

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

**I TE KŌTI MATUA O AOTEAROA  
WHANGĀREI-TERENGA-PARĀOA ROHE**

**CRI-2024-029-181  
[2025] NZHC 3148**

**THE KING**

**V**

**ABEL JAYE WIRA**

Counsel: R Annandale and D Soich for Crown  
A Fairley and C Taylor for Defendant

Sentence: 17 October 2025

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**SENTENCING NOTES OF BECROFT J**

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Solicitors/Counsel:  
Marsden Woods Inskip Smith, Whangarei  
Thomson Wilson, Whangarei

## **The charge**

[1] Mr Abel Jaye Wira, now at the age of 60, you appear for sentence having been found guilty by a jury on one charge of manslaughter.<sup>1</sup>

[2] The penalty for manslaughter ranges from low community-based sentences through to a maximum of life imprisonment. The Crown advises that this is the first case ever in New Zealand of manslaughter arising from a dog mauling attack.

[3] It is appropriate for me to acknowledge from the outset that the life of Mr Neville Thomson has been lost. And to acknowledge his family and their loss. There is nothing this Court can do to make up for your loss and no numerical value can be ascribed to a man's life.

## **Facts**

[4] I turn to the facts. On the morning of 4 August 2022, at [redacted] Puketawa Road, near Panguru in Northland, Mr Neville Thomson aged 69 was mauled to death by a pack of dangerous dogs which you owned. This is how it happened.

[5] Mr Thomson lived alone at the isolated, rural property. In June 2022, he invited you to "house sit" while he visited his father in Oamaru. You brought with you your dogs which I understand to be largely bullmastiff crossbreeds. Other witnesses referred to them as "mongrels".

[6] You had six adult dogs (including a nine, four, three and two-year-old). At the time of the incident, one of your female dogs had recently birthed 10 puppies and there were seven more puppies a month or two old. You then were in control of up to 23 dogs.

[7] The property is in a very isolated part of Northland, accessed by a gated, long metal driveway. There are at least two structures—first a house which was then in poor condition. And behind the house was a dilapidated and poorly maintained

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<sup>1</sup> Crimes Act 1961, ss 171 and 177. Maximum penalty of life imprisonment.

caravan. The caravan windows were held together by duct tape. The door had no handle or locking mechanism.

[8] While Mr Thomson was away visiting his father, you and your dogs lived in the house and/or in the caravan.

[9] When Mr Thomson came back in early July, you continued to live with him, and you slept in the caravan. Mr Thomson also owned a couple of dogs which he had taken away with him. He brought them back; they were well behaved; and they lived in the house with him.

[10] Your dogs however were known to be dangerous. You clearly knew that. Several witnesses' evidence, obviously accepted by the jury, made that plain.

[11] For instance, Mr Thomson's partner, who at the time lived in South Auckland, visited Mr Thomson when you were there. She regarded your dogs as vicious and did not feel safe with them. When she first met them, they jumped up at her hand and then at her crotch. She did not want to come to the property again while they were there. And when she and Mr Thomson visited you in your Kaitaia home, she would not even get out of the car because of your dogs.

[12] A younger man, who was a near neighbour—Mr Knopp, provided you with firewood when Mr Thomson was away. He knew Mr Thomson well and clearly liked him. When Mr Knopp first came to the property when you were there by yourself, he would not even get out of his vehicle, and he wound up the vehicle windows because of your dogs. He said your dogs were aggressive and "bailed up" his vehicle. He wound the windows up because he felt they might attack him and jump through the window. He would never get out of his truck from that point on unless you were there to control your dogs.

[13] He also spoke of another incident where there were about eight of your dogs lunging at him. And two of them were very aggressive and tried to grab hold of him on his pants and legs when they were not supposed to be inside, showing their teeth and baling him up against the table. He said he was in no doubt that the dogs would

have grabbed him if they had had the chance. He also said that sometimes, when he visited, the dogs were in the caravan and were attacking each other. He remembered you going out and swearing at them to stop. As to whether they then stopped he said, “not really, sort of.”

