NOTE: PUBLICATION OF NAME(S), ADDRESS(ES) OR IDENTIFYING PARTICULARS OF DEFENDANT PROHIBITED BY S 200 OF THE CRIMINAL PROCEDURE ACT 2011. SEE http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360347.html.

IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY

I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE

CRI-2024-212-68
[2025] NZHC 1894

THE KING

V

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Hearing:	11 July 2025
Appearances:	R D Smith for Crown A Stevens KC and D L Henderson for Defendant
Judgment:	11 July 2025

ORAL SENTENCING REMARKS OF OSBORNE J

This is an anonymised version of the judgment for publication

Introduction

[1] [Defendant], you appear at a sentencing hearing today, after a jury found you guilty of manslaughter in relation to the death of Enere Taana-McLaren.

[2] As you are aware, there are essentially three matters that I need to address this morning. First, whether you should be convicted at all—you have instead applied for an order that you be discharged without conviction. Secondly, if you are to be

convicted and sentenced, whether your sentence should be one of imprisonment or of home detention, and for what period. And thirdly, whether there should be a permanent order suppressing your name.

[3] Because of the time it will take me to explain my decision on these various matters, I have decided to tell you right at the start what I have decided. It is this. I will be convicting you and I will be sentencing you. The sentence I will be imposing will be one of imprisonment.

[4] I will now explain why I have come to that decision and exactly what the order will be.

The structure of my judgment

[5] I am first going to summarise the facts relating to your offending and the impact on your victims. I am then going to assess what an appropriate sentence should be, having regard first to the nature of your offending and secondly, to personal circumstances relating to you. In that way I will reach an end sentence of imprisonment. I will then explain why I have decided not to discharge you without conviction and why I am not ordering home detention instead of imprisonment.

[6] Finally, I will come to my decision on your suppression application.

Facts

[7] I am now going to identify the facts relating to the incident in which you killed Enere. The basic facts are outlined in a summary of facts which you have accepted. More detail was provided by the extensive video footage and other evidence which was presented at your trial. To the extent that any issues arise between the Crown and you as to what happened, I will be making my findings as effectively the 13th juror.

[8] On 23 May 2024 you were 13 years old. Enere was 16 years old. There was also a significant difference between the two of you physically as Enere was some 15 centimetres taller and 12 kilograms heavier.

[9] You had taken a bus from home to travel to South Dunedin, with a need to change buses at the bus hub on Great King Street in Dunedin Central.

[10] You were carrying a black shoulder bag slung behind you. In the bag you had a knife approximately 30 centimetres in all in length, including a blade of some 20 centimetres.

[11] As your bus pulled into the depot, you had on a white head covering, referred to as a "Shiesty" and you had pulled up your socks. Enere, with an acquaintance, was standing at a bus shelter which you passed on your way to your next bus. You did not take any notice of Enere as you walked past him. Enere called out to you words to the effect "Pull your socks down bitch boy". You glanced down at your socks, carried on walking, and flipped your middle finger towards Enere. Enere then called out to you words to the effect "You sackless cunt, I'll smash you over" ("sackless" was an expression you explained that you understood as meaning "cowering" or "running away").

[12] With that, you turned and walked back a number of steps towards Enere, covering half the distance between you. You then called out to Enere, asking him what his problem with you was.

[13] At that point Enere dropped his schoolbag from his shoulders and started walking towards you.

[14] You initially took a few steps backwards. Enere was at that time flexing his hands and stamping his feet, saying words to the effect "Wanna fight? Wanna fight?"

[15] You yourself moved back towards Enere, gesturing. You pulled your shoulder bag round to the front and had your hand on the bag. Enere asked what was in the bag and you said to Enere "I have a knife". Enere said words to you to the effect "Get it out, get it out, you won't use it". At that point you got the knife out of the bag so that it became visible.

[16] It's at this point in the incident that there is a significant difference in the positions adopted by Mr Smith for the Crown and Mrs Stevens KC on your behalf. You say you acted in self-defence, fearing an imminent fist attack. The video footage clearly shows Enere moving backwards in response to you showing the knife. The suggestion on your behalf was that Enere was, by taking a step or two backwards, preparing to deliver a roundhouse kick to your head. I do not accept that construction of events.

