IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY

I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE

CRI-2022-012-1649
[2023] NZHC 3686

THE KING

v

LANCE COLIN ROBERT MOORE

Hearing:	11 December 2023
Appearances:	R D Smith for Crown K H Cook for Defendant
Judgment:	11 December 2023

SENTENCING REMARKS OF EATON J

This judgment was delivered by me on …….. at ……
pursuant to Rule 11.5 of the High Court Rules

Registrar/Deputy Registrar

Date:

Introduction

[1] Lance Colin Robert Moore, you appear for sentence having pleaded guilty to a charge of manslaughter. Your guilty plea was entered promptly after the Crown agreed to accept that plea and to withdraw a charge of murder.

The offending

[2] In sentencing you this afternoon, I will first outline the facts of your offending and briefly summarise the impact your offending has had on Mr Buis' family and loved ones. I appreciate, Mr Moore, that you will by now be fully familiar with the admitted facts of your offending. However, sentencing is a public function to be undertaken in an open court, and it is necessary for me to refer to the facts that you have admitted and upon which I must base your sentence. Those facts are set out in the agreed summary of facts, which is the document I am going to refer to. As will become apparent, there are matters referred to in this summary of facts that do not actually involve you, but they are included to provide context.

[3] You and Mr Buis were introduced through a mutual female associate. The two of you shared a common interest in the use and supply of methamphetamine. It seems clear you were both addicts, dealing in methamphetamine to fund your addictions. Users and suppliers of that drug often operate on a system of credit involving later repayment with money or an equivalent quantity of the drug. Operating within that system, Mr Buis was alleged to have owed money and drugs to several people in the drug fraternity.

[4] The female associate had purchased methamphetamine from you for an agreed price of $350, intending that she and Mr Buis would consume some of the drug and sell the remainder. The sale proceeds were to be used to pay you and to fund future drug purchases. You were not aware of her plans.

[5] The relationship between Mr Buis and the female associate deteriorated over the $350 debt owed to you. The summary of facts records that Mr Buis had taken both his and the female's share of the methamphetamine, leaving her to pay the debt owed to you on her own.

[6] In response, she began threatening Mr Buis with violence unless he paid her the $350 or supplied her with methamphetamine. She then contacted others involved in the local drug community, persons who knew her and Mr Buis, spreading word that she was looking for him in relation to the debt. She then arranged to lure Mr Buis to Unity Park in Dunedin by having a third party arrange to buy drugs from him, with a plan that the third party would tell her of the time and location of that drug deal. The third party went ahead and arranged to meet Mr Buis at a specified time at Unity Park, but he never intended to show up for that meeting.

[7] On the evening of the arranged meeting, that same female associate was with another male when she rang Mr Buis, threatening him again with violence in relation to the debt. That male too claimed he was owed money by Mr Buis in relation to a drug debt, and he threatened Mr Buis that he was going to get a gang member to recover his debt. The so-called gang member was called. That person drove to Unity Park to confront Mr Buis.

[8] Again, you did not know about those arrangements. However, once the female associate learnt that Mr Buis was going to be at Unity Park, she advised you through Facebook messenger. Shortly after 7:18 pm, you drove to Unity Park to confront Mr Buis. When you arrived at the park, you saw him being chased across the park by a male. That male was the gang member. Mr Buis ran uphill across the grassed reserve area of Unity Park towards Eglinton Road. As he ran, he was firing a number of shots from what has been described to me as a high-powered BB gun. You and others in the vicinity heard those shots. You were in a car. You quickly turned your vehicle and drove along Eglinton Road. It was then you again saw Mr Buis as he was approaching Eglinton Road.

[9] As he reached the edge of the road, he tripped on uneven surface and fell onto the road. You drove directly at him, intending to knock him down so you could then take steps to recover the money you believed you were owed. You made no attempt to brake or avoid hitting Mr Buis. Your vehicle struck him in the middle of the road as he was getting to his feet. He was briefly pinned and dragged by your vehicle for just over four metres before his body became free and came to rest a further four metres away. Mr Buis suffered multiple blunt force trauma, particularly to the torso area. His

injuries included extensive fractures, lacerations to internal organs, and wounds to his skin. You did not stop. You drove away. Mr Buis died at the scene.