[14] Shortly before the attack on Mr Thomson, your dogs also attacked and injured a pig owned by a near neighbour, after the pig strayed onto Mr Thomson’s property.

[15] If that were not worrying enough, your dogs had even attacked you. This occurred in December 2019. You told Mr Knopp that your dogs had attacked you while pig hunting. Your dogs had got into a fight with another group of dogs, and you got between the two groups. You needed medical attention as a result. You explained to the doctor at the Kaitaia Emergency Department (and you told Mr Knopp) that you had tried to run into the ocean to drown your dogs to get them off you. Your uncle was with you at the time, who had a shotgun. But you did not want the dogs shot. The doctor remembered your visit to Kaitaia Hospital and that the mauling of your arm was one of the worst dog bite attacks he had ever seen.

[16] At nighttime you would lock your three male dogs in your Toyota Hilux truck because you did not trust them. You would normally take your dogs with you when you left the address.

[17] In my view, your dogs were highly dangerous. You were the only person who could properly control them. And even then, only partially and with difficulty. Without you, and left to their own devices, they would certainly endanger human life and cause harm or injury—putting life at risk.

[18] On the morning of 4 August 2022, you left the property with Mr Knopp to retrieve your Toyota Hilux vehicle that had got stuck in a nearby paddock.

[19] Before leaving you put some of your dogs in the caravan. In my view it is the obvious and irresistible inference that those dogs were the dogs you considered the most dangerous. You told the Police there were at least three of them. You also put

the female dog and her 10 puppies in the caravan. I emphasise again that the caravan door did not have a handle, latch or lock.

[20] You placed a round block of wood—a sort of chopping block, against the caravan door. The log of wood would have only just extended in height above the bottom of the caravan door. It is not difficult to imagine it being pushed over by perhaps limited force applied to the door from the inside.

[21] You also told the police that you tied up the door using a pre-existing shoelace-type arrangement that was hanging from a hole in the door (where the handle and locking mechanism used to be) to stop it from opening. If indeed you did this, it would have been a very tricky job to do so as you would have to have reached through and hooked the shoelace arrangement around what appeared to be a protrusion on the inside of the caravan door frame and then out again. The material attached to the shoelace appeared very weak and had often been re-tied. What I describe as the shoelace arrangement was, at best, flimsy. The Crown's submission to the jury was that you did not do this—as it could only be effectively done from the inside. If you did it on this occasion, in my view the tie couldn't have been tight and could only have been a very loose loop and easily pushed open.

[22] I would regard this as a wholly unsatisfactory security arrangement to secure your dangerous dogs. Clearly, so did the jury.

[23] You said that you had used this arrangement before. But I am not sure how often. On this occasion, the difference was the dogs were clearly very hungry and had not been fed for over two days. They were starving, and therefore even more dangerous and aggressive. Generally, and I need to tell you this Mr Wira, I conclude that you did not look after your dogs at all well.

[24] Mr Thomson was clearly aware of their need for food. He had offered his vehicle for you to drive to buy dog food. He, himself, had fed the female dog who had just given birth to puppies, but he could not afford any more dog food.

[25] After you had left Mr Thomson alone with your dogs, he phoned his partner of 15 years and they spoke together as they often did. This was at about 10:00 am. He described to her, while on the phone, how he was walking outside the house to the fish pond. He then talked about his garden next to the house, and between the house and the caravan (which had the dogs in it). His partner said she could hear his feet “scrunching” on the gravel path.

[26] At that point, after they had been talking for about 10 minutes or so, she heard a group of dogs barking louder and louder. She clearly heard Mr Thomson call out “get out, get out, you fucking dogs”. She conceded that earlier she said to the police that she heard his words as “get out of there you fucking dogs, get out”. Then the phone went silent.

[27] Ms Orchard said, graphically, that the dogs sounded like a pack of hyenas from one of the nature programmes you see on TV. She was very worried. She stayed on the line. She feared that Mr Thomson had been seriously mauled by the dogs. She tried several times subsequently to contact him. She then contacted a neighbour—the neighbour whose pig had been previously attacked. The neighbour eventually reported that the gate to Mr Thomson’s property was shut, which indicated to her that Mr Thomson had left. Mr Thomson’s partner hoped that he had gone to seek medical treatment.

