

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

**I TE KŌTI MATUA O AOTEAROA
TE WAIHARAKEKE ROHE**

**CRI-2024-006-1138
[2025] NZHC 1480**

THE KING

v

PAUL THOMAS ARMON

Hearing: 5 June 2025

Appearances: M A O'Donoghue and S K O'Donoghue for Crown
R A Harrison and J Murdoch for Defendant

Judgment: 5 June 2025

SENTENCING NOTES OF GRICE J

[1] Mr Armon, you appear for sentence today for murdering your mother, Jennifer Sheehan, on 22 November 2024. You pleaded guilty on 4 April 2025.

[2] I have read the written submissions of your counsel and the Crown, the summary of facts, the three psychological and psychiatric reports that I have before me and the probation report. Your counsel has also given me a copy of your letter to the Court.¹

¹ The Judge indicated to Mr Armon that he would receive the sentencing notes after the hearing. They would be proofed for grammar and flow and footnotes would be added.

Factual background

[3] I base the sentence which I impose on the agreed summary of facts, to which you have pleaded guilty, and I refer to those facts now.

[4] On the evening of 22 November 2024, a Friday night, you were at your mother's house having dinner with her. After dinner, which I understand you had purchased, an argument started between the two of you about your previous relationships and lifestyle. Your mother's comments made you angry. While your mother was in the kitchen, you went into the laundry and retrieved a large crowbar which you had been using earlier in the day.

[5] As your mother was walking away from you, you raised the crowbar above your head with both hands and struck her on the top of the head with it, causing a large laceration to the back of her head. She fell to the ground and landed face up on her back. She was still conscious and looking up at you. Your 78-year-old mother covered her face with her hands defensively and uttered a word when you hit her on the head with the crowbar for the second time. This fractured bones in her hand and caused further bruises and lacerations.

[6] When you realised your mother was still alive, you took a carving knife from a container on the bench and stabbed her four times to the left side of her chest, penetrating her heart and left lung. You stood over her and watched as she stopped breathing. You then grabbed her by the ankles and dragged her body into the bathroom so that she could not be seen by passers-by. After smoking a cigarette outside, you attempted to clean up the blood in the kitchen. You placed the bloodied kitchen knife in the sink and the crowbar under a bed, before leaving.

[7] On the morning of the following Monday 25 November, you voluntarily presented at Blenheim police station and confessed that you had killed your mother in her home on Friday evening. You informed police of the location of the body, as well as the weapons you had used. The police discovered your mother dead on the bathroom floor at her address that morning. A postmortem examination confirmed the cause of her death was the stab wounds to the chest.

[8] In your explanation to the police, you said your mother had started swearing at you and calling you names, which triggered you. You said you had quickly become angry and “totally lost the plot” prior to attacking her.

[9] The police consulted with family members of the deceased, who had declined the invitation to provide victim impact statements today. However, your actions have undoubtedly had a profound and permanent effect on the lives of your family members. Of course, the ultimate harm has been done to your mother, who lost her life.

[10] I acknowledge the other victims who are not here today, but who will no doubt be thinking about what is going on today.

Sentencing reports

[11] I have read as I said, the pre-sentence report prepared by the probation officer, and the psychiatric reports of Dr Nuth as well as the psychological reports.

[12] You were 55 years old (at the time of offending). As a child, you describe having a “stable and happy” homelife with your mother, father and brother. You say you were close to your mother, and your mother and father separated when you were in your thirties. Since then, your father has passed away.

[13] The report notes that underlying and untreated past trauma and unhealthy relationships were relevant factors in your upbringing and in this offending. You were born with a cleft palate on which you had multiple surgeries to address that problem throughout your childhood. You say you were bullied by your peers for your physical appearance and describe yourself as “an outcast”. This gave rise to some mental health difficulties which went largely untreated.

[14] As a teenager, you turned to alcohol, drugs, and crime as a way to deal with your mental health struggles. This behaviour continued into your twenties and caused a strain on your relationship with your mother. You say your mother stood by you, but she was also emotionally abusive towards you.

[15] You described turning your life around at 29, entering into a long-term relationship and having two children. That relationship ended when you lapsed back into drug use following the Christchurch earthquakes. You said that despite the changes you had brought about in your life, your mother's attitude and perspective towards you never improved. She would regularly bring up your past and frequently make direct insults. She criticised you and made hurtful comments towards you, apparently unprompted. Usually, you would deal with that by just walking away from the situation.