[17] The evidence, in particular the video evidence, satisfied me beyond reasonable doubt that almost immediately after taking hold of the knife you chased Enere off the footpath onto the road and Enere retreated. His action in kicking you was an action of self-defence to stop a knife attack. You swung the knife wildly once, not connecting with Enere. You swung the knife a second time, stabbing him deeply in the abdomen. The 10–12 centimetre deep stab pierced a vein. Upon his transfer to hospital Enere underwent emergency surgery but passed away at 6.30 pm that afternoon.

Victim impact statements

[18] I have received and read carefully the 10 statements provided by members of Enere's family. As, at my direction, not all the statements were to be read in Court, you yesterday read through each of the statements in the company of Mrs Stevens and I appreciate you doing that.

[19] This morning, three of the statements were read in Court. In that way, I have heard personally from Enere's father, John McLaren; Enere's brother; Rick McLaren; and Enere's grandmother, through her daughter. The other written statements have been provided by Enere's mother, Tui Taana, and by aunts, cousins, and close whānau.

[20] I acknowledge the pain, shock and grief that all family members of the Taana and McLaren families have suffered. Enere was a young man of great promise, cherishing his family and greatly loved by you, his family. I recognise the impact that his loss has and will continue to have in your lives for the rest of your lives, and how utterly devastating it must have been on 23 May last year. I also acknowledge the very thoughtful way in which Mr Smith this morning has brought together key points of the victim impact statements we didn't necessarily hear read this morning, and I

particularly note the cultural significance for the Taana Cook Island family—the loss of a grandson and son who would have continued the line of the family in generations to come.

[21] For you [Defendant], I have to take into account the effect of your offending on these your victims and when I impose sentence, I will be doing so. At the same time, I recognise no sentence I pass today will redress the loss that you, Enere's whānau, have suffered.

Other documents and reports

[22] As counsel have referred to, I have received many documents and reports for the purposes both for trial and of this hearing. I have taken them all into account. I will refer to several in these remarks. Others I do not mention I have not overlooked but time doesn't permit me to mention them all. They will be identified in an Addendum that I add to the typed copy of these remarks.

My approach to sentencing

[23] To fix the appropriate sentence, I will first set a starting point that reflects the seriousness of your offence, [Defendant].[1] That sentence must be consistent with sentences that are imposed in similar cases. The starting point should reflect any aggravating or mitigating facts relating to the offending itself and then from that start point, I will make adjustments, either increasing or decreasing the sentence, to take into account your personal circumstances—circumstances personal to you, not your offending.

[24] Overall, the sentence I impose has to have regard to the statutory purposes and principles of sentencing.[2] You are to be held accountable for your offending and you are to be held responsible for and expected to acknowledge the harm you have caused. The sentence must be sufficient to denounce your conduct and to protect the community. I am required to impose the least restrictive outcome that is appropriate

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1 *Moses v R* [2020] NZCA 296, [2020] 3 NZLR 583.
2 Sentencing Act 2002, ss 7 and 8.

in the circumstances and I must have regard to the need for your rehabilitation, including particularly in the context of your young age.

Starting point

[25] The maximum penalty for manslaughter is life imprisonment.[3]

[26] Every case of manslaughter has to be assessed individually. In your case, I consider there were a number of factors which aggravated your offending:

(a) first, you were carrying with you the long knife you used to kill Enere. You had the knife concealed in your bag. You had it with you precisely because you could produce it;

(b) secondly, Enere was unarmed. There is nothing to suggest he was threatening your life. He could not have known until you reached into your bag that you were carrying a concealed knife. He was vulnerable; and

(c) thirdly, Enere suffered the most serious injury possible.

[27] The use of the knife and Enere's death are the aggravating features of the highest degree in this context. Other aspects of the offending are aggravating but to some extent overlapping.

[28] Counsel have referred me to a number of manslaughter cases which they suggest are similar to your case and which I should use to guide me in assessing the starting point. I have considered each of them. I will not go through the cases with you (they would take too long), but I will note them in the written record of my sentencing notes, particularly those I have considered of most assistance, at least as indicating a range of possible sentences.[4]

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3 Crimes Act 1961, s 177.

4 *Champion v R* [2024] NZCA 65 (five years six months starting point); *R v Ames* HC Rotorua CRI-2008-263-19, 31 October 2009 (eight years); *R v W* [2025] NZHC 176 (six years: adjusted down from seven to reflect self-defence); *R v Pene* [2021] NZHC 3327 (seven years); and *R v Edwardson* HC Rotorua CRI-2006-069-1101, 27 April 2007 (seven years).

