IN THE HIGH COURT OF NEW ZEALAND
NAPIER REGISTRY

I TE KŌTI MATUA O AOTEAROA
AHURIRI ROHE

CRI-2018-220-40
[2023] NZHC 2057

THE KING

v

HAAMI HANARA

Hearing:	2 August 2023
Appearances:	S B Manning for Crown R M Mansfield KC (via AVL) and T J Buckley for Defendant
Judgment:	2 August 2023

NOTES ON SENTENCING OF GRICE J

Introduction

[1] Mr Hanara, you appear for sentencing today having pleaded guilty to a charge of manslaughter for offending you committed in March 2018, when you were 14 years old. You are now 19.

The offending

[2] On the night of 4 March 2018 you and a group of your friends — five other youths between 14 and 16 years of age — decided to steal alcohol from the Flaxmere Tavern. Mr Donner, the victim, was 40 years of age and chose to sleep rough. You and your group approached him at about 10 pm and asked to borrow his torch.[1]

[1] The facts are based on the agreed statement of facts.

[3] You asked because you needed a light to see where the alcohol was located but, when Mr Donner asked you for the torch back, you refused for whatever reason.

[4] That led to an attack by the group on Mr Donner with items that could be found nearby, including wood and bottles. Defending himself, he threw several bottles at the group.

[5] You moved into the shadows, away from the street light, with a knife in your hand.

[6] The rest of the group advanced toward Mr Donner throwing items at him, including a bike and pieces of broken concrete.

[7] Mr Donner retreated as that group came toward him and you moved out of the shadow area and moved in Mr Donner's direction as he was retreating. You and Mr Donner ended up in a direct confrontation. You used the knife to stab Mr Donner four times — twice in the neck, once to his upper chest, and once to the front of his left shoulder. The first stab wound caused his carotid artery to sever and the second wound missed his major arteries but hit his jugular vein. The last two stab wounds were not life-threatening. It was the first two that caused his death.

[8] Mr Donner fell to the ground and the rest of your group began stomping and kicking him.

[9] Then you ran off. Mr Donner died of his injuries at the scene.

Impact of offending

[10] The Court has received a number of victim impact statements from members of Mr Donner's family describing the impact of his loss on them. It is clear they have been deeply affected by his death.

[11] Mr Manning indicated that the family would have been here today. However, a serious family issue means that they have not been able to be here. They would have been if possible.

[12] Mr Donner leaves behind two children who will not have the benefit of a father for the time that they should have.

[13] Mr Manning said the family had been actively engaged in the progress of this matter over the years that it has taken to bring it to resolution.

[14] The effects on the family of losing Mr Donner were outlined in the many victim impact statement reports I have read.

[15] I note that there were some comments by family members that they acknowledge the fairness of the outcome of the sentencing today. However, that does not change the anger or sadness at the senseless killing of Mr Donner. It was clear he was a much-loved member of an extended whānau.

Personal circumstances

[16] As to your personal circumstances, I refer to them later in the sentencing.

[17] The Crown acknowledged the severe disadvantages that you suffered in your upbringing. That is supported by the reports that I have read which included a report from a neuropsychologist.

[18] You have no memory of your biological mother and spent most of your childhood with your father. Oranga Tamariki were involved in your life from when you were six months old and there were regular reports of concern about your welfare.

[19] You had a lack of parental supervision, were subjected to family violence, illegal activities, and parental gang affiliations. You were neglected, surrounded by drug and alcohol abuse and criminal offending.

[20] As a child you constantly got into trouble. You lived with your grandparents, but they returned you to your father's care as you were too difficult to deal with by then.

[21] You started using drugs regularly from about the age of nine, and while you were first assessed by a neurodevelopmental paediatrician and other specialists at that stage and diagnosed as having Foetal Alcohol Spectrum Disorder (FASD), Attention Deficit Hyperactivity Disorder (ADHD) and an intellectual disability, the neurodisabilities remained largely untreated until more recently following the offending. You will suffer from those disabilities for the rest of your life.

[22] You are now being supported by the Salvation Army and Te Rūnanga o Ngā Maata Waka Inc, which have provided you with accommodation and support. You have also undertaken training which will lead to employment.

Submissions

Crown submissions

[23] The Crown points out that an end sentence close to four years and three months' imprisonment, which is a term you have already served, would be appropriate. Mr Manning says that would ensure that the end sentence met the purposes of sentencing, including the need for denunciation and deterrence, while at the same time recognising the applicable mitigating factors.

