IN THE HIGH COURT OF NEW ZEALAND
PALMERSTON NORTH REGISTRY

I TE KŌTI MATUA O AOTEAROA
TE PAPAIOEA ROHE

CRI-2024-054-681
[2025] NZHC 3270

THE KING

v

JAEDYN PATRICK LOVEJOY

Hearing:	29 October 2025
Appearances:	G J C Carter for Crown J D Munro and S T L Teppett for Defendant
Sentencing notes:	29 October 2025

SENTENCING NOTES OF GWYN J

Introduction

[1] Jaedyn Patrick Lovejoy, a jury has found you guilty of manslaughter as a party.[1] You now appear for sentence.

[2] The charge of manslaughter carries a maximum penalty of life imprisonment, but I say at the outset that that is not the penalty I am going to impose today.

[3] As you know, you are one of three defendants to be sentenced today for your role in the tragic events of 20 January 2024, in which the victim, Mr O'Rourke, was robbed of methamphetamine and then shot in the head. I have sentenced two of your

[1] Crimes Act 1961, ss 171 and 66(2).

co-defendants, Windsor Martin and Grayson Gray, on charges of aggravated robbery this morning. Mr McLean, who was found guilty of murder, will be sentenced at a later date.

[4] The sentence I impose today has to take into account the purposes and principles in the Sentencing Act 2002. The particular purposes of sentencing that I think are relevant to you are:

(a) to hold you accountable for the harm done to Mr O'Rourke, to his family and to the community 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 into the community.

[5] I have to 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 else has committed a similar offence. That comparison with other cases is particularly important today, as I must try to ensure the sentences the four of you, you and the other three defendants, are proportionate to your roles in the offending.

[6] Because sentencing is a public process, I have to set out the detail of the offending for which a jury has found you guilty. Then I will talk about your personal circumstances and I will refer briefly to the victim impact statements I have heard this morning.

[7] I will then calculate a sentence by adopting a two-step approach: first, I will set a starting point based on the offending. Second, I will consider whether there are

any increases or discounts that should be applied to that starting point to reflect your personal situation. That will lead me to the end sentence I will impose.

Facts

[8] First I am going to set out the detail of your offending.

[9] On Saturday 20 January 2024, Damon O'Rourke was living in a detached sleep-out at Coromandel Court in Palmerston North.

[10] Windsor Martin and Tre McLean planned the robbery of Mr O'Rourke that occurred that evening.

[11] Mr Martin knew Mr O'Rourke well. He had been in regular contact with him in the days before. About mid-afternoon, Mr Martin went to Mr O'Rourke's address to purchase methamphetamine. He let Mr McLean know that he had done so.

[12] You and Tre McLean were together that afternoon. The two of you were seen on CCTV footage getting out of your car at Benbow Place; you both went into the house, apparently thinking it was Mr O'Rourke's address, and came back out shortly after. The two of you then drove back to Mr McLean's address.

[13] From about 4.45 pm that day Mr McLean and Mr Martin were calling and messaging each other. Grayson Gray was recruited by them to be the driver for the trip to where Mr O'Rourke lived.

[14] At 6.55 pm Mr McLean messaged Mr Martin "on way cuz". Mr Gray had collected you and Mr McLean from Pembroke Street and you were on your way to collect Mr Martin from his address at Beaumont Street.

[15] From there Mr Gray drove you, Mr McLean and Mr Martin in a car that he had borrowed from an associate. Mr Martin directed Mr Gray to Coromandel Court and to Mr O'Rourke's sleep-out, which was difficult to locate from the street.

[16] At about 7.10 pm that evening, the four of you arrived at Mr O'Rourke's address. Mr Martin stayed in the car with Mr Gray. The four of you shared a common purpose and understanding to rob Mr O'Rourke.

[17] You and Mr McLean left the car and made your way past the main house to the sleep-out. You were wearing Nomad gang patches. Mr McLean had a loaded, cut-down rifle concealed under his clothes but, as I will come to later, there is no evidence that you knew this before you entered the sleep-out.

[18] You entered the sleep-out with Mr McLean. Mr McLean confronted Mr O'Rourke, demanding that he hand over a quantity of methamphetamine. Mr O'Rourke was alone and unarmed, and he complied with the threats. Mr McLean was dissatisfied with what he had been given. You searched for more methamphetamine, pulling open a set of drawers and rifling through its contents. Mr McLean presented the firearm and threatened Mr O'Rourke with it. Although your counsel argued at trial that you left the sleep-out once Mr McLean produced the firearm, the jury did not accept your defence of withdrawal.