[16] You moved back to Blenheim a few years ago at your mother's request to support her in her old age. You opted not to live at her house because you were concerned about her behaviour, which you described as "controlling". Nevertheless, you said you loved your mother and wanted to be a good son to her. Every Friday evening you would buy takeaways for dinner and would eat and watch television with her. You said on the night in question, your mother started "having a go" at you for no reason, which caused you to "snap". You speculated her more frequent hostilities towards you in her old age could have been possible due to the onset of Alzheimer's or similar, but I understand that no such illness was confirmed.

[17] The psychiatric report comments that while your actions seemingly came out of nowhere and appeared out of character, they emanated from your lifelong feelings of resentment and inadequacy. Dr Nuth said that while you have experienced low mood and despondency throughout your life, your actions were taken in the context of anger due to a sense of feeling belittled and were not made in response to a mental health condition. He considered your explanation that the offending was not premeditated, and that you moved your mother's body out of sight so as not to upset neighbouring children, was plausible based on your history.

[18] The pre-sentence report writer said it was clear you were still coming to terms with what you had done and grieving the loss of your mother. You had appeared incredulous as to your own behaviour. The report notes you demonstrated remorse, and took full responsibility for your actions, making no attempt to deflect, justify, or excuse what you had done. The psychiatric report records that you expressed considerable regret in relation to your actions and acknowledged that your actions

were not justified. It also notes that you have written long letters of apology to your family and the Court. I have been supplied with a letter from you setting out the remorse you feel for your actions and saying you have written to family members to express how sorry you are. That includes your brother and your children. That the letters have been sent to the family is confirmed by Mr Harrison today.

[19] You acknowledge how your mother stood by you when you had a number of operations when you were young. Later, when you were getting into trouble, she had stood by you, as she did in your 20s. You said she was always there for you. You settled down and raised a family. You say you need help and guidance mentally to deal with anger management and with understanding why you did it. You wish every day that you walked away from the argument, as you had many times before, and you seek your family's forgiveness and leniency from the Court.

[20] While you have historically appeared before the court, this was primarily for dishonesty offending and non-compliance in your teens and twenties. That criminal history has no real bearing on the sentencing today.

Is the presumption of life imprisonment displaced?

[21] So now I turn to consider the sentence. As you have been convicted of murder, under the Sentencing Act 2002 I must sentence you to life imprisonment unless I consider it would be manifestly unjust to do so.²

[22] Your lawyer, Mr Harrison, says that provocation is a relevant factor in this case, given that the offending occurred after your mother had made demeaning comments about you and given the background. There is no longer a defence of provocation under the Crimes Act 1961, as he acknowledged. However, Mr Harrison submits that the surrounding circumstances which led up to the offending, including your mother's longstanding critical attitude towards you and the fact you had moved to Blenheim to care for her, mean that a sentence of life imprisonment would be manifestly unjust. He points to Dr Barry-Walsh's comments that you felt belittled, demeaned and criticised, and this contributed to your actions at the time of the offending.

² Sentencing Act 2002, s 102.

Dr Barry-Walsh comments that, should you be convicted, those matters may be relevant to sentencing. He gave that as a preliminary opinion. However, in the previous paragraph Dr Barry-Walsh had said he could find “no suggestion of suffering from a psychiatric illness at the time of the offending” and that he could find “no nexus between mental illness and the alleged offending that might be relevant to questions such as intent or culpability”. And there was no suggestion that you were intoxicated or drugged up at the time of the incident.

[23] The Court of Appeal has confirmed that a sentence of life imprisonment for murder is unlikely to be manifestly unjust barring exceptional circumstances, as noted in *R v Rapira*.³ I am not satisfied that any such circumstances exist here.

[24] The fact that your actions occurred in the context of a sudden rage may reduce your culpability compared to, for instance, if the offending was premeditated.⁴ I accept your counsel’s submission that it was not. However, this must be considered in the context of the aggravating features of your offending. Furthermore, as you have acknowledged, your actions were plainly unjustified. Your mother’s behaviour to you was far below the level of provocation required to displace the presumption of a sentence of life imprisonment. I refer to the Court of Appeal’s decision of *Dickey v R* in making that comment.⁵

[25] Under s 103(1) of the Act, I must either order that you serve a minimum period of imprisonment which is set to achieve the principles enumerated in s 103(2), or if not satisfied that no minimum term of imprisonment would be sufficient to satisfy those purposes, then I must order that you serve the sentence without parole. I do not consider, nor is it suggested here, that a fixed minimum period of imprisonment is insufficient.

[26] Therefore, the central issue here is the minimum term of imprisonment that should be imposed.

³ *R v Rapira* [2003] 3 NZLR 794 (CA) at [121].