[29] There are some types of matters that also lead to a lower starting point sentence. In particular, there may be provocation or excessive self-defence. Mrs Stevens, on your behalf, has pointed specifically to excessive self-defence. She has asked me to infer that the jury, in finding you guilty of manslaughter, would have accepted that you were acting in self-defence but then found that you had acted unreasonably in doing so.

[30] As effectively the 13th juror, I do not consider on the evidence that you were acting in self-defence. You chased Enere onto the street wielding and thrusting your knife. What you had was the potential for a fist fight, from which it was entirely open to you to have withdrawn. The evidence established you did not wish that day to be seen as "sackless", which explains your decision to act as you did.

[31] I do not view yours as a case of excessive self-defence. The seriousness of your offending is not reduced on that account.

[32] What I do find, particularly having regard to the psychiatric evidence of Dr Brendon Strange, your treating psychiatrist, and Dr Maxwell Panckhurst, the consultant psychiatrist, is that at the time of your offending you were an immature adolescent to whom diagnoses of ADHD and PTSD could be reliably attributed. The PTSD related directly to a robbery involving a serious assault you suffered in August 2023; an extreme bullying-type situation. It had not been the only bullying you had experienced but it was the most traumatic. Your circumstances had led you, as identified by Dr Panckhurst, to have problems with impulsivity. You were desperate to maintain a protective identity borne out of, not only your more recent experiences, but also safety and bullying issues which went right back to the time you lived in your country of birth. You had been treated in that country, it seems unsuccessfully, for a provisional diagnosis of ADHD, the treatment itself causing significant health issues and leading to the treatment being discontinued and your condition remaining untreated. That was before moving with your parents and sister to New Zealand. You arrived when you were 12 years old. You have been identified through this period as being "hypervigilant".

[33] Provocation is recognised as a matter that may lead to a lower starting point sentence.[5] What is required is that there had been serious provocation which was an operative cause of the violence you inflicted and which remained an operative cause throughout the commission of the offence.[6]

[34] I am satisfied, in relation to the circumstances of your offending, that I should bring into account the matters identified by Dr Strange and by Dr Panckhurst to reduce your starting point sentence. While these factors could be treated as factors of personal mitigation relating to health and psychological issues, they serve to explain how you came to respond on the day in the circumstances where others, not suffering from the conditions you suffered, would not have acted in the way you did.

[35] In the Court of Appeal's decision called *R v Taueki*, the Court set guidelines for sentencing in cases of serious violence.[7] The case does not apply directly to manslaughter but it can provide a useful cross-check in a manslaughter case if appropriate allowance is made for the fact that the serious violence resulted in death.[8]

[36] In your case, as counsel accept, the offending fits within what is called band 2 in *Taueki*. That band provides for a starting point of between five years' and 10 years' imprisonment.[9] With the additional factor of death resulting from your violence, and your use of a knife which you carried with you concealed to the scene, this leads me to an initial starting point sentence of seven years' imprisonment.

[37] There is then the element of provocation that I must account for. To you, who had very recently suffered violence in a bullying context, the threat of further violence at the hands of a significantly larger youth would have been especially intimidating. With the hypersensitivity you suffer, you reacted to what was clearly signalled and invited as an impending fist fight. Your reaction to it was completely unjustified in law, but the provocation for you was serious.

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5 *Hamidzadeh v R* [2012] NZCA 550, [2013] 1 NZLR 369 at [71]; and *French v R* [2023] NZCA 176 at [50]–[51].
6 *R v Taueki* [2005] NZCA 174, [2005] 3 NZLR 372 at [32].
7 Above n 6.
8 *Waipuka v R* [2013] NZCA 661 at [32].
9 *R v Taueki,* above n 6, at [34].

[38] I consider for this factor the starting point of seven years I arrived at under *Taueki* is appropriately revised down to six years and two months' imprisonment. That is, before I allow further reductions for personal mitigating factors.

Your mitigating factors

[39] I consider you are entitled to significant credit to reflect several mitigating factors.

[40] I have already identified that matters associated with your mental health were relevant. I have found it appropriate to address those by adjusting the starting point sentence.