[10] Those facts tell me, Mr Moore, that you deliberately ran Mr Buis down. You did so as you were intent on stopping him so he could be confronted about a drug debt. You did not intend to kill him, but you must have known you would inflict serious injury. I can only infer you were caught in the hype of the moment. A gang member pursuing Mr Buis on foot, Mr Buis firing off shots, with all players likely high on methamphetamine and the net result is a life lost over a $350 debt. It is undoubtedly a graphic and tragic reminder of the evil of methamphetamine, a drug that continues to be such a scourge on our communities.

Victim impact statements

[11] I have received and considered the victim impact statements prepared by Sean's parents, two of his brothers and the mother of his young son. A third brother has read his victim impact statement in Court this afternoon.

[12] It is abundantly clear that Sean's death has caused profound grief for his family, who describe him as a very much-loved son, brother, nephew, and of course, father. It is heart breaking to Sean's brothers and parents that he has been taken from them far too early, and it is tragic that Sean's young son will grow up without a father. The family, in their victim impact statements, acknowledge that Sean was not perfect, but they tell me of the signs of positive changes in his life and of his desire to change. It is hardly surprising that his family now feel so robbed of the opportunity to see how life might have played out for Sean, and particularly in his role as a father.

[13] I acknowledge the presence in Court this afternoon of the family and friends of Sean Buis. I understand that no sentence this Court can impose will heal your grief and loss.

Principles and purposes of sentencing

[14] In sentencing you Mr Moore, I must have regard to the purposes and principles of the Sentencing Act 2002 and particularly those contained in ss 7 and 8. The

sentence must hold you accountable for the harm that you have caused, promote in you a sense of responsibility and acknowledgement of that harm, denounce your conduct, and deter you and others from committing similar offences. I must consider the gravity of your offending and your degree of culpability as well as the seriousness of your offending. Your sentence must be consistent with other similar cases, and I should impose the least restrictive sentence that is appropriate in the circumstances.

[15] In fixing an appropriate sentence, I engage in a two-stage process. I first must fix a starting point that is appropriate for the offence of manslaughter. That involves identifying the aggravating and mitigating factors of your offending. At the second stage, I must take into account your personal circumstances including your guilty plea, circumstances that might lead to that starting point being adjusted.

Starting point

[16] There is no tariff or guideline judgment from our Court of Appeal setting the starting points for the offence of manslaughter. The reasons for that are pretty obvious. The offence of manslaughter can be committed in so many different ways, as this Court bears witness to every week. So, rather than applying a tariff, a sentencing court must look at other cases with similarities to your offending and have regard to the particular factors that either aggravate or mitigate your offence.

[17] As has been acknowledged by Mr Cook on your behalf and by Mr Smith for the Crown, cases involving manslaughter through the use of a motor vehicle fall into two general categories. The first is reckless or dangerous driving, and the second, and it is a category into which your offending falls, involves the use of a car as a weapon.

[18] It goes without saying, and I accept from the outset, that this offending has had the worst consequences, which is the loss I have described for the family of Mr Buis.

[19] Mr Smith has proposed a starting point of nine to 10 years. Mr Cook argues for six to six and a half years. In support, Mr Smith has advanced a number of factors said to aggravate your offending. Most of those, and this is primarily in the written submissions, have been contested by Mr Cook on your behalf. The aggravating factors I find do apply to your offending are as follows:

(a) Use of a weapon. There could be little argument that, when used as a weapon, a car has the potential to cause very serious injury and so often death. That is a risk that would be present even when a car is used as a weapon when travelling at lower speeds.

(b) Victim vulnerability. It must have been clear to you that Mr Buis had tripped and fallen onto the road so shortly before you ran him over. Having fallen, he was simply in no position to take steps to escape you.

(c) You failed to stop. You failed to render assistance to Mr Buis. Rather, your response was to hastily exit the scene, leaving Mr Buis on the road fatally injured. That was callous and cruel, and you have heard how that behaviour has aggravated the pain for Mr Buis' family.

(d) At the time of this offence, you were a disqualified driver. You had a number of prior convictions for driving while disqualified or driving while prohibited. It must pain Mr Buis' family to know that, had you been compliant with the law, you would not have been driving on 21 July 2022.