Defence submissions

[24] Mr Mansfield KC, on your behalf, says the end sentence should be one year and five months' imprisonment. He says that is consistent with principles applicable when sentencing young people, in particular it will support your rehabilitation and reintegration into society.

Approach to sentencing

[25] The law requires me to take a particular approach to sentencing. It is called a two-step approach which was outlined in *Moses v R*.[2] The first step is to calculate the starting point, incorporating the aggravating and mitigating factors of the offence, which are the features adding to or reducing the seriousness of the conduct and the

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2 *Moses v R* [2020] NZCA 296, [2020] 3 NZLR 583.

criminality involved. The overall objective is to adopt a starting point which reflects the culpability, or wrongness, inherent in the offending.[3]

[26] At the second step I then apply uplifts and discounts to the starting point to reflect aggravating and mitigating factors which are personal to your circumstances, as well as a guilty plea discount, to reach a final sentence.

[27] I take into account the principles of sentencing. I am required to take into account all the principles, but I note in particular in this case the need to take account of the gravity of the offending[4], the seriousness of the offence,[5] and the need to take into account your particular circumstances[6] and your personal, community and cultural background.[7] I am also required to impose the least restrictive outcome that is appropriate in the circumstances.[8]

[28] I consider that of the purposes of sentencing, most relevant here, Mr Hanara, is holding you accountable for the harm that you have done,[9] denouncing that conduct,[10] deterring you and others from this sort of offending,[11] but also assisting in your rehabilitation and reintegration.[12] Mr Manning for the Crown accepted that the need to assist you with rehabilitation and reintegration into the community would likely take precedence regardless of the end sentence.

[29] I now turn to consider the factors in your particular case.

First step — starting point

Relevant law

[30] First, I am required to look at similar cases in order to establish a starting point. There is no tariff case for manslaughter, because the variety of circumstances which

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3 *Orchard v R* [2019] NZCA 529, [2020] 2 NZLR 37 at [28] and [32].
4 Sentencing Act 2002, s 8(a).
5 Section 8(b).
6 Section 8(h).
7 Section 8(i).
8 Section 8(g).
9 Section 7(1)(a).
10 Section 7(1)(e).
11 Section 7(1)(f).
12 Section 7(1)(h).

lead to that charge vary from very serious to not so serious. The factors and principles identified in *R v Taueki*,[13] which is a tariff case for a charge of grievous bodily harm, "provide a useful cross-check for a manslaughter case as long as appropriate allowance is made for the fact that the serious violence resulted in death".[14]

[31] Mr Manning for the Crown emphasised the seriousness of the offending here. He pointed to a number of factors which he said must be taken into account.

[32] Your counsel, Mr Mansfield KC, also addressed those factors and I therefore go through those.

Use of a weapon

[33] First there was use of a weapon. A knife was involved and it is necessary to take that into account. You were holding the knife for at least a number of minutes before you stabbed the victim in the neck.

Premeditation

[34] The Crown says it was premeditated, in that you waited for a period with the knife in your hand in a shadowed area before pursuing Mr Donner with the knife in your hand. However, I do accept the submission of your lawyer Mr Mansfield that your offending was not premeditated to any great extent — it was impulsive and reckless in a pressured and quick-moving environment. You did not fully think through what you were doing at the time.

Vulnerability of the victim

[35] Another factor is the vulnerability of Mr Donner. He was vulnerable — he was unarmed, outnumbered and was backing away or retreating when you stabbed him. He was also much older than you. However, in relative terms compared with other cases, vulnerability is not there to a high degree.

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13 *R v Taueki* [2005] 3 NZLR 275 (CA).
14 *R v Pene* [2021] NZHC 3327 at [24].

Multiple attackers

[36] Although you were the only one who stabbed Mr Donner, the context was that the victim was being pursued and attacked by a group. It was a joint attack.

[37] Those factors, assessed against the bands in *Taueki* concerning grievous bodily harm, would place your offending in band two.

[38] Offending within band two generally attracts a starting point of between five and 10 years. To this must be factored in an increase on account of the offending resulting in Mr Donner's death. This offending falls within the description of a "concerted street attack".[15] It involved blows to the neck and serious injury which resulted in death and consequently falls at the medium to upper end of band two.

