

**IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKĀURAU ROHE**

**CRI-2023-092-9948  
[2025] NZHC 1431**

**THE KING**

**V**

**JAYDEN ANTONIO COOK**

Hearing: 30 May 2025

Counsel: A Kefu for Crown  
M Allen for Defendant  
M Stephenson, Communications Assistant for Mr Cook

Sentence: 30 May 2025

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**SENTENCING NOTES OF BECROFT J**

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Solicitors/Counsel:  
Kayes Fletcher Walker, Auckland  
M Allen, Auckland

## The charges

[1] Jayden Antonio Cook you appear today for sentence after having pleaded guilty to three charges:

- (a) Murder;<sup>1</sup>
- (b) That with intent to injure a person you caused him grievous bodily harm;<sup>2</sup>
- (c) You assaulted a person with intent to injure.<sup>3</sup>

[2] I record that you have a Court-appointed communications assistant seated near you—Mr Stephenson. I think you know him as Mark. I will speak slowly. If you do not understand, you should let Mark know. I do not mind even if you put your hand up. It is very important that you know what is happening.

[3] I want you to know what I am going to say now and in what order. It might take about half an hour.

- (a) First, I want to talk about the facts—that is what happened and what you did.
- (b) Second, I will say what happened to the victims—especially Mr Manu—who you murdered. Do you know who I mean when I say Mr Manu? You refer to him as “Billy” don’t you? [Yes]. I will call him Mr Manu.
- (c) Then I will talk about why I have to sentence you and what the purpose of sentencing you is.
- (d) Then I will look at the minimum period of imprisonment that you must serve and what the Crown and Ms Allen have said.

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<sup>1</sup> Crimes Act 1961, s 167 and 172. Maximum penalty life imprisonment.

<sup>2</sup> Crimes Act 1961, s 188(2). Maximum penalty seven years’ imprisonment.

<sup>3</sup> Crimes Act 1961, s 193. Maximum penalty three years’ imprisonment.

(e) Then I will talk about what Ms Allen says are all the things that mean you should not get such a long sentence.

(f) At the end, I will get you to stand, and I will tell you what your sentence is. Do you understand that? [Yes].

[4] And if we need to take a break or if you are simply not coping, let me know. Clear? [Yes].

### **Facts**

[5] On 2 October 2023, at about 10.40 pm, you and three other men had spent the evening drinking boxes of alcohol at the Māngere Town Centre Bus Station. The occasion was unplanned. It involved drinking large amounts of alcohol and smoking some cannabis.

[6] Those who you were with included Mr Talini Manu (also known as Billy Salapo) whom you later murdered. There was also Mitchell Wawatai and Jarrod Cook, your older brother.

[7] You and your brother Jarrod were both homeless at the time. You, Mr Manu and Mr Wawatai also knew each other. Before this incident, you all used to meet sometimes and drink together.

[8] At the time, Mr Manu was 60 years old. Mr Wawatai was 50 years old and Jarrod, your brother, was 29 years old. You were 25 years old.

[9] While you were all at the bus station, another of your brothers, Cheyenne Cook, younger than you, arrived after a drinking session at home. He found you asleep. At the time, your other three companions were all, the police say, highly intoxicated—that is very drunk. They were so drunk that a security guard had to prevent Mr Wawatai from getting onto a bus.

[10] You woke up. You were highly agitated—that is very upset and angry. No one knows why. You walked towards the security guard aggressively and only your younger brother, Cheyenne, prevented a physical confrontation. Eventually you pushed your brother away and walked so aggressively towards the security guard that he ran away, jumped into his car and drove off.

[11] Some form of disagreement or argument broke out with you and Mr Manu, causing you to become annoyed. No one knows what this was about. But you shifted your focus to Mr Manu, and you started to approach him.

[12] Both your brothers stepped in and tried to pull you away. You had become very angry. You took off your shirt and strode around the bus shelter, bare chested, looking for a fight. The three offences then happened like this.

*Causing grievous bodily harm to Mr Wawatai with intent to injure him*

[13] The first offence you committed was causing grievous bodily harm—that is really serious harm—to Mr Wawatai with intent to injure him.