[41] Remaining mitigating factors that apply in your case, as responsibly recognised by the Crown, include your youth, your prospects of rehabilitation, and the time you have spent on EM bail.

[42] Mrs Stevens, on your behalf, submits there should also be recognition for remorse and the likelihood of your deportation from New Zealand.

Your youth

[43] You were 13 years old at the time of your offending.

[44] The Court of Appeal has recognised, and the psychiatrist's evidence at trial further identified, that the neurological differences between young people and adults make young people more vulnerable or susceptible to negative influences and to greater impulsivity. Additionally, young people are more receptive to treatment and therefore have better prospects of rehabilitation than adult offenders. Taking those matters into account, the courts have recognised that deductions of between 10 per cent and 30 per cent are common for youth, with discounts rarely exceeding 40 per cent.[10]

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[10] *Dickey v R* [2023] NZCA 2, (2023) 34 FRNZ 555 at [86] and [175]; and *Churchward v R* [2011] NZCA 531 (2011) 25 CRNZ 446.

[45] To some extent, I have taken into account the impulsivity in your offending in relation to the offence itself. That said, I must also recognise additionally your youth and prospects of rehabilitation. Compared to many young people who come to be sentenced, you were very young, at the very start of your teenage years. As Mrs Stevens has submitted on your behalf, you have already shown in the last year, by fully embracing the therapeutic and counselling opportunities you have had, your prospects of successful rehabilitation are very high.

[46] You are appropriately entitled on my assessment to a credit of 35 per cent for your youth and prospects of rehabilitation.

Your remorse

[47] On your behalf, Mrs Stevens seeks a further credit of five per cent for remorse. You have offered to meet Enere's parents. You have offered a written apology and a gesture. For understandable reasons, Enere's parents at this time do not wish to read your apology, but I have. Your treating psychiatrist, Dr Strange, and your consultant psychiatrist, Dr Panckhurst, have both seen in you a genuine level of remorse. They are both well-qualified professionally, and through many meetings over extended periods with you, to make that assessment.

[48] That said, you chose through your trial, as Mr Smith has identified, to reject any culpability for homicide on the basis you acted in self-defence. While you were entitled to assert your innocence, it means your expressions of regret at the time involve an acknowledgement of your responsibility only for an innocent killing and not for an unlawful killing.

[49] You have given me an affidavit in which you identify what you did. You acknowledge, in light of the jury's verdict, that your decision to carry the knife was really dangerous and could lead to harm or death. That acknowledgement, combined with the psychiatrists' evidence and what I believe are genuine offers to be involved in restorative justice, persuade me by a fine margin that you have come to a point of genuine remorse. I assess a credit for that of five per cent.

Deportation

[50] Mrs Stevens submits that a further mitigating factor in relation to your sentencing lies in what she describes as the almost certain prospect that you will be deported from New Zealand at the end of your sentence. Without reference to authority, she has submitted you could receive a credit as high as 25 per cent for that prospect.

[51] The circumstances as explained to the Court are these. Your father has a right of permanent residence in New Zealand. Your mother, you and your sister do not. Under s 157 Immigration Act 2009 the Minister of Immigration may set in train a process for what would become the deportation of your mother, you and your sister. That can be done for various reasons, including "criminal offending".

[52] Mrs Stevens has provided me with a report from an immigration specialist, Paul Janssen, in relation to your liability for deportation. Mr Janssen has worked in the immigration advice industry for 22 years. He explains the discretions and the appeal rights that exist under the Immigration Act. He concludes that Immigration New Zealand will place considerable weight on any decision by this Court to convict you. He describes a decision by the Court to discharge you without conviction as being a "crucial mitigating factor in avoiding deportation". He indicates that, if there is a deportation, it will involve also your mother and sister being deported with you.

[53] While the specialist's report was filed in connection with your application for a discharge without conviction and is relevant for this purpose, I am not persuaded the likelihood of deportation identified in that report is a matter I should take into account as a credit against the length of your sentence.[11]

Calculation with mitigating circumstances

[54] From the adjusted starting point of six years and two months' imprisonment I therefore deduct 40 per cent on account of the credits I have identified. That initially results in an end sentence of three years and eight months' imprisonment.

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[11] *Singh v R* [2022] NZCA 261.