Relevant cases

[39] In determining the appropriate starting point, both Mr Manning for the Crown and Mr Mansfield for the defence referred me to a number of cases. In doing so, however, I bear in mind that there is an "infinite variety of circumstances" in which manslaughter can occur, and while "[s]ome guidance is available from other cases … ultimately, the sentence is dictated by an evaluation of culpability within the particular context".[16]

[40] In this case, the consequence of your stabbing Mr Donner in the neck was his death. The knife was in your hand for some time. Mr Donner's back was turned, he was retreating when he was stabbed. I will look at some cases which have similar factors to this, particularly those involving young offenders and stabbings. There is no case exactly the same, of course, but there are some with similar factors to this. I have considered the cases referred to by both counsel — I do not need to cite them all. However, I look at three to consider the starting point:

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15 *R v Taueki*, above n 13, at [39(a)].
16 *Turi v R* [2014] NZCA 254 at [11].

(a) The first is one cited by the Crown, *R v Chen*.[17] In that case, following an argument between the victim and the defendant, the defendant retrieved a knife from his car to confront the victim. Another person initially removed the knife from the defendant, but the defendant grabbed the knife again following verbal provocation from the victim and he stabbed the victim once in the left shoulder. Venning J adopted a starting point of eight years' imprisonment in that case.

(b) In *R v SM*, a case particularly relied on by Mr Mansfield, a 15-year-old defendant and three others were breaking into cars.[18] A knife was found in one car and the defendant took it. The deceased saw the group breaking into his car and ran after them, getting hold of one of them, who was the defendant's cousin. The defendant and another in the group tried to rescue their friend, who was armed with a screwdriver. Following a scuffle between them, the defendant thrust her arm out and stabbed the deceased in the middle of the chest. Brewer J noted that the stabbing took place in a quickly changing environment. It was very tense and dark, and it involved the defendant's cousin being physically restrained. Brewer J noted that the defendant's actions were not thought out in advance and that she had not set out to stab the deceased. He fixed a start point of six years' imprisonment.

(c) A starting point in between those cases was adopted in *R v Edwardson.* The 16-year-old defendant had been socialising and drinking with friends at a party.[19] Following a verbal confrontation between the defendant and another group, which included someone with whom she had a history, there was a physical conflict and punching ensued. The defendant stabbed the deceased with a small knife she had been carrying in her pocket. A starting point of seven years' imprisonment was imposed there.

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17 *R v Chen* [2023] NZHC 1947.
18 *R v SM* [2018] NZHC 3345.
19 *R v Edwardson* HC Rotorua CRI-2006-069-1101, 27 Āperira | April 2007.

[41] Each of these cases involved mitigating factors, variously including guilty pleas and offers to plead guilty to manslaughter, the defendant's youth, the presence of alcohol, expressions of remorse, stress caused by the environment, and also involved recklessness and impulsiveness of the defendant as well as their personal circumstances.

Analysis

[42] It is clear the authorities support a starting point of six to eight years' imprisonment.

[43] I consider the offending in this case is at the more serious end. I accept the Crown's submissions on the point that Mr Hanara had a knife in his hand for some time, he waited until the deceased was retreating and stabbed him. In addition, there were four stab wounds involved, two of which were to the neck, and either were fatal or potentially fatal. Given the number of stab wounds, I am satisfied that there was a level of intent exceeding that which would be the case in respect of a single stab wound and the offending was consequently more serious than those cases which only involved a single stab wound.

[44] It is also important that Mr Donner was retreating at the time of the stabbing and the wounds were to a particularly vulnerable part of his body. He was entirely unarmed, although he was trying to defend himself by throwing bottles, and the offending occurred in a group attack. It involved violence, by not only you but others in the group.

[45] However, although the offending in *Chen*, which was referred to me by the Crown, only involved a single stab wound, I consider the offending in this case was less serious. The main difference in my view is the lack of premeditation. In *Chen* the defendant deliberately returned to his car to retrieve a knife with which to harm the victim. By contrast, your offending here was reckless and impulsive, but I do not consider you set out initially to stab the victim. This is an important consideration I take into account. Nevertheless, you did move into the shadows and waited until the deceased was retreating. But your involvement in that part of the attack that led to his death lasted no more than 33 seconds.

[46] The offending has some similarities to *R v SM* referred to by Mr Mansfield. In both cases the environment was tense, and it was dark. Similarly to the defendant in that case, you did not set out initially to stab the deceased.

[47] I accept the submission that your offending was affected by immaturity, was impulsive and reckless, and that you stabbed the victim as a reaction given the situation that presented without thought as to the consequences.