[20] Mr Smith advanced other aggravating factors including premeditation, vigilante behaviour and the consumption of drugs. I am not satisfied that those factors are present at a level that aggravate your offending. I accept this was a spontaneous decision to run Mr Buis down. You did not drive to Unity Park for that purpose. Whilst I agree that you must have been prepared to "stand over" Mr Buis to recover the drug debt, I accept your priority was to recover money or drugs rather than to inflict physical harm. It is unclear the extent to which you were affected by methamphetamine at the time, but I have already categorised your offence as a deliberate use of the car as a weapon as opposed to dangerous driving impacted by your state of intoxication. Finally, I do not accept that to recover a drug debt categorises your offending as an example of vigilante justice which the Court might see fit to treat as aggravating factor.

[21] As you have heard, I have been referred to a number of decisions involving manslaughter when a vehicle is being used as a weapon.[1] Mr Smith has highlighted two cases in particular said to be analogous to your offending. In *R v Nuimagaumagu*, the offender faced charges of attempted murder and manslaughter.[2] That offender had attended his ex-wife's workplace and attempted to murder her with a blade. He then fled in his vehicle when his victim's co-workers came to his ex-wife's aid. He drove a short distance away. He then turned around and drove back to the carpark where his victim was being comforted by work mates. He paused at the entrance to the carpark before accelerating towards the second victim. He struck that second victim, throwing her into another parked car, killing her instantly. In that case, a nine-year starting point was adopted for the manslaughter charge.

[22] I agree with Mr Cook that that offending was more serious in that it involved a greater level of premeditation and because the offender in that case was described as driving at speed at the second victim. The second victim and others had run for their lives, sensing the intent of the offender. The sentencing Judge described the offender as having run down the victim "for no more reason" than she simply happened to be in the carpark.

[23] The second case highlighted by Mr Smith is *R v Popo*.[3] Mr Popo had been fleeing police following an assault and vehicle theft. The victim was a police officer laying out road spikes to stop Mr Popo. In the middle of a residential road, travelling around 60 – 70 kilometres per hour, Mr Popo struck the victim, catapulting him nearly 30 metres and killing him instantly. The Court of Appeal observed a number of aggravating factors including a persistent course of bad driving covering at least five kilometres; at times driving at excessive speeds; at other times dangerously on the wrong side of the road; and the appellant committed other offences. He was driving a stolen car and driving while disqualified; the appellant knew police were following him and attempted to avoid being stopped and apprehended; even before the fatal accident, his driving had required others, including police officers, to take evasive

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1 *R v Niumagumagu* [2021] NZHC 3465; *R v Popo* [2009] NZCA 447; *R v Johnson* HC, Whangarei, 9 June 2004; *R v Taiapa* [2018] NZHC 1815 (HC decision); *Taiapa v R* [2019] NZCA 524 (CA decision); *R v Tauira* HC, Auckland, 19 June 2009; and *R v Haufano* [2014] NZHC 1201.

2 *R v Niumagumagu*, above n 1.

3 *R v Popo*, above n 1.

action to avoid a collision; he made no attempt to stop the following impact with the officer and tried to run away once his vehicle was disabled. His driving was only stopped when his car was disabled. The Court of Appeal held that, before considering the aggravating factor of killing an on-duty police officer, a starting point of nine to 10 years was available. Mr Smith says your offending approaches the seriousness of that case. In my view, the persistent and very dangerous driving, speed, and related offending made that offending more serious.

[24] A nine-year starting point was taken in *R v Taiapa.*[4] In that case, members of the Mongrel Mob were unveiling a gravestone within close proximity to where a wedding was being held for a member of the Tribesmen gang. It was agreed between the groups that the Tribesmen would not wear their gang regalia whilst in the area out of respect.

[25] The victim and his brother were patched Tribesmen who drove past the Mongrel Mob pad displaying their patches. They were unaware of the prior arrangement. The defendant, who was a patched Mongrel Mob member, and associates pursued the victim in a vehicle. The victim was on a motorbike. The defendant drove his vehicle into the back of the victim's bike, jamming it under the front of the car for a distance of about 70 metres before it detached, ending up in a ditch. The defendant returned to where the victim lay dying, insulted him and then sped back to the gang pad. His vehicle was later stripped of identifying features and burned. The Judge described the striking of the victim's vehicle as deliberate and found the defendant must have appreciated the potential to cause serious injury. The Judge described the deliberate running down of the victim as reflecting a determined effort, albeit with limited premeditation. That the offending occurred in the context of gang tensions was described as a serious aggravating factor.