Allowance for period on EM bail

[55] The final adjustment I am required to make, as recognised by both counsel, is an adjustment for the time you have spent on EM bail. That has been for a period of approximately one year. In that time you have been under strict supervision and, as Mrs Stevens identified, in virtual isolation from young people. I consider it appropriate to give you a further credit of five months meaning your end sentence will be one of three years and three months' imprisonment.

Home detention

[56] This is not a sentence—three years and three months' imprisonment—that can be converted to home detention—you will have to serve a term of imprisonment.

Discharge without conviction

[57] You have applied for a discharge without conviction. I indicated to you at the start of these comments that I am not granting such a discharge. I will now explain why.

Legal regime

[58] Section 11(1) of the Sentencing Act 2002 requires the court to consider whether you should, having been found guilty, more appropriately be dealt with by discharging you without conviction under s 106 of that Act. To make that assessment, I was required to take three steps:[12]

(a) to assess the gravity of the offending;

(b) to identify the direct and indirect consequences of conviction; and

(c) to consider whether those consequences are "out of all proportion" to the gravity of the offending.

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12 *R v Hughes* [2008] NZCA 546, [2009] 3 NZLR 222 at [8]–[12].

[59] For the consequences of the conviction, I must have regard to risks that are "real and appreciable".[13]

[60] Once the threshold test of consequences being "out of all proportion" is established, the Court has a discretion to exercise. At that point I may consider the fact you pleaded not guilty.[14]

Gravity of the offending

[61] I assess the gravity of your offending as high. When I look at the offending itself, you had chosen in preceding months to arm yourself with a knife and to carry it in public places, knowing you could use it in the event of confrontations. The courts have long and repeatedly recognised the gravity of offending where people, including young people, have carried knives into situations and have used them. Knives are recognised by the courts as being only slightly less lethal than guns.[15] As I have found, when you took out the knife and immediately chased Enere, it was not by way of self-defence. It was an aggressive attack with a weapon against someone whose means of defence were limited in the extreme.

[62] As I have recognised, there are mitigating circumstances relating to your actions that day, which render you less culpable. But the correct assessment of your conduct overall, involving the likelihood of a very serious harm, was that it was seriously grave. On your own explanation you swung the knife wildly while chasing Enere. You explained after learning Enere had died from the stab wound that you did not know it was going to "get an artery or whatever". This reinforces for me the obvious fact you must have known you could end up stabbing Enere with the long knife you were swinging. What you were saying was you did not realise that you might "get an artery", causing death. Yours, as I say, was grave offending.

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13 *R v Taulapapa* [2018] NZCA 414 at [22].
14 *Scott v R* [2019] NZCA 261 at [88].
15 See for example *R v Waho* HC Palmerston North T 1/89, 3 November 1989; *R v Herewini* HC Rotorua CRI-2006-063-3151, 5 October 2007; and *R v Ames*, above n 4, at [26]–[27].

Direct and indirect consequences—submissions

[63] Mrs Stevens identifies a number of direct and indirect consequences she says would result from a conviction. I will discuss each of them in turn.

[64] First, she refers to Mr Janssen's conclusion that, with a conviction, there will be a significant risk you, your mother and your sister will not be allowed to remain in New Zealand and will have to return to your country of origin. In practical terms that would mean your father having to similarly return. Mrs Stevens refers to the ties that you and your family have established with this country and the employment your parents have gained in this country, in contrast to the very difficult living circumstances previously.

[65] Mrs Stevens refers to Dr Panckhurst's identification of the emotional consequences you would then bear for having caused your family to have to leave New Zealand. He describes, in the event that you have to leave New Zealand, that there would be a "profound rupture of [your] rehabilitative framework", in terms of both your mental health care and your relationships.

[66] Mrs Stevens next focused on the stigma of a manslaughter conviction, which will remain with you for your life, no matter how well you rehabilitate yourself and how much you contribute to society. Mrs Stevens points to the trouble you will have in relation to matters such as education and employment by having a conviction. She says your chances of full rehabilitation and full reintegration into society will be irreparably set back because potential employers and potential educators will not want to be associated with you.

[67] She refers to Dr Panckhurst's assessment that you present a low risk of offending. I do note the probation officer's conclusion in the pre-sentence report is slightly different, assessing you at a medium risk of reoffending.

