

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

**I TE KŌTI MATUA O AOTEAROA
TE ROTORUA-NUI-A-KAHUMATAMOMOE ROHE**

**CRI-2023-070-001646
[2025] NZHC 1906**

THE KING

v

MARK GREGORY KIMBER

Hearing: 11 July 2025

Appearances: I R Murray and C E J Houia for Crown
R M Mansfield KC for Defendant

Sentencing notes: 11 July 2025

SENTENCING NOTES OF GWYN J

Introduction

[1] Mark Gregory Kimber, you were convicted by a jury of two charges of manslaughter.¹ You now appear for sentence.

[2] The charge of manslaughter carries a maximum penalty of life imprisonment.²

[3] Sentencing for manslaughter is difficult. You did not intend the outcome, but it occurred because of your dangerous actions. The sentence is not meant to in any way make up for the deaths of Geoffrey and Karen Boucher. It cannot do that. It must,

¹ Crimes Act 1961, ss 150A, 156, 160(2)(a) and 171; and Land Transport Act 1998, ss 7 and 8.

² Crimes Act, s 177.

however, take into account the purposes and principles in the Sentencing Act 2002. The particular purposes of sentencing I think are relevant to you are:

- (a) To hold you accountable for the harm done to the victims by your offending,
- (b) To promote in you a sense of responsibility for, and an acknowledgment of, that harm,
- (c) To denounce and deter your conduct,
- (d) To protect the community, and
- (e) To assist in your rehabilitation and reintegration.

[4] I must also consider the seriousness of the offending and your degree of culpability, or moral responsibility, for it. I must also compare the type of offence with other types of offences, as well as other sentences where someone has committed a similar offence. This is because it is generally desirable for similar offenders who have committed similar offences in similar circumstances to be sentenced consistently with one another. I must also take into account any information provided to me concerning the effect of the offending on the victims.

[5] At this point I think it is important to state what will be obvious to all of you: a sentencing hearing such as this one is in most cases an awful experience for everyone concerned. The defendant will usually feel that the sentence is too high; those who have been affected by the defendant's actions will feel that the sentence is far too lenient. Those different perspectives reflect the fact that the sentencing process has to take account of a number of purposes and principles as I have outlined. There is an inevitable tension between those purposes and principles.

[6] Because sentencing is a public process it is important that I set out the detail of the offending you have been found guilty of. Then I will talk about your personal circumstances, and refer to the victim impact statements I have read.

[7] I will then calculate a sentence by adopting a two-step approach: first, I will set a starting point based on the offending. At that stage I will talk about the factors that judges take into account when sentencing for motor manslaughter, (as it is known)³ and some other cases involving similar offending. Second, I will consider whether any increases or discounts should be applied to that starting point to reflect your personal aggravating and mitigating circumstances. Finally, I will consider whether to impose a minimum period of imprisonment, as well as make a few orders relating to your sentence.

[8] Before going any further, I want to acknowledge Geoffrey and Karen's family and friends. I wish to express my personal sympathy for your loss and I know that recounting the facts will be distressing for you. There will be times during my sentencing where you may feel that the emphasis is all on the defendant, Mr Kimber. But please note that I am conscious throughout of your great loss.

Facts

[9] Mr Kimber, I will now set out the detail of your offending. On the evening of 22 July 2022, Mr and Mrs Boucher were walking home. They had just finished having dinner at a restaurant in Bethlehem. Just before 8:30 pm, they began crossing State Highway 2 (SH2) using a traffic signal-controlled pedestrian crossing. Tragically, Mr and Mrs Boucher were struck in the west bound lanes by the Harley Davidson motorcycle you were riding.

[10] You had been travelling west towards Bethlehem. You were carrying a pillion passenger. You were speeding — in the 41 metres just prior to the impact, you were travelling at 71.1–72.8 kilometres per hour, on a stretch of road with a 50 km/h speed limit. You also, unknowingly, ran a light that had been red for eight seconds. At the trial we heard evidence of why it might have been that you did not see the red light. Your brake lights came on 0.1 seconds prior to impact, although at trial you could not remember deliberately braking. In any event, by then it was too late. At the speed you were travelling, any collision with a pedestrian would inevitably be fatal.

³ *Gacitua v R* [2013] NZCA 234.