[28] Mr Wira, you then returned to the house at least an hour later. You noticed that the dogs were not in the caravan. Soon afterwards you located Mr Thomson’s body close to, but behind, the caravan and near the garden where he had been talking to his partner.

[29] Mr Thomson had been savagely and viciously attacked by the dogs. It was a whole of body attack. The photographs are particularly gruesome, gruelling and graphic. Basically, your dogs had eaten large parts of Mr Thomson’s body, including one of his upper arms and thigh. The left foot had been pulled off his leg. It would have been a traumatic and profoundly terrifying way to die.

[30] The pathologist concluded that Mr Thomson died from massive blood loss caused by an attack by several dogs.

[31] I accept you were clearly shocked and traumatised. You rolled Mr Thomson in a blanket and dragged him inside the house and shut the door.

[32] At about this stage you could not control your dogs other than by using a garden spade on them. You rounded them up and put three or four of them in your Toyota Hilux Surf—again I infer those you considered most dangerous.

[33] Then you left in Mr Thomson's vehicle. You said you had no phone and you were going for help. As you drove away, outside on the road, you encountered your near neighbour, young Mr Knopp. You said to him that Mr Thomson was not at the property.

[34] You drove to Ahipara where there were family or family friends, and you encountered a passing two-man police patrol. You explained what had happened. You went straight to the Kaitaia Police Station and made a statement.

[35] The police visited the property. With the help of Dog Control Officers, they secured the area. While they were there, three or four dogs (still in your vehicle) were so aggressive, that the police were given permission to carry loaded rifles or guns. The dogs were fighting each other in the truck. Indeed, the dogs used such force inside the vehicle by pushing against the vehicle windows that the back window of the Toyota Hilux slipped down and opened. The dogs all jumped out and escaped. I understand that the police opened fire at point blank range, but missed them all.

[36] The next day you made a second statement to the police. You explained all you had done and all the steps you had taken—describing your use of the log of wood and the shoelace/material arrangement.

[37] Part of your defence was that the dogs that attacked you in December 2019 had not been proved to be the same dogs that you owned in August 2022. In my view, the evidence is clear that some of those dogs must have been the same dogs as on the day

of this incident. You told your near neighbour Mr Knopp that they were your dogs and that, effectively, you did not wish your uncle to shoot them. It is an irresistible inference that some of those dogs were still your dogs in August 2022. But even if that were not the case, there is still ample evidence from other witnesses to establish that the dogs were extremely dangerous and vicious and needed a high degree of control.

[38] Another one of your submissions to the jury was that Mr Thomson may himself have opened the caravan door. I regard that argument as wholly fanciful. It does not sustain any reasonable analysis.

[39] Mr Thomson was on the phone to his partner. There was no need for him to open the caravan door. He knew the dogs and their nature. He knew that they were starving. It would have been utterly foolhardy for him to have released them. Nobody in their right mind would have done so. And, if he had released them, an attack by the dogs then and there, right at the entrance to the caravan door, would have been expected. Yet no blood was ever found in that area nor any evidence of an attack at or close to the caravan door.

[40] I do not regard Mr Thomson's use of the word "get out of there" as recorded in Ms Orchard's statement, as indicating any instruction for the dogs to leave the caravan. In any case, they would not have needed to have been told to leave. They would simply have rushed out.

[41] In my view the only possible inference is that the dogs, using their combined force, pushed out of the caravan by pushing over the wooden stump, and by breaking or pushing through any shoelace arrangement that may have been used, and went at Mr Thomson, attacked him, and killed him.

### **Victim impact**

[42] Mr Wira your actions have had a ripple effect throughout Mr Thomson's entire extended family. They have all needed counselling to deal with their grief and it has been a challenging journey for them.