Conclusion of first step — overall starting point

[48] Having considered the factors present in this case and noted that the offending is in the middle to upper end of band two of *Taueki*, I must add an increase to reflect the "appropriate allowance … made for the fact that the serious violence resulted in death", as noted in *R v Pene*.[20] Having regard to the relevant authorities, I consider the appropriate starting point for this offending is seven and a half years' imprisonment.

Second step — aggravating and mitigating factors of the offender

[49] I now move to the second step, which relates to aggravating and mitigating factors for the defendant, personally. At the second step I adjust the starting point with uplifts and discounts to reflect those personal factors.

Offending while on bail

[50] In terms of aggravating factors, I note that the present offending occurred while you were on bail on a charge of injuring with intent to cause grievous bodily harm. This had occurred just two weeks prior to the current offending. It was a serious act of violence, involving seemingly innocent victims and no greater act of provocation on their part other than wearing a colour that you considered was inappropriate.

[51] I note your bail conditions included a condition not to associate with someone who was your co-offender in that offending. He is your cousin and you were living with him at the time. If that were the end of the matter, I would make no further

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[20] *R v Pene*, above n 14, at [24].

comment. However, he was one of the other youths who took part in the attack in this case. I do not propose to make an uplift in relation to that discrete matter.

[52] However, the multiple breaches of bail are matters which I must take into account in sentencing you.

Guilty plea

[53] In terms of mitigating factors, the first matter is a reduction for your guilty plea to the charge of manslaughter. This charge was neither offered nor sought at the first trial. However, I understand that almost immediately following your murder conviction being quashed, your counsel and the Crown engaged in informal dispute resolution discussions and a plea to an amended charge soon resulted.

[54] Although the offending occurred five years ago, the current proceedings allow for the timing of the plea to be considered afresh. Mr Mansfield submitted strongly that the full 25 per cent discount should be given. Mr Manning for the Crown accepts that the plea of guilty was done at an early opportunity and the maximum available reduction is appropriate.[21] You are therefore entitled to a reduction of 25 per cent because of your guilty plea.

Youth

[55] I also must consider your youth. You were 14 years of age at the time of the offending. The Court of Appeal has emphasised, most recently in *Dickey v R*, that reductions for youth of 10–30 per cent are common.[22]

[56] Your counsel and the Crown take opposing positions on whether a reduction for your youth and neurodisability is discretely available. The Crown submits you should not receive any discount in this respect because these factors are already taken into account in accepting a plea to the charge of manslaughter as opposed to murder. The Crown says any further reduction would be double counting.

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21 *Hessell v R* [2010] NZSC 135, [2011] 1 NZLR 607 at [75].
22 *Dickey v R* [2023] NZCA 2 at [175].

[57] However, Mr Mansfield says that youth is a mitigating factor at sentence regardless of any impact your youth might have had on the ultimate charge you are convicted of. Your youth should be treated separately at sentencing in considering the outcome.

[58] I am satisfied that Mr Mansfield's approach to this issue is correct. In *P (CA479/2015) v R*, the Court of Appeal held that the trial and the sentencing are two different and discrete exercises.[23] The High Court declined to grant a reduction higher than 20 per cent for the defendant's youth and neurodisability, on the basis that the jury had clearly taken this into account in returning a verdict of manslaughter. The Court of Appeal rejected this approach and described it as "erroneous".[24] The Court held that the Judge's task was to impose a sentence appropriate both for the defendant's crime as well as for the defendant personally, taking into account the person that he was at the time the crime was committed.

[59] I therefore consider that, whether or not your youth was a factor in the ultimate charge you faced of manslaughter, that does not present a bar to you receiving a discrete discount for your youth at sentencing. I am satisfied such a discount is not double counting.

[60] I now turn to the appropriate level of discount.

[61] The Court of Appeal described the principles applicable to a discount for youth in *Churchward v R*.[25] The Court said that youth is relevant due to the age-related neurological differences between young people and adults, in particular the vulnerability or susceptibility of young people to negative influences and outside pressures, compared to adults.[26]

[62] As Mr Mansfield noted, it is well-accepted that as young people develop through adolescence, they exhibit greater impulsiveness than adults.[27] They are often

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23 *P (CA479/2015) v R* [2016] NZCA 128.
24 At [41].
25 *Churchward v R* [2011] NZCA 531, (2011) 25 CRNZ 446.
26 At [77].
27 At [77].

temperamental and immature, and sometimes find it difficult to understand the consequences of their actions.[28] Young people are often not equipped to deal with stressful situations, including those involving violence, and have tendencies towards risk-taking.