[11] Mr Boucher was trapped under the motorcycle, and Mrs Boucher was thrown into the air and collided with a metal fence. You did not know at first that you had hit Mr Boucher. It was only when some bystanders helped to stand up your bike that you realised. Your evidence was that you went into the nearby Pizza Hut to see if you could find a blanket to cover Mr Boucher and to check on your pillion passenger, who was sitting on the ground outside the Pizza Hut. You say Pizza Hut staff pointed you to a door. You went inside and discovered it was a bathroom so took the opportunity to clean the blood off you. When you came back out of the Pizza Hut, about six minutes later, you bent down to check on your pillion passenger and from that position, for the first time, you noticed Mrs Boucher. She was lying on the side of the road and nobody was there with her. You went over to her and rendered first aid until someone else took over. Both Mr and Mrs Boucher died at the scene.

Personal circumstances

[12] I have read the provision of advice to courts report (PAC report), prepared by the Department of Corrections and dated 4 July 2025, and a psychological report, prepared by Dr Jones and dated 24 June 2025.

[13] I want to talk a little about what is in those reports. I acknowledge that much of the information in the reports is of a personal nature, but I need to discuss how it impacts on your sentence.

Prior to the offending

[14] You were born in Rotorua in the 1960s but grew up on a farm outside Tauranga. You had an independent and difficult childhood, in which both of your parents drank heavily. You largely had to fend for yourself. When your parents separated when you were about 10 years old, your mother took your three siblings while you alone remained with your father. You were frequently left alone on the farm for weeks at a time. You began working at the age of 11 to be able to feed yourself while your father was away.

[15] You describe yourself as having been the victim of physical abuse as a child. In response, you learned to fight better.

[16] Despite these obstacles, you did well in primary school. However, your view of education and authority changed when you were caned on your first day of third form, and your academic performance declined. At the age of 17, you left school to work full-time in shearing sheds. You worked mostly in the King Country until you damaged your back in a motorcycle accident in 2008.

[17] You developed an interest in motorcycles at a young age, purchasing your first motorcycle when you were 14. You developed skills as a motorcycle mechanic, and in your early 20s, you built your own bike from a Harley Davidson motor. You told Dr Jones that after your 2008 accident you made some income from restoring and selling classic cars and running a motorcycle parts business. Through your Harley Davidson ownership, you became acquainted with the Filthy Few motorcycle club. You admitted to Dr Jones that you enjoyed your gang membership, but that it has caused issues in your relationships.

[18] You have a lengthy criminal conviction history, having appeared before the courts every few years since 1981. Your prior convictions include violent offending, drug related offending, dishonesty, non-compliance with court orders and weapons charges. Most of those convictions are related to interpersonal disputes in the gang subculture. You have been imprisoned on six prior occasions, with your longest sentence being six and a half years' imprisonment.

[19] Over the course of four decades, you have accumulated 70 recorded infringement offences. In many of those incidents you were speeding. You have had your licence suspended for three-month periods on 11 occasions. You also have 11 separate convictions for driving related offences, from 1990 to 1993 and then from 2009 to 2018. These convictions were for careless driving (twice), speeding (three times), drink driving, dangerous driving, failing to stop, and driving while your licence was suspended or revoked (three times).

[20] You have one son and one daughter with a past long-term partner. You have been with your current partner since 1991. In 2013, your daughter Jesse tragically died at the age of 21 from a congenital heart defect. You built and auctioned a motorcycle for charity in her name, contributing \$14,600 to the Heart Foundation. You

remain an honorary and lifetime member of the Filthy Few but say that you have largely stopped your involvement with them since your daughter's death.

[21] You have a lengthy history of substance abuse, beginning around the age of 11 or 12. This includes methamphetamine use, which you report having increased to help cope with your daughter's death. Your mental health has declined since her death, and you have also witnessed the deaths of other people close to you. Dr Jones says that you meet the diagnostic criteria for post-traumatic stress disorder (PTSD). You have also suffered from physical trauma and ill health, including a recent head injury and a serious infection resulting from surgery.

Since the offending

[22] You report being in shock upon seeing that you had hit Mr and Mrs Boucher. You admit to speeding but maintain that you had not seen the red light.