[14] For unknown reasons, Mr Wawatai stumbled towards your younger brother Cheyenne and attempted to grab him. Cheyenne pushed him away, and Mr Wawatai stumbled and fell onto the ground, on his back.

[15] You approached Mr Wawatai who was trying to get up. You lent over and punched him hard, twice in the face, with two fists. Mr Wawatai was unable to defend himself. You continued to attack him with a mixture of hard kicks and punches to his head and his upper body approximately five times before Cheyenne wrestled you away.

[16] Mr Wawatai lay bleeding and unconscious on the ground for some minutes. He regained consciousness—that is he woke up. With the help of your older brother, Jarrod, he was able to stand up. However, he could not keep his balance and fell back over the kerb “head butting” the road as a result. That knocked Mr Wawatai briefly unconscious again. He managed to sit up. He was attended by ambulance staff who arrived later. He was so disorientated that he thought he had been hit by a bus.

[17] And at this time your brother, Cheyenne, lost control of you, and you broke free of his grip.

#### *Murder*

[18] I turn now to the murder. You were still highly agitated—that is very upset and worked up. You decided to attack Mr Manu who was standing in the bus shelter. Mr Manu was so intoxicated—that is so drunk; he was unable to run away and, so, was vulnerable to attack.

[19] You punched him three times using both fists. You used full force with boxing-style punches which were aimed at Mr Manu's head, which knocked him to the ground, unconscious.

[20] While he was unconscious, you stood over him and stomped down hard on his head and body, approximately 10 times.

[21] Mr Manu lay bleeding, unconscious, with serious life-threatening injuries.

[22] During the entire event, you stalked the scene like a wrestler, stomping the ground and occasionally punching out objects, including glass walls of the bus shelter.

[23] Mr Manu was taken to hospital, and he died nearly a month later.

[24] And we need to acknowledge, Mr Cook, that a life has been lost. And there will be family members of Mr Manu here, and I acknowledge the tragedy you have experienced.

#### *Assault with intent to injure*

[25] The last charge was to do with your own brother, Jarrod. Both he and Cheyenne approached Mr Manu to check on him. But you started to argue with your brothers and became aggressive towards your older brother, Jarrod. You shoulder-barged him, continued to shout at him, and punched him twice in the face.

[26] While Jarrod was crouching down, checking on Mr Manu, who was not moving, you threw another hard punch at Jarrod's face which caused him to fall back onto his back. He immediately stood back up, and you attempted a full-swing punch at his face with your right closed fist, but just missed.

[27] Your younger brother, Cheyenne, helped Jarrod stand up and you continued to shout and threw another punch at Jarrod which landed on the back of his head.

### *Aftermath*

[28] It seems you then calmed down and stopped. You sat on the stairs behind the bus stop. You were there when the police arrived. You did not want to talk about the incident.

[29] As I understand it, what you did was recorded on several closed-circuit TV security cameras—video cameras. You have seen it all. You are nodding, that is the case. You have seen the whole incident.

### **Victim impact**

[30] I want to tell you about the victims.

### *Mr Talini Manu*

[31] Mr Talini Manu was treated in the Auckland Hospital intensive care unit for 16 days and then moved to another ward, where his condition stabilised. But then he got much worse. He was transferred back to the intensive care unit.

[32] On 30 October 2023, 28 days after the incident, Mr Manu died, as I have said, tragically, in Auckland Hospital.

[33] The direct cause of his death was found to be complications from blunt force head trauma.

[34] As you will know, Mr Cook, Mr Manu suffered some very serious injuries. I will list some of them:

- (a) a traumatic brain injury with a haemorrhage—that is uncontrolled bleeding resulting in blood on the outside of his brain;
- (b) multiple face and skull fractures requiring surgeons to fix the breaks;
- (c) a broken and dislocated jaw;
- (d) fracture of the left clavicle;
- (e) multiple fractured ribs;
- (f) trapped air in his left outside lung which required a chest drain;
- (g) bruising to his face and skull; and
- (h) a very swollen airway in his throat which required a tube for breathing for approximately two weeks.

[35] As I say, it turned out those injuries were unsurvivable despite the best medical treatment.

*Mitchell Wawatai*

[36] Mr Wawatai was knocked unconscious during the assault. He received a three-centimetre cut above his right eyebrow and a second cut to the back of his head.