[26] Mr Cook, on your behalf, has submitted your offending is more similar to the cases of *R v Haufono*[5] and *R v Tauira*.[6] In *Haufono*, an altercation had broken out between the occupants of Mr Haufono's car and another car. Mr Haufono drove

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4 *R v Taiapa*, above n 1, HC decision.
5 *R v Haufono*, above n 1.
6 *R v Tauira*, above n 1.

towards one of his associates who was being chased by another person from the other group. He crossed the centre line, not at high speed, and ran over the assailant. He made no effort to check on the victim and made efforts to avoid police. A six-year starting point was adopted. In *Tauira*, an associate of Mr Tauira's responded after a bottle had been thrown at his vehicle. A fight broke out involving several young men. Mr Tauira was concerned his associate who was involved in that fight was outnumbered and in danger of being overwhelmed. He decided to drive his vehicle towards where the group were fighting. His speed was not high. His stated intention was to rescue his associate, or at least to facilitate his flight by distracting those gathered on the roadway. The Judge accepted the defendant did not intend to hit anyone with his car. In fact, his car hit both his associate and the victim, who the Judge found would have died almost instantly. In that case a six-year, six month starting point was applied. Mr Tauira was intoxicated, and the Judge treated his driving as being a case of reckless driving giving rise to manslaughter.

[27] Mr Moore, I considered those cases closely together with other cases that counsel have referred me to. I do regard your offending as more serious than that of *Haufono* and *Tauira.* The offending in those cases followed an altercation involving the victim and associates of the offender. That is to say, elements of defence of another motivated the offending. That significant factor is not present in your case.

[28] In my assessment, your offending falls somewhere between the two groups of cases relied upon by counsel. I agree with Mr Smith it is closer to the higher level. I consider an appropriate starting point for your offending to be a sentence of seven years, nine months' imprisonment.

Personal aggravating factors

[29] Mr Smith submits that a 10 per cent uplift to the starting point is appropriate to reflect both your previous convictions and that you were on bail at the time you offended. In particular, he highlights a conviction in 2009 for dangerous driving and wilful damage after you drove your vehicle into a power pole. In 2019, you were convicted of assault with intent to injure, dangerous driving, wilful damage and theft

following a road rage incident. In both cases, community-based sentences were imposed.

[30] It will be appropriate for the Court to increase a starting point to reflect previous convictions if those convictions are relevant to the present offending. In considering whether to impose an uplift, the Court must be cautious not to punish an offender twice for earlier offending. The rationale for an uplift was explained by the Court of Appeal in *Orchard v R*:[7]

> Previous convictions are relevant as an indicator of character and culpability, or because they show the need for a greater deterrent response, or as an indicator of risk of reoffending.

[31] Mr Smith says you have demonstrated a disregard for prior sentences imposed. Mr Cook on the other hand say no uplift is called for. He submits that the categorisation of this offending as using a motor vehicle as a weapon, that is an offence of violence rather than a driving offence, means the only relevant conviction in your criminal history is an assault with intent to injure in 2019 and a common assault and fighting conviction in 2010. He submits the present offending can be distinguished from your historical offending.

[32] On my reading of your criminal history, Mr Moore, you have accumulated a history that features repeated offending involving a motor vehicle and associated violence that includes three convictions for driving while disqualified and five convictions for driving whilst prohibited. In my view, that history and that you offended while on bail on a charge of driving while disqualified, does justify a modest uplift to deter you and protect the community. I asses that uplift, having regard to the need for proportionality, to seven and a half per cent.

Personal circumstances

Guilty plea

[33] I turn to your personal circumstances. Mr Smith submits that a 15 per cent deduction to reflect your guilty plea is appropriate. He submits that you did benefit

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7 *Orchard v R* [2019] NZCA 529, [2020] 2 NZLR 37 at [39].

from the Crown decision not to pursue the charge of murder. Mr Cook seeks a full 25 per cent deduction. He submits that you indicated your willingness to plead guilty to a charge of manslaughter and did so promptly when that charge was laid. You did not seek a sentence indication. You did not seek bail. He submits there were changes to the summary of facts to reflect the reduced charge. He contends that there is utilitarian benefit of your guilty plea which is very real.

[34] I acknowledge the observation of the Supreme Court in *Hessell v R*:[8]

> Guilty pleas are often the result of understandings reached by accused and prosecutors on the charges faced and facts admitted. To give the same percentage credit invariably for an early guilty plea in sentencing without regard to the circumstances can amount to giving a double benefit. For example if the Crown agrees to accept a plea to manslaughter and drops a charge of murder in relation to offending, the acceptance of the plea can be a concession in itself. If the full credit for an early plea is then also given, the sentence may not properly reflect the offending.