[23] It is clear that you were deeply shaken by the collision and you are remorseful for the deaths of the victims. You say that you sent flowers and a sympathy card to the Boucher family, and wanted to meet them personally but did not do so in case this was construed as attempting to influence the court proceedings. You have returned to the scene of the crash many times after it happened, trying to understand why you had not seen the red light. You started a petition to the Tauranga City Council seeking a safety review of the crossing, which received close to 700 signatures and was successful. That review identified several issues with the crossing. You were also so distressed at your inability to properly perform first aid on Mrs Boucher that you undertook a first aid course in August 2024.

[24] You began to seek community support following the collision, and have engaged with your church, the Grace Foundation (a drug and rehabilitation centre), Turning Point, Sage Support and Junction Peer Support. I have read the letters of support from friends, family and people who have helped to provide you support. You appear to have made real progress and have expressed an interest in being involved in rehabilitative work, offering support and mentoring to others, after serving your sentence.

[25] However, I must also consider your PAC report writer's assessment that you are "self-entitled" and continue to disregard the road rules. You have committed two further speeding offences since the collision. You told the report writer that on one of those occasions, you had had a "rough night" as you had been thinking of Mrs Boucher, saw a Police vehicle, and decided to speed in the hopes that your licence was taken off of you.

Victim impact statements

[26] I acknowledge the presence [in court today/watching this hearing by VMR] of members of Karen and Geoffrey's family. I have read the statements provided by Karen's mother, son, sister, brother, niece and nephew and Geoff's sister. They paint a picture of a hard-working, family-oriented couple who were loved by their family. Each of you describes the ways in which their death has affected you — in small, day-to-day ways that hit you when you least expect it, but also in the significant practical and financial ways Christopher describes. Christopher and his sister and Karen and Geoff had been actively planning to build a home together. That is now a lost dream and Christopher is dealing with the financial as well as emotional results of that. The grief of all of you at Karen and Geoffrey's loss is profound and palpable.

Starting point

[27] I turn now to consider an appropriate starting point for your offending. Mr Kimber, your driving killed Mr and Mrs Boucher. This level of harm means that both your culpability (by which I mean the extent to which you are responsible or blameworthy) and the seriousness of your offending are very high.

[28] I agree with counsel that the following features of your offending are relevant:

- (a) *Greatly excessive speed:* you were exceeding the speed limit by over 20 kilometres per hour at the time of the collision. Shortly before the collision, you had been driving at an even greater speed, at one point at 60 kilometres per hour above the speed limit.

- (b) *Failing to stop for traffic signal*: although unintentional, you failed to stop at a red-light traffic controlled pedestrian crossing. This is not per se an “aggravating factor” but is a relevant fact of your offending.
- (c) *Previous convictions for motoring offences*: you have a significant infringement history, primarily for exceeding the posted speed limit, and 11 previous driving offences.
- (d) *More than one person killed as a result of the offence*: tragically, both Mr and Mrs Boucher were killed as a result of collision.
- (e) *Genuine shock or remorse*: as I will turn to in greater detail later, but I accept that you were and have been in a state of a shock after the collision and in the last three years your remorse has been a defining feature of your actions.

[29] I reject the Crown’s submission that two other aggravating factors are relevant:

- (a) *Consumption of drugs and alcohol*: the Crown say that you were under the influence of methamphetamine, and that you had consumed alcohol earlier in the evening. However, testing on the night found that methamphetamine, which you report consuming at least three days earlier, was in your blood at a level of 0.01 milligrams per litre, which did not qualify for even an infringement offence.⁴ You admitted that you had consumed half a bottle of beer earlier in the evening but no evidence was presented of alcohol remaining in your blood. In those circumstances, where no alcohol was reported as detected and methamphetamine was below infringement offence level, there is insufficient basis to infer that alcohol and/or methamphetamine played a part in the driving.⁵

⁴ As noted in *R v Kimber* [2025] NZHC 640 at [10].

⁵ *Gacitua v R*, above n 3, at [40].

- (b) *Prolonged, persistent and deliberate course of very bad driving*: The Crown say that you overtook at least one vehicle at speed, and that you made a dangerous manoeuvre through the roundabout by cutting across the lanes to maintain your speed. However, having viewed the CCTV footage, I do not characterise your driving as very bad or dangerous, aside from your excessive speed and, of course, running a red light. At your trial, Senior Constable Hills, who was the lead Police investigator, acknowledged that changing lanes in a roundabout is not in and of itself unlawful. The CCTV footage showed no other vehicles approaching the roundabout as you entered it. As Senior Constable Hills emphasised, it was the fact that you changed lanes in the roundabout to maintain your (excessive) speed that was the problem.

