund intended to finance confidential informants was skimmed of approximately 7 million Czech crowns. The public prosecutor, however, refused to pursue the complaint.

Lack of oversight

Government oversight of GIBS is also lacking. The state argues that it has no control over its day-to-day functions and is an independent entity. Logically, however, GIBS should be independent from those being investigated, not independent from any control or oversight.

One example of police brutality that went unpunished involved the filming of a police raid. A television cameraman received four broken ribs after an unexpected punch from a riot squad officer. The assault caused water to collect in his lungs and required several weeks' recovery.

The cameraman filed a complaint and even attended hearings about the investigation of his assault, which was witnessed by several others, but soon after the case was postponed for unknown reasons. When it became

Recommended

Human Rights Court Backs French Lawyer Over 'All-White Jury' Statement

Nov 07, 2018 • by Nederlands Juristen Comité voor de Mensenrechten

Strasbourg judges have found in favor of a lawyer who was disciplined by French authorities after claiming an all-white jury helped acquit a police officer prosecuted over a suspect's death during a car chase. ↗

Italian Police Testing Tasers Despite Safety Concerns

Nov 05, 2018 • by Silvia Zucca, Italian Coalition for Civil Liberties and Rights

A Taser gun trial period is underway in six Italian cities, but there are several health-related concerns that are yet to be resolved. ↗

clear that the prosecutor would not pursue it, the Czech police closed the case by deciding, absurdly, that the officer's "intervention" was appropriate and responsibility for the incident rested with the cameraman.

Tags: Police Brutality • League of Human Rights • ECHR • Czech Republic • justice • European Court of Human Rights • GIBS • police • riot squad

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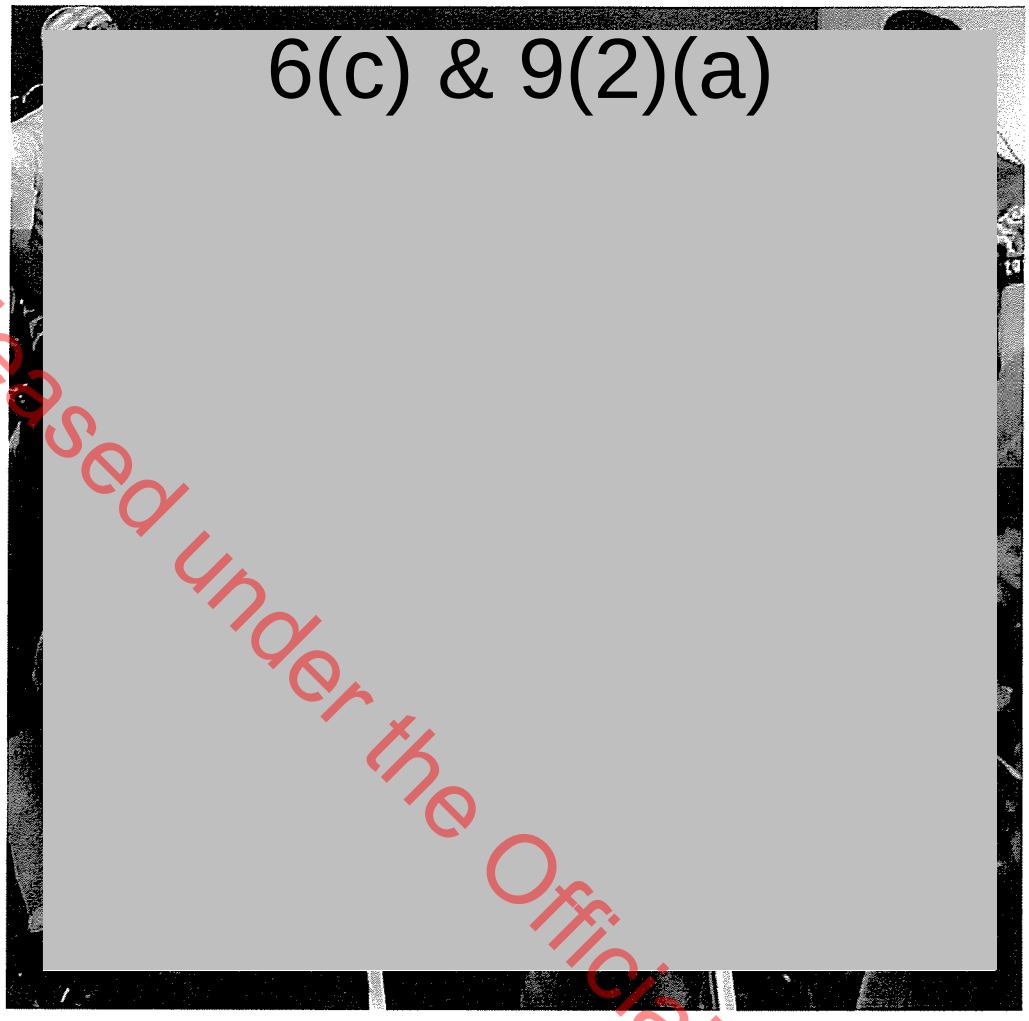
Photo