*Jarrold Cook*

[37] As for Jarrod Cook, your brother, he declined medical attention but was observed to have bruises and bleeding from the assault to his head.

### *Victim impact reports*

[38] The family of Mr Manu, some of whom are in Court, and Mr Wawatai and Mr Cook have decided not to give written victim impact statements to the Court but want the facts of what took place to speak for themselves.

[39] As you acknowledge, they are no doubt deeply upset and saddened. You have changed the Manu family forever—having taken Mr Manu's life.

### **Purposes and principles of sentencing**

[40] I want to turn now to why you have to be sentenced.

[41] Mr Cook, I need to say this was senseless, mindless violence, resulting in an utterly needless loss of life. I need to send a clear deterrent message, that is one that puts others off from doing this sort of thing. I need to make clear that vicious, gratuitous violence is unacceptable in a civilised community. You need to be held accountable for the harm to Mr Manu and his family, the victims, and the community.

[42] And part of sentencing is ensuring and developing in you a sense of responsibility for, and acknowledgement of, the very significant harm you have caused. And I have just today seen and read your letter where, at least, there are the glimmerings of understanding for what you have done.

[43] I also need to protect the community from you. And in my judgment, the community does need that protection.

[44] All that said, Mr Cook, I need to help in your rehabilitation, to get you better, and in your reintegration back into the community, as this is something that one day, no doubt for you, hopefully will occur. To be blunt, I need to be sure that there will be help so you learn not to behave like this and when you get out of prison, you do not do it again. Is that clear? [Yes].



## **Personal circumstances**

[45] As for personal circumstances, you are now aged 27. You are a Samoan man. You have limited previous convictions. There are proved charges against you in the Youth Court—including aggravated robbery and assault with intent to rob. There is also a conviction, as an adult, for assault with intent to injure and three breaches of community detention.

[46] I want to turn now to the minimum period of imprisonment.

## **Life imprisonment**

[47] As you will know, Mr Cook, everyone who commits murder must get imprisonment for life unless, in the circumstances of the offence, such a sentence would be manifestly unjust—that is completely unfair.<sup>4</sup> Your lawyer accepts this is not the case here.<sup>5</sup> And I agree. Life imprisonment must apply.

[48] In sentencing you to life imprisonment, the minimum term may not be less than 10 years; and it must be the minimum term necessary to hold you to account, to denounce your conduct, to deter you and other persons from committing similar offences and to protect the community from you.

### *17-year minimum period of imprisonment not justified*

[49] You know in certain circumstances, Mr Cook, the law would require I impose a minimum period of imprisonment of at least 17 years unless it would be manifestly unjust to do so.<sup>6</sup>

[50] Here, the Crown's view is that bad and brutal and callous as your offending was, and even given the vulnerability of Mr Manu as a 60-year-old man, these factors were *not* present to such a high and sufficient degree that the 17-year minimum period

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<sup>4</sup> Sentencing Act 2002, s 102.

<sup>5</sup> I record that Ms Allen, in her submissions, noted that she had attempted to obtain a psychologist's report in order to argue that the 10-year minimum period would be manifestly unjust. Mr Cook did not engage in that process. No report is available. It was accepted that the sentencing should proceed today.

<sup>6</sup> Sentencing Act 2002, s 104(1).

of imprisonment is required. That is the Crown's view. I accept it, and I proceed on that basis.

*What is the minimum period of imprisonment?*

[51] The real issue in your sentencing is fixing the minimum term of imprisonment; that is how much more than the minimum of 10 years is required?<sup>7</sup>

[52] It is not seriously disputed, and indeed Ms Allen accepts this, that the following very bad features—the law talks about aggravating features—but it means these very bad features in your offending are present:

- (a) There was an attack to the head—you punched Mr Manu three times and then stomped hard down, sometimes on his head and body approximately 10 times.
- (b) There was the vulnerability of the victim—Mr Manu was vulnerable given his age. He was 60 years old, you were then 25 years old. He was unconscious at the time you stomped on his head and body and he was unable to defend himself.
- (c) All this amounts to extreme violence given the number of punches and stomps and the fact it continued after Mr Manu was unconscious. His injuries were gravely serious.