⁴ *Hamidzadeh v R* [2012] NZCA 550, [2013] 1 NZLR 369 at [60].

⁵ See also *Hamidzadeh*, above n 4, at [62]. *Dickey v R* [2023] NZCA 2, [2023] 2 NZLR 405 at [52], where the Court of Appeal noted that the presumption of life imprisonment has seldom been departed from.

Is s 104 of the Sentencing Act engaged?

[27] In any case where a sentence of life imprisonment is imposed, the Court must impose a minimum period of at least 10 years imprisonment.⁶ The minimum period must serve the purposes set out in s 103(2) and that is to:

- (a) hold you accountable for the harm done to the victim and the community by the offending;
- (b) to denounce your conduct;
- (c) deter you or others from committing the same or a similar offences; and
- (d) protect the community.

[28] Section 104 of the Sentencing Act specifies a number of circumstances which, if present, require me to impose a minimum period of at least 17 years imprisonment, unless it would be manifestly unjust to do so. There are various circumstances specified in s 104. In relation to each individual circumstance it must meet the threshold specified. They are not to be assessed cumulatively.⁷ The relevant circumstance must be present to a level that is “a clear margin” above the extent to which such circumstances would ordinarily apply in the course of a murder.⁸

[29] The Crown submits that two of the specified circumstances apply in this case. First, the Crown says that the murder was committed with a high level of callousness.⁹ Secondly, it says that the deceased was particularly vulnerable as she was a 78-year-old woman.¹⁰ Each of those factors require the Court to make an evaluative judgement to determine whether the particular circumstance applies here.¹¹

[30] Mr Harrison submits that s 104 is not engaged. He says the offending did not rise to the high level of callousness required to meet the threshold in s 104(1)(e),

⁶ Sentencing Act, s 103(1) and (2).

⁷ *Marong v R* [2020] NZCA 179 at [27].

⁸ At [28].

⁹ Section 104(1)(e).

¹⁰ Section 104(1)(g).

¹¹ *R v Gottermeyer* [2014] NZCA 205 at [77].

beyond that which would normally apply in the context of a murder. In addition, he contends any vulnerability of the victim must be weighed against the provocation that precipitated the offending.

Section 104(1)(e): high level of callousness

[31] I turn to consider the level of callousness. Clearly, all murders are to some degree brutal, cruel, depraved, or callous. I have to find that this factor is present to a “high level” in order for s 104(1)(e) to be engaged.

[32] There are several factors of this offending that demonstrate a degree of callousness. You attacked your elderly mother, taking her by surprise, striking her to the head with a crowbar and striking her again as she lay on the ground defenceless. You then stabbed her four times in the chest. Rather than seeking medical help or calling an ambulance, you stood over her and watched as she took her last breath. You then dragged her into the bathroom to conceal her body, and left her there over the weekend until the following Monday morning.

[33] The Crown refers to the comparable case of *Blake v R*, which I accept has several similarities to your offending.¹² In that case, Mr Blake pleaded guilty to murdering his 71-year-old mother in her home following an argument that had taken place. He and his mother had a strained relationship, and he claimed that she had been blackmailing him. Mr Blake struck his mother across the mouth with the back of his hand and delivered at least three forceful blows to her head, on at least one occasion using a blunt object. She fell to the floor as a result, and suffered a broken nose and extensive bruising. While his mother was lying on the floor, Mr Blake used a large kitchen knife to stab her three times — once in the throat and once in each eye. None of the wounds were immediately life-threatening, however Mr Blake’s mother died because her airways were obstructed.

[34] The Court of Appeal in *Blake v R* agreed with the sentencing Judge’s conclusion that the brutality and callousness of the crime was sufficient to engage

¹² *Blake v R* [2016] NZCA 82.

s 104.¹³ The Court described the offending as a brutal crime because it was an attack on a defenceless woman in her home with the use of a weapon. It found the stabbing of the eyes and the neck were important in bringing it into the category of s 104. These were gratuitous acts that exhibited a callous intention to mutilate and disfigure. The Court also took into account Mr Blake's actions following the offending. He made comments that his mother "deserved everything she got" and it had "felt good" to smack her. Nevertheless as recorded in the judgment, Mr Blake expressed remorse later.