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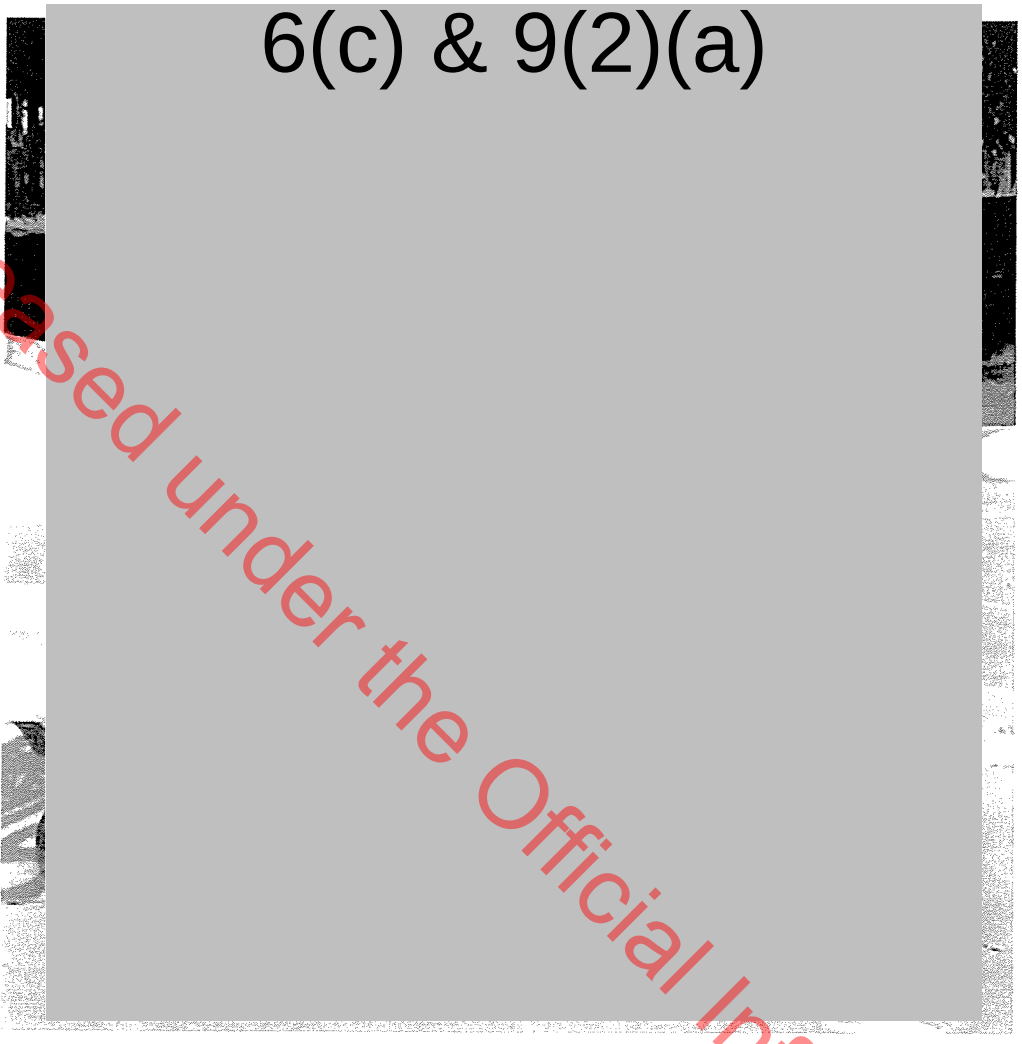