[68] Mrs Stevens referred me to two cases involving different offending to yours—in one case the offender had been found guilty on one charge of doing an indecent act upon a child and had been sentenced to six months' community detention and

12 months' supervision. He was, on appeal, granted a discharge without conviction.[16] In the second case an adult Colombian drug trafficker without significant ties to New Zealand was denied a discharge without conviction.[17]

[69] What these cases indicate to me is that the assessment of these sort of applications is very fact-specific.

[70] In relation to cases involving manslaughter, Mrs Stevens in her written submissions, referred me to the discharge without conviction granted to the defendant in *R v X*.[18] There, a health professional working long hours for many consecutive days, tired and distracted by work, had forgotten when parking her vehicle at work that her infant was in the car. The child, left alone, died of heat stroke and dehydration. The defendant immediately made a statement to the police as to what had happened and pleaded guilty as soon as charged. Simon France J discharged the defendant without conviction. Mrs Stevens referred particularly to an observation of the Judge in which he stated that the stigma of a conviction for manslaughter of anyone, let alone one's child, should not be underestimated.[19]

[71] I see no helpful comparison between your case and the line of cases leading to *R v X*. The gravity of your offending is far removed from the lower end culpability of the defendant in *R v X*.

[72] Mrs Stevens also referred in her written submissions today to the case of *R v T*—a mother who pleaded guilty to manslaughter having caused her baby's death by leaving him unattended in the bath.[20] What caused the death in that case was the distracted mother's omission to remove a bath plug. The incident was an entirely domestic tragedy through momentary distraction on the part of a person who pleaded guilty when she was charged. I again see no helpful comparison with that case.

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16 *Datt v R* [2024] NZCA 297.
17 *Ramirez-Alfonso v R* [2025] NZSC 43.
18 *R v X* [2015] NZHC 1244.
19 At [11].
20 *R v T* [2021] NZHC 64

[73] For the Crown, Mr Smith recognises the likelihood of deportation is a significant consequence for you and your family but he has referred me to events very shortly before the 23 May 2024 incident. They indicate behaviour you had previously been exhibiting already that could impact on your family's immigration status. Indeed, on the day before the incident you sent a Snapchat message, in which you recorded taking a knife to the bus hub a week earlier, and that, (and I quote) "anyway, immigration came to see me and they told me if I fuck up once more I might get deported alone …"

[74] In relation to the need to promote your rehabilitation and reintegration, which are the focus of Mrs Stevens' reference to the stigma of a conviction, Mr Smith accepts those purposes are prominent when the Court is dealing with a youth offender such as you. But Mr Smith urges the court to also have regard to the need to hold you accountable and to denounce and deter the type of offending that you engaged in.

The direct and indirect consequences—my assessment

[75] I accept that entry of a conviction will have a significant impact for the very reasons identified by Mrs Stevens. That includes a big impact on your reintegration and rehabilitation and it will also be, but possibly to a lesser extent, that even should you remain in New Zealand following your release from prison those consequences will flow. Impacts on matters such as your education and your employment prospects are likely to be very significant at least in the short to mid-term.

[76] I also recognise in light of Mr Janssen's report the fact of conviction is very likely to impact on how the immigration authorities assess your immigration status.[21] That said, whether or not you are convicted, it will still be clear to the immigration authorities that you committed the crime of manslaughter, having not acted in self-defence as you asserted. That must carry a significant prospect of deportation whether or not a conviction is entered.

[77] I realise the discussions you were involved in before 23 May concerning the possibility that you might get deported may have involved bravado on your part, rather

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21 *Bolea v R* [2024] NZSC 46, [2024] 1 NZLR 205.

than fully reflecting actual incidents, but they tend to reinforce that you had a practice of carrying a knife in public places, while knowing the potential for deportation.

[78] I do not find the direct and indirect consequences that would flow from a conviction to be out of all proportion to the seriousness of your offending. I accept, as Mr Smith submitted, that the consequences of conviction for you are the consequences that might be anticipated to follow offending of this nature and seriousness by a person in your position. They are not out of all proportion to the gravity of the offending. And you were actually able to understand the potential immigration consequences that could flow from such activities as carrying knives.

[79] Even had I found the consequences of conviction to be out of all proportion to the seriousness of your offending, I would not have exercised my discretion to discharge you without conviction. The circumstances of your offending—your level of culpability—requires that the court holds you accountable, to denounce your conduct, and to deter you and others from offending of the nature involved in Enere's homicide. None of those purposes of sentencing would in my view be achieved by discharging you without conviction. That is particularly so when you did not acknowledge your offending by offering to plead guilty to manslaughter.