[30] Your counsel, Mr Mansfield KC, has invited me to take your driving history into account in determining the starting point. I note that sentencings for driving while disqualified (third or subsequent) often adopt Mr Mansfield’s suggested approach, but the nature of that offence means the “seriousness of the offender’s conduct directly relates to the number of previous occasions the driver has flouted disqualification orders.”⁶ Manslaughter is different. Although your previous driving offence and infringement history must have some bearing on your sentence, it does not make the actual offending you are being sentenced for today any worse. For that reason, I have concluded that it makes more sense to treat that history as a personal aggravating factor. Other cases take that approach.⁷ That means I will take your driving history into account later by applying an uplift to your starting point.

[31] Accordingly, the specific facts I keep in mind when setting your starting point are your excessive speed, running of a red light, and that two people were killed. With that in mind, I turn to consider other sentences for similar offending.

[32] The Crown have submitted that, since the jury convicted you of manslaughter, you should be sentenced with that in mind and not on the basis of any lesser charges.

⁶ *Sykes v Police* [2014] NZHC 2642 at [10]; and *Jenkins v Police* [2018] NZHC 2055 at [15]–[16].

⁷ *R v Green* [2016] NZHC 513 at [54]; and *R v Hoskins* HC Whanganui CRI-2010-083-2713, 9 May 2011 at [17]. See also *Gacitua*, above n 3, at [31], where this approach is recommended.

However, while I need to be careful when considering past sentencings for lesser charges than manslaughter, I am required to make sure that your sentence is in line with sentences for similar fact offending.⁸ This Court has held that for practical purposes, the actual charge should make no difference.⁹ Any cases with similar facts, even if the charge was a lesser one, may be relevant.

[33] The Crown has provided me with four cases, with starting points ranging from eight years' to 10 years' imprisonment.¹⁰ On the basis of those cases, the Crown submits that I should adopt a starting point of eight years' to eight years and six months' imprisonment.

[34] However, apart from the fact they all involve a conviction for manslaughter, I think the cases referred to by the Crown are insufficiently similar to your case to be helpful. They are all much more serious than yours. They all involve intoxication and driving much worse than yours. Mr Murray has emphasised that the dangerous manner of driving prior to the crashes were all features of the cases they have provided. I do not think they analogous. The central features in this case are your excessive speed and failure to stop for the red light.

[35] Mr Mansfield submits that a starting point of three years and six months' imprisonment would be appropriate. He has provided me with a table of 17 cases, and further detail on four of them.¹¹ Some of these cases are for lesser charges of driving with excess breath alcohol causing death or dangerous driving causing death, not manslaughter, but in terms of the facts are more like your case.

[36] I have reviewed a large number of cases with broadly similar facts, some resulting in manslaughter charges, some involving lesser charges. Of those cases, I think the most helpful case is one called *Mitai*. In that case, Mr Mitai was intoxicated but decided to drive home anyway. He was speeding, driving between 69 and 83

⁸ Sentencing Act 2002, s 8(1)(e); and *R v Green* at [51].

⁹ *R v Elliot and Chad* [2014] NZHC 214 at [19]; and *Gacitua*, above n 3, at [22].

¹⁰ *R v Maharaj* [2021] NZHC 3511; *R v Reihana* HC Tauranga CRI-2004-070-01374, 15 July 2004; *R v Pairama* HC Whanganui CRI-2009-083-002345, 31 May 2010; and *R v Tuirirangi* HC Whanganui CRI-2010-083-2891, 21 June 2011.

¹¹ Those four cases are *Maumau v Police* HC Christchurch A108/02, 23 October 2022; *Mitai v R* [2021] NZHC 3216; *R v Elliot and Chad*, above n 9; and *R v Hoskins*, above n 7.

kilometres per hour in a 60 km zone. It was raining heavily and very windy, making driving conditions very poor. He failed to see signage for a pedestrian crossing, and he hit two pedestrians who had been using the crossing. One of the victims died at the scene, and the other survived but was severely injured. Mr Mitai was convicted of driving with excess breath alcohol causing death and excess breath alcohol causing injury, and the judge in that case adopted a starting point of four years' imprisonment.