[35] The comparison between the levels of callousness involved in various murders is an exercise in which the Court must engage in order to distinguish between different murders depending on the level of callousness. This is to ensure that sentencing is carried out consistently across similar offending.¹⁴ The focus must be on the manner in which the murder was actually committed. As Mr Harrison notes, your offending did not involve any specific element of disfigurement as did *Blake v R*. You also expressed remorse following the offending. However, your retrieval and use of a large crowbar did significant damage. You then went on to stab her, by going and getting a knife and returning to stab her four times in the chest. This was while your mother was utterly defenceless lying on her back and looking at you. This was to ensure she was dead. This has considerable similarities to *Blake v R*. However, there the defendant did not use two weapons. He hit his mother and she fell to the floor apparently unconscious. In this case you not only got a crowbar to inflict the first wounds, but you then got a knife to stab her when she was lying on the floor and apparently conscious. At some stage your mother uttered an expletive showing her shock.

[36] The Court of Appeal in *Blake v R* noted that the defendant's mother was stabbed in the eyes and the face three times. There was a suggestion she was not conscious at that time. However as I have mentioned in this case, you consciously got a crowbar to do the first amount of damage and then you went and got a knife to stab your mother as she lay on the floor and you then stabbed her four times. In my view, the cases are very comparable.

¹³ At [17].

¹⁴ *Gottermeyer*, above n 11, at [79(d)].

[37] I am satisfied that your offending meets the threshold of a high level of callousness under s 104(1)(e), although I do acknowledge that it falls towards the lower end of that category.

Section 104(1)(g): particular vulnerability of the victim

[38] I now turn to look at vulnerability. Again, the threshold for finding that a victim was particularly vulnerable in terms of s 104(1)(g) is high.¹⁵

[39] The Crown submits that your mother's age and sex created a clear imbalance. You were a 55-year-old healthy male.

[40] Mr Harrison refers to the case of *Van Hemert v R*, in which Mr Van Hemert pleaded guilty to murder after killing a woman whilst experiencing a severe psychotic episode.¹⁶ The Supreme Court there noted that the vulnerability of the victim in that case had to be considered in light of Mr Van Hemert's psychotic state, which meant he was not in a position to take advantage of the victim's vulnerability.¹⁷ Mr Harrison says similarly here I must look at the offending through the lens of your mother's actions in precipitating your offending, to assess her vulnerability. He says that this is not a situation where you put her in a vulnerable position or sought to deliberately take advantage of that vulnerability. However, this submission overlooks the fact that you went and retrieved a crowbar first and then paused and then went to get knife while still standing above your mother who was prone on the floor. I do not consider that this is a case where anger lessens vulnerability.

[41] Your case is not in the same category as that of Mr Van Hemert. He was suffering from significant cognitive impairment as a result of a psychotic episode at the time of his offending. As noted above, there can be no question that your actions in response to the hurtful comments were unjustified.

[42] I have already referred to the psychiatric and psychological reports which confirm that you do not suffer from any psychosis or mental health issues. Nor are

¹⁵ *Phillips v R* [2023] NZCA 588 at [19].

¹⁶ *Van Hemert v R* [2023] NZSC 116, [2023] 1 NZLR 412.

¹⁷ At [69].

alcohol or drugs involved. While there was background of being bullied at school and having a difficult relationship with your mother, she stood by you. The relationship with her does not affect her vulnerability.

[43] In the case of *Jury v R*, the victim was particularly vulnerable, because he was 69 years old, and significantly smaller than the offender.¹⁸ The Court of Appeal there also considered it significant that the victim was on the ground and unable to fend for himself for a large portion of the assault, just as here.¹⁹

[44] I am satisfied that your mother was particularly vulnerable, such that s 104(1)(g) is engaged. She was an elderly woman of 78 years of age and apparently failing. You had moved back to Blenheim especially to take care of her in those failing years. You were her son, and she should have been able to trust you. She was incapable of defending herself against your attacks, which involved the use of two different weapons. She was in her own home. You continued to attack her even once she was lying on the ground, following the initial blow you delivered to her head.

[45] There can be no doubt that she was vulnerable. Thus, on the basis of both the callousness of the murder and vulnerability of the victim, s 104 is engaged and there is a presumption that a minimum period of 17 years' imprisonment be applied.

Would a minimum period of 17 years be manifestly unjust?

[46] Having considered the principles of sentencing and found that s 104 applies by consideration of comparator cases, I must now consider whether nevertheless it would be manifestly unjust to impose a minimum period of 17 years' imprisonment.

¹⁸ *Jury v R* [2024] NZCA 320 at [119].

¹⁹ At [120].

This methodology follows that approved by the Court of Appeal in *Frost v R*.²⁰

[47] The Court of Appeal in *R v Williams* said that a sentence:

...will be manifestly unjust where the Judge decides as a matter of overall impression that the case falls outside the scope of the legislative policy that murders with specified features are sufficiently serious to justify at least that term. That conclusion can be reached only if the circumstances of the offence and the offender are such that the case does not fall within the band of culpability of a qualifying murder. In that sense they will be exceptional but such cases need not be rare.