[35] As I indicated during the course of argument, I do not consider there was overwhelming evidence in support of the murder charge. It follows I do not consider the dropping of the murder charge and the acceptance of a plea to manslaughter amounts to a significant concession by the Crown such that your guilty plea credit should be diminished. On the other hand, I agree with Mr Smith that the evidence in support of a charge of manslaughter was overwhelming, and the formal offer to plea to that charge was not made until several months after you were charged. In those circumstances, I fix the credit for a guilty plea at 20 per cent.

Remorse

[36] Through your counsel in his oral submissions this afternoon, a personal letter I saw this morning, the pre-sentence report, the s 27 report. And through your participation at a restorative justice conference, you have expressed remorse for taking the life of Mr Buis. Question marks have been raised by family as to sincerity of your remorse given the position you adopted at the restorative justice conference, claiming Mr Buis' death was an accident. Mr Cook, on your behalf explains that you were not denying that you deliberately ran over Mr Buis, rather that you did not intend for him

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8 *Hessell v R* [2010] NZSC 135, [2011] 1 NZLR 607 at [62].

to die. I can understand why the family struggle with that explanation but, standing back and looking at all the material before me, I am satisfied your remorse is sincere and you do now accept full responsibility for causing the death of Mr Buis.

[37] It is important the family understand that in dropping the charge of murder and accepting a plea to a charge of manslaughter, the prosecution acknowledge the evidence did not permit a finding that Mr Moore intended to kill Mr Buis or that he was reckless as to whether or not Mr Buis died.

[38] Mr Moore, as you will have now personally experienced, it is no easy thing for an offender to participate in a restorative justice conference. I accept it is no easier for the families of a victim. The report has raised the possibility, perhaps remote, of a further meeting between yourself and members of Mr Buis' family. Provided the parties approach that with a positive mindset, it is to be encouraged. I accept your demonstration of remorse to be genuine and deserving of credit.

Personal factors including addiction

[39] Beyond your remorse, Mr Cook points to personal factors including your addiction to methamphetamine as justifying a discrete credit from the starting point. I have had regard to the alcohol and drug report. I have had regard to the s 27 cultural report. I have also had regard to the pre-sentence report. The alcohol and drug report tells me that you were exposed to both alcohol and drugs from a very early age. There is evidence of a genetic predisposition to alcohol or what is described as drug dyscontrol. There was an inevitability that drugs and alcohol would derail your life.

[40] From 2018, when you were 29 years old, you describe using methamphetamine daily up until the offending, apart from the times that you were in prison or otherwise over very short periods of abstinence. You were using heavily prior to the offending. You had not been eating or sleeping, and you were experiencing paranoia and distress. The report records your current position as being one that you want to engage with rehabilitation.

[41] The s 27 report makes harrowing reading.[9] The information provided to the cultural report writer was verified in part by your older sister and in part by your ex-partner, each of whom made insightful observations.

[42] You and your sister spoke of a most unhappy childhood with rampant neglect of your needs. You were raised, in part, by your single mother who had severe gambling and drinking problems. She sold household effects for cash and ignored her responsibilities, including to her children and their needs. Child, Youth and Family Services (CYFS), as they were then known, raised concerns for you when you were only two years old, concerns of neglect with regards to your care, hygiene, clothing, and presentation. When your mother was home, it was commonly for loud, alcohol and violence-filled parties. The report tells me that your mother never purchased food. You felt responsible for your siblings and began stealing food. You and your brother would scrounge for wood in order to heat water to bathe.

[43] You were placed in state care. There, like so many, you suffered physical, psychological, and other abuse. You were placed in a "health camp" by CYFS around age six or seven, where you were regularly abused by a caregiver. You made several antisocial associations in state care, persons who introduced you to drug use and encouraged truancy. At another point in state care, you were sharing a room with an older young man who racially and physically abused you.

[44] The report tells me you are totally disconnected from your culture, having only ever visited your tūpuna rohe once. You were raised amongst deeply entrenched racism after being uplifted from your mother and placed with an uncle and aunt. You were racially and physically abused. You were treated like a slave, often being made to work late into the night and being unable to stay awake at school. You lack the traditional support base and knowledge of tikanga or te reo you might otherwise have had access to.