[37] Mr Kimber, you were also driving late in the evening and speeding, although your speeding was on average slightly worse. You failed to see a red light for a pedestrian crossing. You also struck two pedestrians, but in your case, both of them died. You were not intoxicated, but I balance this against your slightly worse speeding, running a red light (albeit not deliberately) and the fact that you killed two people rather than one. I think your level of culpability is very similar to Mr Mitai's.

[38] On that basis, I adopt a starting point of four years' imprisonment for your offending.

Personal aggravating and mitigating factors

Previous driving convictions

[39] I turn then to consider your personal aggravating and mitigating factors.

[40] As I said earlier, I am treating your previous driving conviction and infringement history as a personal aggravating factor. As I also noted earlier, you have accumulated 70 recorded infringement offences and 11 convictions for driving-related offences. In many of those incidents you were speeding. This reflects a clear pattern of not following the road rules. You admitted during the trial that you drive faster than the speed limit in an area if you think it is safe.

[41] The Crown seeks an increase (what we call an uplift) of one year's imprisonment for this previous offending. That is in line with other cases¹² and I agree that this is appropriate.

¹² See, for example, *R v Tuirirangi*, above n 10, at [24]; *R v Strickland* [2020] NZHC 2314 at [69]–[72]; *R v Mika* [2013] NZHC 2357 at [53]; and *R v Green*, above n 7, at [54].

Remorse and rehabilitation

[42] I accept that you are remorseful for what has occurred. You have made significant changes to your life, tried to make the crossing safer, and have raised \$10,000 for the Boucher family, although they have indicated they do not want to receive any money from you. I have read your statement that you had wished to read to the victims, and it further highlights this remorse.

[43] The Crown say that credit for remorse would not be appropriate at this point because you did not plead guilty to either the manslaughter charges you were convicted of or the lesser alternative charges of dangerous driving causing death. I note that, from the outset, you admitted responsibility for the accident and the death of Mr and Mrs Boucher. The only sticking point was the nature of the charge. Mr Mansfield submits that you have always been prepared to plead guilty to a lesser charge than manslaughter. I agree with Mr Mansfield that a refusal to plead guilty does not indicate lack of remorse in a situation where the defence has made clear from the outset that it was the level of the charge that was in issue.

[44] It is also clear that you have made significant rehabilitative efforts and demonstrated personal growth. I am greatly encouraged by the statements made about you in the letters of support provided to me. They demonstrate that you have taken responsibility for what you did and the harm you caused and have tried to make amends for that. One of the themes that emerges from those letters and reports is that, although you have a tough exterior and are a man of few words, you are a kind and compassionate man, with a lot of potential to make a real and lasting difference for others. That potential has revealed itself in the steps you have taken since the accident, that I touched on earlier.

[45] I have given more weight to your remorse and rehabilitative efforts than I might have in some other cases, because it is significant and sustained and, in my view, genuine. Ultimately, I think your continued rehabilitation will offer the best protective outcome for the public, more so than a very long prison sentence.

[46] Mr Mansfield seeks a reduction to the starting point of at least 25 per cent to recognise your remorse and rehabilitative efforts. The Crown accepts that some

modest credit for rehabilitative efforts may be available. I apply a discount of 25 per cent for remorse and rehabilitation combined.

Personal background

[47] I must also take into account your personal, family, community, and cultural background.¹³ As I have already noted, you have had a difficult background, featuring abuse and neglect, physical and emotional trauma, the death of close friends and your daughter, and substance abuse. Dr Jones has diagnosed you with PTSD.

[48] A discount is available when an offender's background factors help to explain how they came to offend, but the court must find a causative contribution to the offending.¹⁴ Mr Mansfield says that your offending was the "culmination of a lifestyle in which [you] rode motorcycles and had little respect for authority" and that "it is evident [your] lifestyle is causative of the offending". The Crown say that there is no clear causative contribution between your upbringing and the offending, and that any credit should be at the lower end of the range set out in the main court decision on this point, a case called *Berkland*.

[49] It is clear that, to at least some extent, your association with the Filthy Few, criminal history and non-compliance with authority stem from your traumatic background. You described to Dr Jones how the bike gang subculture gave you a sense of purpose and belonging. I have no difficulty in identifying a causative contribution between the circumstances of your childhood and youth, with insecurity and poor parenting, and your own offending. I consider that a discount of 10 per cent is appropriate.