[63] However, the neuroplasticity of a young person's brain also allows considerable capacity for change and rehabilitation.[29] Reductions for youth preserve a young person's ability to rehabilitate by ensuring a sentence is not as damaging as one that an adult might receive. In particular, as the Court of Appeal recognises, the detrimental effect of imprisonment on young people, particularly a long sentence of imprisonment, can be considerable.[30]

[64] In *Dickey v R*, the Court of Appeal noted there is no outer limit to the discount for youth, but it suggested that discounts of 10–30 per cent would be common.[31]

[65] I also note the comments of the Court in *Churchward v R,* in which it stated that the scope to take account of youth may be "greatly circumscribed" where the offending is grave,[32] citing a previous case, *Pouwhare v R,* which stated that the young age of an offender "cannot be accorded presumptive, let alone paramount, weight".[33] Nevertheless, it was held that radical discounts may be given for youth even in serious offending.

[66] In this case, having had regard to the above considerations in respect of youth, I am satisfied a 15 per cent discount is appropriate here. That discount is appropriate to acknowledge the effect of your young age on the offending, particularly in terms of your impulsive and reckless actions. However, I consider a discount of 15 per cent is sufficient here, on account of the seriousness of the offending, as well as the presence of the other mitigating factors which I now turn to.

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28 See *Dickey v R*, above n 22, at [77].
29 See *Churchward v R*, above n 25, at [77]; and *Dickey v R*, above n 22, at [86(d)].
30 At [77]; and *Dickey v R*, above n 22, at [82].
31 *Dickey v R*, above n 22, at [175].
32 *Churchward v R*, above n 25, at [84].
33 *Pouwhare v R* [2010] NZCA 268, (2010) 24 CRNZ 868 at [96].

Neurodisability and other personal mitigating factors

[67] Mr Mansfield on your behalf points to the clear disadvantage that you have had from birth due to your upbringing and neurodisabilities. As I said, you have mental impairments in a number of forms, and you have an intellectual disability. You are impaired in various brain domains, including cognition and scholastic achievement. These will continue to affect you for the rest of your life. In those circumstances, your counsel submitted you should be entitled to a reduction of 20 per cent in respect of personal circumstances and neurodisability.

[68] Mr Manning for the Crown accepts your personal circumstances are deserving of recognition as a mitigating factor. The pre-sentence report details your upbringing as being characterised by neglect, material deprivation, violence, gang activity and drugs. This background amounts to a causative contribution to this offending and is therefore relevant in terms of sentencing and recognition by way of discount.[34]

[69] In one case, the Supreme Court described the defendant's upbringing as involving "multiple criminogenic risk factors", some of which involved poverty, unresolved trauma, poor educational outcomes and chaotic circumstances, "leading to, or exacerbating, poor resilience in the face of adversity."[35] The Court there allowed a reduction of 10 per cent in recognition of these factors contributing to the offending.[36]

[70] The Crown here accepts your personal circumstances are arguably worse than those described by the Supreme Court in that case and that a reduction of 15 per cent would be appropriate.

[71] Prior to your incarceration you lived a life of deprivation and neglect. You were exposed to drugs, violence and other antisocial activities. You had little support — most of your childhood you were left to fend for yourself. There were some attempts to help you by the state and family but they were not consistent and in the end, you were left on your own, often literally, in a house without parental care.

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34 *Berkland v R* [2022] NZSC 143, [2022] 1 NZLR 509 at [109].
35 At [156].
36 The offending in that case was methamphetamine-related offending.

[72] In those circumstances, factoring in your neurodisability which I consider warrants discrete recognition for the same reasons as a discount in respect of your youth, I now consider a total discount for your neurodisability.

[73] While those neurodisability issues were diagnosed when you were young they were not followed up and things which would have helped you such as education and support for development were not given to you. You had no consistent care nor any oversight during most of your young life. What could have been is shown by the benefits shown since you have received services following the offending.

[74] In those circumstances I consider that a personal circumstances discount of 20 per cent is justified here.

Remorse

[75] You have also expressed what your counsel describes as "sincere and genuine remorse" for your offending. Mr Mansfield notes that given your youth and neurological difficulties, it can be difficult for you to express how you feel. I am satisfied your comments are sufficient to justify recognition of remorse and a reduction of five per cent would be appropriate in this case.