[53] Realistically, Mr Cook, there are no mitigating features of your offending—that is things that make it not so bad.

[54] The Crown in their written submissions referred to two cases.<sup>8</sup> I will not go through them today because Ms Allen will have explained them to you. I will include them in the sentencing notes. I accept that your offending is broadly like what happened in those two cases. The Crown accepts, as I do, that it is probably slightly

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<sup>7</sup> Note the four purposes set out in the Sentencing Act, s 103.

<sup>8</sup> *R v Poihipi* [2019] NZHC 3048; and *R v Rangiwahiao* [2012] NZHC 1751.

less serious than in each of those cases where a minimum period of 12 years' imprisonment was imposed.

[55] In the first of the two cases, the offender and the victim had been in an on and off again relationship. She was quite young and was seven weeks pregnant at the time. That attack was more sustained, it took longer, and it was more focussed than yours.

[56] In the second case, the Crown accepts the offending was, overall, more serious, given a small element of premeditation and the fact that the offender there repeatedly sought the victim out to continue the assault.

[57] Taking all the bad features of your attack on Mr Manu, the Crown submits a minimum period of imprisonment between 10 and 11 years is appropriate as a starting point.

[58] Ms Allen, in her very responsible submissions, does not dispute that but argues, as strongly as she can, for the minimum period of 10 years. I do not accept her submission. In my view, the lowest minimum period of imprisonment is 11 years.

### **Uplift for the two assault charges**

[59] I now have to look at the "add-on" as you have called it with your lawyer, as I understand it, for the two other assaults.

[60] The more serious of those by far is causing grievous bodily harm to Mr Wawatai with the intention of injuring him. The bad features of that offending, again, involve attacks to the head; the vulnerability of Mr Wawatai when he was on the ground and unable to defend himself; and the harm you caused with two serious cuts.

[61] If those two offences were alone, the starting point would have been at least four years' imprisonment. The Crown submits that the appropriate uplift or add-on, taking into account the totality of all that you did, would be two further years of imprisonment. I agree with that. So does your lawyer, Ms Allen.

[62] That leaves a total starting point of 13 years' imprisonment.

### **Further uplift for previous convictions?**

[63] I have given some thought, Mr Cook, as to whether I should add more on for your previous adult court conviction in 2019. And sometimes that happens. And it would mean that your starting point would be even longer. But here, the Crown's view is that no "add-on" or uplift is necessary or required given what will inevitably be your long prison sentence, and that you have a relatively short list of previous convictions. I accept that submission. But Mr Cook, I certainly cannot accept that you are entitled to any reduction for good character.

[64] So, the starting point is 13 years' imprisonment.

[65] I now need to conclude by saying what the law sets out as the reasons why I should reduce that starting point.

### **Mitigating factors in reduction of sentence**

#### *Guilty plea*

[66] First, your guilty plea. A firm trial fixture was scheduled for 17 February 2025—just a few months ago. You asked for a sentencing indication 8 January this year, scheduled for 12 February 2025. On that date, having thought about it, I decided not to give you a sentencing indication. All relevant submissions were before the Court. There was ample evidence upon which you could decide to plead guilty, knowing what the Crown position would be. And it is the same position today.

[67] Although your guilty plea was late, I agree that a one-year reduction is appropriate in all these circumstances. Both the Crown and Ms Allen have said the same thing about that, and I agree.

#### *Remorse*

[68] I want to look at remorse—that is you being sorry.

[69] Your guilty plea certainly shows you have some remorse and sorrow for what took place.

[70] Here, the sad and profoundly concerning reality is that you tell me you do not even remember what you did—let alone why. You only have the CCTV footage to remind you.

[71] In your pre-sentence report, you said your behaviour was “stupid and immature”; you said your offending would have left the victims and their families “heartbroken and scared”. In your letter today, you said “when I look how I acted, I think ‘what an idiot’. I want to say ‘I’m sorry.’ Billy’s family would be feeling a lot of feelings. Angry at what I did. Upset because Billy is not here”.

[72] I am glad that you are beginning to understand how bad what you did was. I understand you were willing to undergo a restorative justice process, but nothing came of that as none of the victims could be contacted.