Time on bail

[50] Mr Mansfield seeks a reduction in your sentence of three months to reflect the time you spent on bail. He notes that you were on bail from your arrest in December 2022 to your conviction in April 2025. You were subject to a nighttime curfew from 9 pm to 6 am for around one year and seven months of that time, and

¹³ Sentencing Act, s 8(1)(i).

¹⁴ *Berkland v R* [2022] NZSC 143; and *Carr v R* [2020] NZCA 357 at [64].

aside from one breach of bail on 1 April 2023 for consuming methamphetamine, you were compliant with your bail conditions.

[51] The Crown submit that no credit for your time on bail is available because it was not restrictive enough. Credit is in theory available for time on bail that is not electronically monitored,¹⁵ but the Crown is correct that this will generally be because the bail conditions were restrictive enough to be comparable to time remanded in custody, such as a 24-hour curfew.¹⁶ However, I observe that in recent cases, credit of six months has been given for bail with a nighttime curfew for three years and credit of three months for bail with a nighttime curfew for two years and five months.¹⁷ I am willing to give credit of one month for the one year and seven months you spent on bail with a nighttime curfew.

End sentence

[52] From a starting point of four years' imprisonment, I apply an uplift of one year for your prior driving history, and discounts of 25 per cent for remorse and rehabilitation, 10 per cent for personal background and one month for time spent on bail.

[53] That results in an end sentence of three years and six months' imprisonment.

Minimum period of imprisonment

[54] Ordinarily a defendant who is sentenced to a term of imprisonment of more than two years will be eligible to apply for parole after they have served one-third of that sentence. However, s 86 of the Sentencing Act gives the Court power to order a defendant to serve a longer minimum period of imprisonment (MPI) where the possibility of parole after the normal period would mean that the sentencing principles of deterrence, denunciation and accountability, or protection of the community from the offender, would not be adequately met.

¹⁵ *Tuarae v R* [2023] NZCA 229 at [26].

¹⁶ *R v Nepe* [2008] NZCA 98 at [33]; and *Bennett v R* [2012] NZCA 173 at [25].

¹⁷ *Kreegher v R* [2021] NZCA 22 at [49]; and *St John v R* [2025] NZHC 602 at [23]–[25].

[55] The Crown submits that I should impose an MPI because your offending involved serious breaches of the road rules which resulted in devastating and fatal consequences for the victims. It says that your history of breaching the road rules further heightens the need for deterrence.

[56] I do not accept that submission. I have already taken the seriousness and consequences of your offending into account when setting your sentence. The relevant sentencing principles have already been adequately met.

[57] On that basis I do not impose an MPI. It will be for the Parole Board to decide whether you should have parole at the appropriate point. That decision will largely depend on whether you can demonstrate to them that you are continuing on the path to rehabilitation and a different life.

Other orders sought

Disqualification order

[58] Because you have been convicted of manslaughter and the offence was facilitated by the use of a motor vehicle, I may make an order disqualifying you from holding or obtaining a driver licence for any period I think fit.¹⁸ That period can begin on the day the order is made or at another time I direct.¹⁹

[59] Your PAC report writer described your speeding offences as “prolific” and demonstrating “a lack of deterrence and a continued risk towards the community”. On that basis, the Crown submit that a disqualification of five years from the date of release would be appropriate.

[60] I conclude that the disqualification period should begin from the date of release, for a period of three years.

¹⁸ Sentencing Act, ss 124 and 125.

¹⁹ Land Transport Act 1998, s 85(1).

Confiscation of property

[61] The Crown seeks confiscation of the Harley Davidson you used in the commission of the offence. Because this offending was committed more than four years after your most recent other driving offending, I am not required to make this order, but I may make it if I am satisfied that doing so would be appropriate.²⁰

[62] I am required to consider any undue hardship that making the order would cause.²¹ Mr Mansfield did not have any instructions on this issue.

[63] At this stage, I decline to grant an order under s 128(3) for the motorcycle to be confiscated.

Conclusion and result

[64] Mark Gregory Kimber, please stand.

[65] On two charges of manslaughter, I sentence you to three years and six months' imprisonment.

[66] In addition to the sentence of imprisonment, you are disqualified from holding or obtaining a driver's licence for a period of three years, starting from the date of your release.

[67] You may stand down.

Gwyn J

Solicitors:
Pollett Legal Limited, Tauranga for Crown

²⁰ Sentencing Act, ss 129(1) and (3) and 128(3).

²¹ Section 128(5).