Sentence calculation

[76] I have identified the appropriate starting point of seven and a half years' imprisonment. Against this I consider you are entitled to a reduction of 25 per cent for your guilty plea, 15 per cent in respect of your youth, 20 per cent in recognition of your neurodisability and personal circumstances and five per cent for remorse.

[77] That results in an end sentence of two years and 7.5 months' imprisonment.

Totality assessment

[78] Mr Mansfield advocated for a total discount based on the individual discounts tallied up. The Crown invites me to address the discounts for mitigating factors holistically so the end sentence does not fail to adequately recognise the seriousness of the offending and thereby meet the purposes of sentencing. The Crown submits

that for the end sentence to achieve the purposes of denunciation and deterrence in respect of the loss of a life as a result of deliberate stabbing, the total discount should not exceed 50 per cent.

[79] In sentencing a defendant, particularly where there are a range of discounts identified, the Court must stand back and consider the overall effect. As the Court of Appeal recently stated in *McCaslin-Whitehead*, "[t]here is clear authority for standing back and considering whether when added up discounts have led to a sentence that is not in proportion with the gravity of the offending."[37]

[80] The Court of Appeal in *Dickey v R* noted that youth offenders "commonly present with more than one mitigating factor" and it is "always necessary to stand back and make an overall assessment when sentencing".[38] Discounts sometimes overlap and the important thing is that the sentence be looked at holistically.[39]

[81] At the end of the day the final sentence is one based on overall judgment with regard to the cases which might have similar elements and bearing in mind the sentencing principles. In this case the principle of rehabilitation given your youth and response to the support you have recently had has some weight.

[82] Therefore, I do not consider the overall level of discount requires adjustment in this case. I am satisfied that the end sentence as calculated meets the purposes and principles of sentencing outlined. I consider this sentence sufficiently deters you and others from committing this sort of offending and denounces the conduct. It recognises the seriousness of the offending, but it also takes into account your particular circumstances and the personal, community and cultural background you have been subjected to. I particularly note the importance of imposing the least restrictive outcome that is appropriate in the circumstances and the importance of assisting you in your rehabilitation and reintegration.

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37 *McCaslin-Whitehead v R* [2023] NZCA 259 at [61].
38 *Dickey v R*, above n 22, at [175].
39 At [175].

Post-release conditions

[83] The Court has also been advised by the Crown in its additional memorandum that you will be credited with five years for time served. Given the final sentence I have imposed is less than this, you will be entitled to immediate release.

[84] The release date is the date of sentence so you will be subject to standard release conditions for six months.[40]

[85] The Crown and the defence support the imposition of those special release conditions and, while ultimately a matter for your probation officer, both counsel have expressed the utility in continued oversight to assist you in supporting reintegration into the community.[41]

Name suppression

[86] I also mention name suppression. You did not have name suppression for your first trial and previous sentencing but following the successful appeal to the Court of Appeal, you were granted interim name suppression and the Crown does not oppose a final order granting you permanent name suppression, accepting that name suppression might assist with rehabilitation and reintegration.

[87] However, I am advised by your counsel you do not wish to have permanent name suppression. Appropriately, you want people to know how matters have been sorted out. In fact, this is important to you given you have already heard from people in the community who know of your earlier convictions.

[88] Although your name will be in the news again, people will know that you have been sentenced again, you have now served your sentence and are being rehabilitated into the community. You are making a fresh start on your life out of the Hawkes Bay and beginning full-time employment having undertaken training to enable you to gain that employment. From the accounts I have heard you have responded positively to

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40 Pursuant to s 18(2)(aa) of the Parole Act 2002.
41 Pursuant to s 18(2)(b) of the Parole Act.

the opportunities now presented and you have set a steady course that hopefully will lead to a positive life and one much better than you had before the offending.

Conclusion

[89] Mr Hanara, would you stand up.

[90] On the amended charge of manslaughter, you are sentenced to two years and 7.5 months' imprisonment.

[91] You are entitled to immediate release from prison for time served.

[92] You will be subject to standard release conditions for six months, as well as any special release conditions as imposed by your probation officer. That is not a matter for the Court. As Mr Mansfield has pointed out, you and your father have already engaged positively with the probation officer which bodes well for the future.

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Grice J

Solicitors:
Crown Solicitor, Napier