[43] One of Mr Thomson's two sons has had to move from Tauranga to Kaitia to take on administration of the family home. Mr Thomson's daughter has had nightmares, has struggled to sleep and is haunted by images of her father's body being torn apart. Mr Thomson's two sons have gone through their own struggles. Clearly all have enormous love and respect for him and point to their father's community involvement, supportive community activity and the respect he is held in by others.

[44] They have experienced pain and grief since his passing which is described as "unimaginable". They describe it as a needless and totally pointless death.

[45] Mr Thomson and his daughter were "incredibly close". They had weekly calls together. She has felt his loss profoundly.

[46] He is also described as a very caring and loving grandfather. His granddaughters note that Mr Thomson was a dog lover, the animal he loved most. One granddaughter cannot understand why he was mauled to death, because of dogs who were definitely hungry, and it is terrifying to think about it. As she says, "he did nothing wrong at all; he is the most loveable and comforting man known to mankind. Every day I miss him".

[47] In short, the human dimension to Mr Thomson's terrifying death, an active and caring father and grandfather, is said to be incalculable. And as if to emphasise that, Mr Thomson's partner says she can no longer sleep, is haunted by the memories and like many involved in this case, feels no longer able to trust dogs.

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

[48] Mr Wira, in this sentencing I need to make clear that those who are in the charge or in control of dogs that are demonstrably and clearly dangerous, have a legal duty imposed on them to take reasonable precautions against and to use reasonable care to avoid endangering human life.

[49] Dog owners in New Zealand may not understand this. But it is a clear duty, over and above that set out in the Dog Control Act 1996. Owners who fall beneath that standard in a major or gross way, can be criminally accountable and face manslaughter charges. They have a high responsibility in terms of animals that can cause death. This case makes that clear. I need to send a clear deterrent message that legal duties imposed on dog owners must be adhered to.

[50] A “dogs will be dogs approach” just will not do. The community cannot underestimate the dangers that can arise when dog owners majorly depart from their responsibilities. And I observe the comments of Mr Thomson’s daughter in her victim impact statement, and I repeat it. She says:

I urge the authorities to take this opportunity to strengthen regulations and ensure that dog owners are held accountable for the care and control of their animals. Every dog owner should prioritise the safety and wellbeing of both their pets and the community. By doing so we can prevent future tragedies and prevent and protect lives.

[51] Mr Wira you fell grossly short of what reasonable New Zealanders would expect in taking proper precautions and reasonable care. You must be held accountable. Your behaviour must be denounced.

[52] I must also take into account the interests of Mr Thomson and particularly his family.

[53] At the same time, I must impose a sentence which gives you the best chance of rehabilitation, with the ability to start again and which is the least restrictive in all of the circumstances.

### **Starting point**

[54] I turn now to the appropriate starting point which has been the subject of much submission and discussion. There is no tariff or guideline case. Each case of manslaughter depends very much on its own facts.

[55] A useful beginning is to summarise the essential elements of the charge which can be taken to have been proved beyond a reasonable doubt by the jury's verdict:

- (a) First, the pack of bullmastiff crossbreed dogs were in your charge and under your control.
- (b) Second, at least some of those dogs, in the absence of precaution or care, could endanger human life. In other words, some of your dogs were dangerous and posed an actual risk to other humans.
- (c) Third, on 4 August 2022 you failed to use reasonable care in respect of your dogs to avoid danger to human life. This means that your actions in putting some of the dogs in the caravan and placing the stump outside the caravan door fell below the standard that would be respected of a reasonable person in your circumstances.
- (d) Fourth, that departure, that failure, was a major or gross departure from what would be expected of a reasonable person.
- (e) Fifth, that your departure from that reasonable standard of care was dangerous in the sense that your failure to use reasonable care of your dogs created the risk of more than minor harm.
- (f) And finally, your failure to take reasonable care was in fact a substantive and operative cause—it was the cause, of Mr Thomson's death.

[56] So against that context, there are five particularly aggravating features of this offending.

[57] First, the number of dogs involved. You were the person in control of a very large group of dogs, some of which were known to you to be extremely vicious and dangerous. And some of which had even attacked you on one occasion.