Name suppression

[80] I have read and considered detailed submissions in relation to your application that your identity be permanently suppressed. The court cannot permanently suppress your name unless satisfied that the publication would be likely to cause you extreme hardship.

[81] I have read Mr Smith's report to me on the strong objections provided by Enere's parents, Mr McLaren and Ms Taana, to the suppression of your name, and their reasons for objecting. Their views are to be taken into account as important considerations, and I have done so.[22]

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22 Victims' Rights Act 2002, s 16B.

[82] I have decided that you do meet the threshold test for suppression and that it is appropriate to grant you final suppression. I will be making that order today. My reasons for it will follow in a judgment to issue subsequently.

My final comments to you directly, [Defendant]

[83] Before I sentence you, I want to make these remarks to you. They are informed by the extensive evidence and material that I have heard and read over the last year.

[84] Your early life in your country of birth was far from easy and it appears likely you were already affected by ADHD at that point. But so are many people who do not go on to offend. Your move to New Zealand very soon resulted in an increase of bullying that you had already suffered in earlier years and it culminated in the violent assault you suffered in August 2023. It is evident that you thereafter suffered PTSD. But, again, so do many people who do not go on to offend. But these various things that were affecting you drew you into an antisocial lifestyle with other, older teenagers. You started taking those kitchen knives with you as a totally misconceived way of giving you safety and security as Dr Panckhurst has identified. I have no doubt, as the jury found, you did not go out that day with any intention of killing anyone. But on 23 May 2024, you took with you that concealed knife, you took it out when confronted by Enere, and you used it to stab him—through those three disastrous decisions that day, deliberate steps, you took Enere Taana-McLaren's life.

[85] The disaster can't be undone. A young man has lost his life. He has gone from his family.

[86] You have brought on yourself the disaster of criminal proceedings, conviction and imprisonment and all that that entails for you and your family.

[87] To your credit, and thanks to the extremely strong support of your family and those who have been professionally treating and working with you over the last year, you have shown you can make real changes in your life that we talk about as rehabilitation. The period of imprisonment you are now about to commence is the price you must pay for Enere's life.

[88] But what I say to you is this. You have an opportunity, denied to Enere to live a good life and to contribute to society. You will continue to receive professional support. There may be difficulties in the level of that because you will be in prison, but I can assure you, excellent professional support will be provided to you. There will be a big change for you because you are not immediately surrounded by the love and support of your family but you can have no doubt with the history of your family, that that love and support will continue abundantly. I say to you—you owe it to yourself, you owe it to your family, but most of all you owe it to Enere and his family, to develop into a young man whose life is marked by thoughtfulness and decency.

[89] The sentence I have arrived at reflects my assessment that that is the path you are on.

Outcome

[90] Now, would you please stand?

[91] [Defendant], I order:

(a) your application to be discharged without conviction is refused;

(b) I enter a conviction of manslaughter;

(c) you are sentenced to three years and three months' imprisonment; and

(d) publication of your name, address and identifying particulars is prohibited.

Osborne J

Solicitors:
Crown Solicitor, Dunedin
A Stevens KC, Dunedin

ADDENDUM

[Materials provided for sentence hearing]

Victim impact statements

Teuira Tui Taana

John McLaren

Rick McLaren

Tere Taana

Mere Taana-Jouanides

Teina Makira

Korena Tangimetua

Teira Dean

Kaitai Rongo

Jordyn Brieseman

Pre-sentence report

Department of Corrections provision of advice to Court 5 June 2025

Medical

Brief of Dr B.C. Strange 12 February 2025

Report of Dr M. Panckhurst 6 February 2025

Sentencing report of Dr M. Panckhurst 23 June 2025

Professional services

Enabling Youth report 30 June 2025

Te Runanga o Ngā Maata Waka Inc 27 June 2025

Te Tahi Youth 30 June 2025

Defendant and family

Affidavit of defendant filed 27 June 2025 (with attachments including letter of apology)

Letter of defendant's parents 6 May 2025

Letter of defendant's aunts 7 May 2025

Immigration New Zealand

Report of Paul Janssen 4 April 2025

Police

Section 82 statement of Detective Constable K.G. Early 3 October 2024

Section 82 statement of H.C. Connor 27 June 2024