[48] Turning to your circumstances, in my view, there are no relevant personal mitigating factors present which displace the presumption of 17 years' minimum imprisonment.

[49] I acknowledge your counsel's submissions about the lack of recent previous offending. However, personal factors are much less important in murder cases. Nevertheless, I accept Mr Harrison's submission on your behalf in relation to the early entry of a guilty plea. That is a relevant factor to be taken into account in determining whether a minimum period of 17 years would be manifestly unjust.²¹ The discount applied for a guilty plea will usually be less where the statutory presumption of 17 years applies compared with ordinary cases. The Courts have noted that the minimum period is only to be departed from where there would otherwise be a clear injustice.²² Generally, a discount will be in the range of one or two years.²³

[50] I accept that you entered the plea at the earliest opportunity, following confirmation that there were no mental health issues involved. It was you who first

²⁰ See *Frost v R* [2023] NZCA 294 at [33]–[36], where the Court of Appeal discussed the methodology for murder sentencing set out in *R v Williams* [2005] 2 NZLR 506 (CA) and *Davis v R* [2019] NZCA 40, [2019] 3 NZLR 43 at [9]. When s 104 was first introduced, it was necessary to compare cases of a similar degree of seriousness to the index offending that had been decided prior to the implementation of s 104, and therefore would have been likely to attract less than the new 17-year minimum period. However the Court in *Frost* noted that given the significant body of cases that have since emerged in relation to s 104, it is no longer strictly necessary for the appropriate minimum period to be assessed separately from the consideration of whether s 104 applied, provided the relevant comparator case(s) and sentencing principles are addressed.

²¹ *Williams*, above n 20, at [72]; and *Frost*, above n 20, at [42].

²² *Williams*, above n 20, at [73]. If the minimum period of 17 years would itself incorporate “a real element of discount” reflecting the guilty plea, a further discount departing from that term will not be appropriate.

²³ *Frost*, above n 20, at [43].

approached the police and confessed to killing your mother, informing them where to find her body and the location of the weapons. That was also the case in *Blake v R*.

[51] I acknowledge that the case against you if you progressed to trial, would have been overwhelming. Nevertheless, you prevented your family from having to go through further trauma by reliving these events during trial, and the State has been spared from the costs associated with such trial which is relevant.²⁴

[52] The Crown submits that a limited discount could be applied to reflect your guilty plea. I am not satisfied that in line with other similar cases, the 17 year minimum period adequately reflects a credit that ought to be given to you for your guilty plea. In *Blake v R*, which I noted earlier has a number of similarities to this case, a one year discount was upheld on appeal. That was taken off the minimum period, to reflect Mr Blake's guilty plea. Mr Blake was reported to be remorseful, although as I said, initially he expressed some satisfaction with what he had done. Similarly, you have expressed regret and remorse, and Mr Harrison points out that it was you who went to the police station after the weekend.

[53] In the particular circumstances of this case, I consider a two year discount is appropriate to take into account the guilty plea, which reflects remorse. While as I have said, there are considerable similarities between your case and *Blake v R*, there also are some differences. The Court must stand back and consider the sentence as a whole, in the circumstances. On that basis I consider a two year discount is justified. This is also consistent with taking into account the principles and purposes of sentencing, particularly the purposes of accountability, denouncement and deterrence, as well as protection of the community, given the circumstances of the offending which are engaged.²⁵

[54] Therefore, I accept Mr Harrison's submissions on those points. In my view the minimum period of 17 years does not incorporate "a real element of discount" reflecting a guilty plea and imposing a minimum period of 17 years imprisonment

²⁴ *Hessell v R* [2010] NZSC 135, [2011] 1 NZLR 607 at [45].

²⁵ Sentencing Act, ss 7 and 8.

would be manifestly unjust in the circumstances.²⁶ I consider the two year discount is appropriate and would also be in line with the discount awarded in *R v Frost*. While the circumstances of that case, involving a double murder, differed to this one, there was a guilty plea following a mental health reports as here. A two year discount was considered appropriate by the Court of Appeal there.²⁷

Sentence

[55] Mr Armon, would you please stand.

[56] Mr Armon on the charge of murder, you are sentenced to life imprisonment. You must serve a minimum period of 15 years' imprisonment before being eligible to apply for parole.

Grice J

Solicitors:
O'Donoghue Webber, Nelson for Crown

²⁶ *Williams*, above n 20, at [23].

²⁷ *Frost*, above n 20, at [95].