[73] So, while I accept you are beginning to show remorse (even as recently as yesterday), as I assess your attitude, your remorse, while apparently genuine, is not at the level where it should justify a credit over and above what is already recognised in the reduction for your guilty plea. So, I am not going to give you less for remorse.

#### *Personal circumstances*

[74] I turn to your personal circumstances which do concern me. This information comes from your pre-sentence report and a long and descriptive letter from your mother, and her current long-term partner, whose names I suppress. Your mother clearly cares deeply for you. She confirms most of what you have reported to your pre-sentence report writer.

[75] I want to go through your background.

[76] You are one of 11 children. You are one of six brothers with the same mother and father. At age five or six, you report you were taken into state care by what is now known as Oranga Tamariki. Until then, it seems you were brought up in what seems to have been a violent household. Your mother reported domestic violence, family violence in the home that you would have witnessed.

[77] You were moved between many “foster-care” homes. You say at some of them you experienced physical and psychological abuse. You say once you even asked for help, and when news of that got out, you were assaulted and eventually you stopped asking. You were separated from your brothers, and you were placed individually (which you need to know is now against the principles in the Oranga Tamariki Act that children should be kept with their brothers and sisters).<sup>9</sup> You attempted several times to run away and return to your mother, but each time you were caught and taken back to your foster home. You report only one positive placement, for 10 months, up north in Mangōnui, but that was not permanent.

[78] You were “expelled” from school, as you put it, in year 9. You then could not complete the correspondence courses you started. You were introduced to alcohol and cannabis by your mates at age 15. You spent time in CYFS boys’ homes and youth justice facilities.

[79] You lost contact with your father while you were in care. Your mother remains your only source of support although you remain close to your brothers. You lived for a time with your mother, although you say you could not cope with her new relationship and you drifted into street living, which is where you met the two other victims.

[80] You are not currently in any intimate relationship. You have no children. And at the time of this incident, you were mainly living on the streets in South Auckland.

[81] And I see, one day Mr Cook, you have hopes of pursuing your interests in carpentry and mechanics.

[82] Ms Allen says your background should be considered carefully. And I do. While she did not put it this way, it is often said that “hurt people hurt others”. Those who have been victims of abuse sometimes victimise others. But I want you to listen carefully to this, Mr Cook: your abuse in some family home placements *may* help

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<sup>9</sup> See Oranga Tamariki Act 1989, s 13(2)(i)(iii)(D), which provides “where practicable, a child or young person should be placed with the child’s or young person’s siblings.”

explain your violent reactions and unprovoked anger. But that does not seem to be the main cause of what happened on this night.

[83] Your background may help explain your behaviour, but it certainly does not excuse it or remotely justify it.

[84] Your mother must be right when she realistically says you need a lot of healing and help to address your trauma. And your mother, herself, cries out for her own help and for in-depth joint counselling for you both. And I see, Mr Cook, that you have already completed a short four-day course on alcohol and drug counselling. That is the start of a very long road in front of you.

[85] You are now 27 years old. I do not have any psychological report to support a reduction for youth. I am not prepared to make any allowance for youth and, in any case, you are at the outside edge of consideration of youth as a mitigating factor.

[86] But I need to make some deduction for your sad, unstable and chaotic background punctuated as it was, so it seems, with times of physical abuse. I am prepared to reduce your sentence for that reason by a further one-and-a-half years—but no more given the context of your offending.

[87] In so doing, I accept it has at least indirectly contributed to your offending. I record that Mr Kefu, for the Crown, helpfully accepted that a reduction of 10 to 15 per cent for your terribly sad background would be appropriate. I allow a one-and-a-half year reduction.

## **Result**

[88] So, the 13-year starting point that I talked about, is reduced by two-and-a-half years so that your minimum period of imprisonment is 10-and-a-half years.

## **Conclusion**

[89] Now, Mr Cook, you may stand please.

[90] On the charge of murder, I sentence you to life imprisonment. The minimum period of imprisonment will be 10-and-a-half years.

[91] On the two assault charges, I sentence you to two years on the more serious charge and one year on the other charge. They will be served at the same time.

[92] You may stand down.

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**Becroft J**