[58] Second, you had known for some time that your dogs, or at least some of them, were dangerous. Their aggressive behaviour had been obvious for some years dating back to when at least one or two of them had attacked you in 2019. So this incident with Mr Thomson was not a one off.

[59] Third, your dogs had been unfed for two days. It is right to say they were “starving” which significantly increased their risk.

[60] Fourth, your general care for and control of the dogs was poor. The evidence shows that sometimes it seems they did not always obey you. The fact that you needed a spade to control them when you arrived back at the house to find Mr Thomson dead, and that you had to lock the most dangerous of them in your truck, only emphasises this.

[61] And finally, the efforts that you took to secure them were wholly inadequate—and not only endangered human life but caused a life to be lost. I pause to say, imagine if there were children at the property. The security arrangements frankly were abysmal. Particularly given the caravans proximity to the house and that Mr Thomson was alone. Placing and leaving your vicious and dangerous male dogs in the caravan was not a tried and true method of securing them. The evidence was that you would usually put the more dangerous male dogs in your truck overnight; because you did not trust them. Not just with farm or “stranger” animals but I infer also with humans. Or you would take them with you when you left the property. There is not direct evidence to suggest the dogs had even been left alone with Mr Thomson before this incident.

[62] Mr Knopp, who struck me as a straightforward young man with experience in rural matters, described the method of using the wooden stump to keep the door shut as “not that secure” and that the dogs “would probably be able to push it open”. He also said the caravan door did not fully shut properly. In my view, the security arrangements you used for the dilapidated caravan were clearly a very major departure from the standard of care expected of a reasonable person. It was in every way a gross and major departure. It could not be explained in any other way. Your departure fell far below what is expected of a reasonable person in these circumstances. It was

clearly dangerous. And it was the operative and substantial cause of Mr Thomson's death.

[63] Some of what I have described are ingredients of the charge itself. But it needs to be emphasised that this was a bad, a very bad case of breaching a duty in respect of dangerous animals. And after all, this was not one or two dogs. There was a pack of dogs that your near neighbour describes in terms of six to eight dangerous dogs. So did Ms Orchard. They were clearly frightening, aggressive and on this day unfed as they were, could be called savage. You knew this. You were more than irresponsible.

[64] With respect to Mr Fairley's submission, this was much more than a tragic accident. You had a conscious and long appreciation of the danger your dogs posed. I agree with the Crown that it was only a matter of time before your dogs caused further serious injury to a human.

[65] The Crown must be right to suggest, as Mr Annandale did in his closing, that dogs of this degree of dangerousness should have been tethered or otherwise chained to a secure post or placed in a secure metal cage as farm and pig dogs usually are. The Crown suggested that given your knowledge of the dogs and their history, the most responsible approach would have been to have the most dangerous of them euthanised. I agree.

[66] I accept that your failure to destroy the dogs or properly secure them, as against your awareness of their clear dangerousness, amounted to deliberate risk taking with the safety of other human beings. It was at or near the very top of the gross negligence scale and verged on recklessness.

[67] In short there was a significant departure from standards expected from a dog owner, with a high degree of known danger. The omission to take proper care and precaution was not inadvertent or simply careless. And the consequences were catastrophic.

[68] I agree with the Crown and so does Mr Fairley that identifying the starting point in this case is a matter of applying first principles.

[69] Counsel presented me with five or six said to be like or general comparator cases of manslaughter. These cases are of some, but limited, assistance. But they help point in the direction of an appropriate starting point.

[70] For instance, in the case of manslaughter by recklessly operating a jet ski at high speed close to the end of a jetty, and killing a kayaker as she came round the jetty, a starting point of between four to five years' imprisonment was regarded as appropriate.<sup>2</sup>

[71] In another case, a defendant truck driver failed to secure his seven-month-old son's car seat to the vehicle seat. That defendant lost control of the vehicle, causing it to crash. His son was thrown across the vehicle causing fatal head injuries. The adopted starting point was three and a half years' imprisonment.<sup>3</sup> That was a one off. This is patterned behaviour and risk taking. And your case is more serious.