[45] The consequence of all this is you struggled with education, and you remain illiterate today. You left school at 14, having often been truant. You had no formal

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[9] A limited suppression order was made in relation to a matter raised in the s 27 report. The suppressed material has been anonymised in this judgment.

qualifications. This was, in large part, to take care of your family, to whom you had returned from state care.

[46] At this time, your previously absent older brother returned. He was a strong anti-social influence on you. He modelled violence and crime to you. He was in and out of prison. At age 15 you began seeing the daughter of a Mongrel Mob member, further modelling antisocial behaviours.

[47] The report writer describes your addiction as a manifestation of your lack of coping mechanisms to deal with a range of risk factors predisposing you to such behaviour, including: abandonment; severe neglect; parental role-modelling of substance abuse; exposure to violence during childhood; and other abuse. The report notes a genetic predisposition towards substance abuse.

[48] Mr Moore, I accept that children who are raised in poverty as you were, are more likely to encounter some of what are described as criminogenic risk factors, factors that are associated with offending later in life.

[49] The s 27 report identifies a clear nexus between your offending and your methamphetamine addiction, itself contributed to by extensive childhood trauma, early abuse of substances, and inherent genetic makeup. The report confirms addiction creates economic, associative, and psychological influences encouraging offending and other antisocial behaviour. I do not doubt the causative link between your addiction and this offending, offending that was primarily motivated by your desperation to recover a very modest drug debt, to only then feed your addiction.

[50] I am satisfied, having regard to the three reports I have considered, that your background engages many of the criminogenic factors referred to by the Supreme Court in *R v Berkland* that were described as leading to, or exacerbating, poor resilience in the face of adversity.[10] Put another way, those matters have impaired your ability to exercise rational choice. I am satisfied your addiction together with your history of deprivation and trauma have driven your offending. In those circumstances,

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[10] *R v Berkland* [2022] NZSC 143, [2022] 1 NZLR 509 at [156]

I accept that a credit towards the higher end of the range of credit for personal factors is appropriate.

[51] I consider it appropriate to apply a global discount to reflect the range of personal factors that apply, including your expression of remorse, your addiction, and the other various matters referenced within the s 27 report. I assess that deduction as one of 35 per cent to reflect those factors.

[52] I make an order suppressing from publication any reference to the abuse Mr Moore suffered.

Minimum period of imprisonment

[53] Mr Smith submits, having regard to the seriousness of your offending, the Court ought to impose a minimum period of imprisonment (MPI) of 40 to 50 per cent to reflect accountability, deterrence, denunciation and the risk that you pose to the community. Mr Cook submits a minimum period of imprisonment is not appropriate in a case where you have pleaded guilty, accept responsibility, and have a limited history of prior offending.

[54] Mr Smith highlights that an MPI was imposed both in *Niumagumagu* where, in addition to the charge of manslaughter, there was a charge of attempted murder and in *Taiapa* where the case featured gang confrontation. An MPI was not imposed in any of the other cases I have reviewed, but any case will be assessed as specific to the facts.

[55] To impose an MPI, the Court must be satisfied that parole at one-third of the sentence would not adequately meet any one or more of relevant sentencing purposes, being to hold the offender accountable, denounce and deter the behaviour, or protect the community. Your offending is properly categorized as the use of a motor vehicle as a weapon to physically disable the victim in order to confront him regarding a drug debt. I accept you did not contemplate your actions might kill Mr Buis. Mr Smith points to your driving record as relevant in considering whether to impose a minimum period of imprisonment. I have factored into your sentence your driving record when I applied an uplift to the starting point. I think your release should be determined by

the Parole Board. I am not satisfied it is appropriate to impose a minimum period of imprisonment.

[56] Mr Moore, please stand. Lance Colin Robert Moore, on the charge of manslaughter:

(a) you are sentenced to four years and one month imprisonment. I do not impose an MPI; and

(b) you are disqualified from driving for a period of two years. Pursuant to s 85 of the Land Transport Act 1998, that disqualification period will begin on the date you are released from prison, which will be a date determined by the Parole Board.

[57] Finally, the Crown seeks an order for the forfeiture and destruction of the vehicle you were driving, a red Ford Falcon, ELM367. The owner of that vehicle has provided a formal statement confirming his approval to the order sought. He considers the vehicle to be tapu given it was involved in the death of Mr Buis. I make an order accordingly.

[58] You may stand down.

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Eaton J

Solicitors:
RPB Law, Dunedin

Counsel:
K H Cook, Barrister, Christchurch