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6(c) & 9(2)(a)

31

6(c) & 9(2)(a)

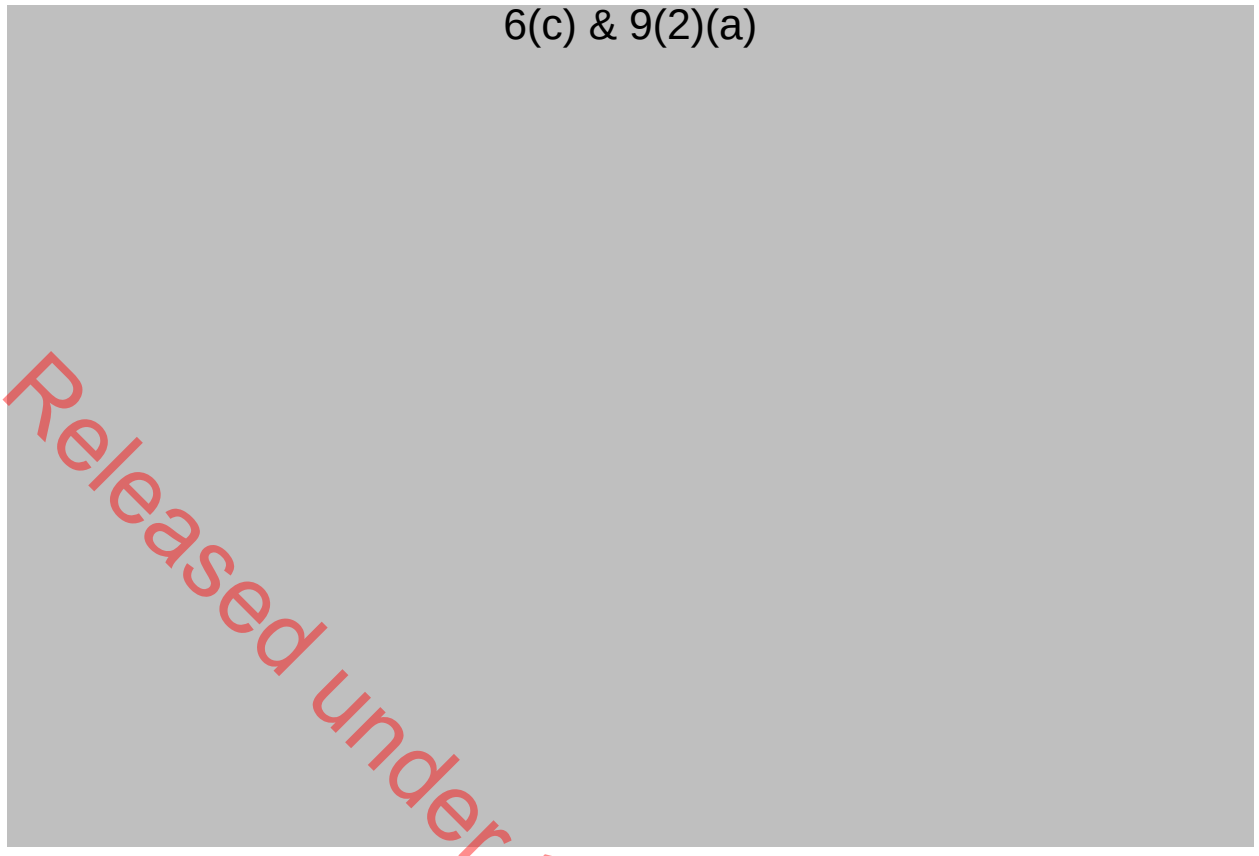
DEPOSIT

6(c) & 9(2)(a)

TN TELEVIZNÍ NOVINY (Nova TV channel News)

19

6(c) & 9(2)(a)



22

17 pages of Czech media articles with partial English translations, provided by Simon Laurent; these pages are withheld under 6(c)

Annex 8 translation of the text

English translation of internal Czech police document; withheld under 6(c)