[72] In another case, the appellant was an experienced mother of a 13-month-old baby whom she left in a bath of water out of a misguided attempt to keep the baby warm. She was aware the baby was unstable when seated, but left the child unattended for a period 11 to 15 minutes to prepare breakfast for another child. The Court of Appeal reduced the starting point to three years' imprisonment.<sup>4</sup> Again I regard this case as more serious.

[73] Mr Fairley mentioned four cases.

[74] First, where a boat skipper's failure to undertake safety precautions breached his obligations to use reasonable care to avoid danger when in charge of a dangerous thing. The skipper failed to plan for worst case scenarios and to ensure adequate safety methods were in place. The skipper's partner and her four year old son were drowned when the boat capsized in worsening weather and sea conditions. Safety equipment was inaccessible. It was accepted in that case, contrary to the Crown submission, that

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<sup>2</sup> *R v Tomasi* HC Wellington T255/97, 3 July 1998.

<sup>3</sup> *R v Romana* [2025] NZHC 1401.

<sup>4</sup> *E (CA689/10) v R* [2011] NZCA 13, (2011) 25 CRNZ 411.

a starting point of imprisonment was inappropriate.<sup>5</sup> Again I regard this case as significantly more serious.

[75] Another case concerned the death of a person who was in an unfixed harness to the frame of a hang-glider before she was launched as a passenger.<sup>6</sup> An employee and supervisor (who was also apparently the pilot), did not follow standard practice to ensure the victim was properly hooked on to the frame. There, the Crown did not ask for a prison sentence and close to the maximum hours of community service was imposed.

[76] In another case a motorcyclist, driving at 72 km/h in a 50 km/h zone, ran a red light and struck two pedestrians resulting in their deaths. The starting point was four years' imprisonment.<sup>7</sup> But I am not sure that motor manslaughter cases are of direct assistance in this case.

[77] Finally, a man who attacked his flatmate after becoming angered by comments about his terminally ill sister, struck multiple blows to the victim's head and neck area causing death.<sup>8</sup> A six year starting point was upheld on appeal.

[78] This case is clearly more serious than the one-off but serious oversights involving the hang-glider pilot, the truck driver, the mother with the baby in the bath and the boat skipper. In each of those cases a merciful approach was justified.

[79] Here, you knew of your dogs' extreme dangerousness—and had experienced that yourself. This was no one-off mistake. But it was not a vicious attack carried out by you personally or while the dogs were present under your actual control—so the higher end sentences for manslaughter are clearly inappropriate.

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<sup>5</sup> *R v McQuire* [2024] NZHC 2160.

<sup>6</sup> *R v Parson* HC Christchurch CRI-2003-025-00448, 4 June 2004.

<sup>7</sup> *R v Kimber* [2025] NZHC 1906.

<sup>8</sup> *Blackler v R* [2019] NZCA 232.

[80] Your culpability or blamelessness is probably most similar to that of the jet ski driver although perhaps not quite as serious as there the jet ski was under the present and direct control of the defendant. But conceptionally the approach should be the same whether it is a machine or an animal.

[81] Mr Fairley initially advocated for a starting point of two-and-a-half to three years' imprisonment. But on reflection, in my view, he very responsibly considers two and a half years is too low and the highest point, may be he said, as high as four years imprisonment. On the other hand, the Crown suggests a starting point of four to five years.

[82] Establishing a starting point is not a scientific or mathematical exercise. It is a matter of assessing overall the gravity of your offending. Here, in my view, the least possible starting point is four years' imprisonment. In this case I go no higher.

### **Personal mitigating features—reductions**

[83] As to your personal circumstances and any reductions, I note that you were 56 at the time of offending, and you seem to have lived a somewhat solitary life.

[84] Without disrespect Mr Wira, I cannot help but observe you are no stranger to the criminal law. You have 10 pages of previous convictions including periods of imprisonment beginning in 1981. Your offending then became progressively more serious with prison sentences of two years, followed by eight years in the 1990s for several charges of aggravated robbery where a firearm was involved. And then on your release from that sentence there were further offences resulting in imprisonment and then a very serious set of sexual offences in March 2003 leading to a 12-year prison sentence.

[85] In short, you have spent much of your adult life in prison. Despite your lengthy and concerning previous criminal history there is no reason in that offending to further uplift the four-year starting point. The Crown does not seek it. I accept Mr Fairley's submission on that point.



[86] However, the relevance of all of that is that you have apparently lived outside the usual norms and expectations of society and the law—and your poor and inadequate care, treatment and control of your dangerous dogs is just one such example of your deliberately adopted lifestyle.

[87] Mr Thomson was apparently a close and long-term friend. The evidence is that Mr Thomson visited you in Kaitaia quite often.

[88] I accept that given your close personal relationship, Mr Wira you were upset, traumatised and shocked by finding your friend's body. You attempted to preserve his body as best you could in the situation that confronted you.

[89] You have written what appears to be a genuinely sorrowful and remorseful letter, expressing your condolences to Mr Thomson who you describe as your best bro with condolences particularly to his family. That said, while Mr Fairley says you are not a man of good written expression, Mr Annandale must be right to say there is nothing in the letter that clearly says you accept full responsibility, and this was all your fault. But so far as it goes, your letter does indicate what I assess to be some genuine remorse.

[90] I accept that you did not on the day have ready access to a phone and wanted to personally alert the police. You did so, it seems as soon as you could. You promptly confessed and described what had happened. You made statements on successive days to the police. You seem to have been reasonably candid and it is your statement that to some degree formed the basis for the manslaughter charge that was laid against you.

[91] I had initially thought that you were always willing to plead guilty to the alternative lesser charge laid in this case under the Dog Control Act of owning a dog which attacked a person causing serious injury. In fact, no such offer was ever made—Mr Fairley confirms. But you did accept the facts set out in the Dog Control Act allegation. So, it is not as if you accepted full responsibility what happened from the outset. That said, I accept you had a right to test the correctness of the much more serious manslaughter charge which is, as everybody points out, has never been laid before in New Zealand's history.

[92] The Crown holds against you that you did not explain the situation to the young Mr Knopp when you encountered him soon after driving away from the property in Mr Thomson's vehicle. I accept that is explicable because you did not want to cause upset or trauma to Mr Knopp and wanted to spare him any concern. Nor did you want anybody to interfere with the scene or the body.

[93] I also note you were apparently ready willing and able to undergo a restorative justice process which I encouraged. But Mr Thomson's family, for quite understandable reasons, elected not to proceed.

[94] I accept Mr Fairley's submission that it cannot be disputed that you were of some assistance to the police in identifying the offending to them and explaining the circumstances from your point of view.

[95] I think the Crown is just too harsh in its assessment that there is no evidence of remorse and that nothing you did justifies any reduction. Mr Fairley seeks a 20 per cent reduction for the combined mitigating features of remorse and assistance. I agree that the steps you took showed "some" real and genuine remorse for your best mate. The reduction sought in my view is best expressed as approaching 12 to 13 per cent.

[96] I also observe that you have had a challenging upbringing. You are the fourth of nine children. You describe yourself as "a product of the social welfare system". You were first removed from your parents' care and put into state care in 1975, and you were separated from all your siblings. You stated that you "got good at being bad in the system" and that you were abused while in the system. You explained being "in and out of prison since you were relatively young" and you describe yourself "as still being in a form of care". You clearly have a negative view of the system and the criminal justice system in particular.

[97] I record all of this but, in the circumstances of this case, it does not justify any further allowance. Mr Fairley does not seek any reduction because of your background. He seeks no other reductions.

[98] Imprisonment is the only recommendation in the pre-sentence report, and that is realistic.

### **Conclusion**

[99] Mr Wira you may stand.

[100] Adopting a starting point of four years' imprisonment or 48 months, any reduction could not be more than six months, which results in an end sentence of three years' six months imprisonment. That is three and a half years imprisonment.

[101] That is the sentence I impose. You may stand down.

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**Becroft J**