[19] When Mr O'Rourke denied having any more methamphetamine, Mr McLean discharged the firearm and shot him once in the right side of his head. In convicting him of murder, the jury found that Mr McLean intentionally pulled the trigger.

[20] The two of you ran back to the car, and Mr Gray drove you away. You had taken $5 from Mr O'Rourke's drawers. Mr McLean had a bag of methamphetamine.

[21] Tragically, Mr O'Rourke died in the early hours of the next day at Palmerston North Hospital. The cause of his death was a traumatic brain injury inflicted by the shooting.

[22] In acquitting you of murder, the jury found that you did not know it was a probable consequence of the robbery that Mr McLean would mean to cause grievous bodily injury to Mr O'Rourke. But in convicting you of manslaughter, the jury found that you did know it was a probable consequence of the robbery that Mr McLean would cause, intentionally or otherwise, serious injury to Mr O'Rourke with a firearm.

Personal circumstances

[23] I have read the Provision of Advice to Courts (PAC) report, dated 10 October 2025. I have also read letters of support from Brian Tito, Phil Paikea and Judy-Anne Kerrigan, who have worked with you through the SafeMan SafeFamily programme, and also from a friend, your partner and your mother.

[24] I want to talk a little about what is in that report and those letters of support. I acknowledge that much of the information is of a personal nature, but I need to discuss how some of it impacts on how I am going to sentence you.

[25] You advise that you are of European and Māori descent, and you whakapapa to Wainui iwi in the Matauri Bay area. You were born in Palmerston North and attended Feilding High School. You left school so you could spend time with your friends and use cannabis. A family member gave you work as a roofer for two to three years, and you have considered going back into the roofing industry on your release from prison.

[26] You were slowly introduced to the Nomads gang, which encouraged the use of cannabis and methamphetamine. You told the report writer that your co-defendant, who I have assumed is Mr McLean, was your best friend since you were in high school, and you enjoyed spending time with him despite knowing he was a patched Nomads member. You state that you never committed to being a patched member, and that you would borrow patches to support your friends in their dealings.

[27] You report that you were under the influence of methamphetamine at the time of the offending, and the report says that you are at high risk of harm from cannabis and methamphetamine use. You are aware of the role that drugs played in your offending, and you report having been sober since being in custody as you believe drug use will be detrimental towards your rehabilitation.

[28] You say that you have removed yourself from all gangs and have avoided gang associates while in prison. You have focused on your family. You have been in a relationship with your partner for around five years and together you have two young children. Your partner reports that the early stages of your relationship were

challenging; you were using drugs and the two of you had children when you were very young, which was stressful. However, it appears that, while on bail for this offending, you fully committed to your family. As I have found out from the letters and report, every morning, you woke your daughters, made their lunches for kindy, and got them ready for their day.

[29] You have completed the Redemption Journey Stopping Violence Programme. It is clear from the letters of support I have read that you have done your best to turn your life around and to grow from the incident you are being sentenced for today.

[30] You report that you were baptised into the Christian faith in May 2024 and that you find your faith uplifting. Your partner confirms that being a Christian has changed your view on life and encouraged you to make better choices for your future.

Victim Impact Statements

[31] You will have heard the victim impact statements from Mr O'Rourke's whānau when they were read out this morning. I do not propose to repeat them other than to emphasise to you the extent of the loss and pain that have been caused to Mr O'Rourke's whānau, in part because of your actions.

Starting point

[32] I am going to turn now to consider an appropriate starting point for your offending. The Crown says that an appropriate starting point would be 11 years' imprisonment. Today in oral submissions, your counsel, Mr Munro, says seven years would be appropriate.

[33] Part of the reason for the difference in those figures is that counsel disagree on the facts of your involvement in the offending. The Crown says that it is highly unlikely that you only became aware a robbery was going to take place once you got into the sleep-out. It also says that the only logical set of facts to sentence you on are that you were in the sleep-out at the time of the shooting.

[34] Mr Munro says that you were unaware of any plan to rob Mr O'Rourke prior to entering the sleep-out. He says that there is no evidence from which I can infer that you were aware Mr McLean had a firearm prior to entry into the sleep-out. He says that you only reached a shared understanding to participate in the robbery once Mr McLean presented the firearm, and that you were a reluctant participant when you were there. And he says that it would be consistent with the jury's verdict for you to have left the sleep-out. In rejecting the defence of withdrawal, the jury could have found that that you did leave the sleep-out, but that this did not amount to withdrawal from the robbery in a legal sense because you had taken five dollars from the drawer.

[35] I do not accept any suggestion that you did not know you were engaged in a robbery until you made it to the sleep-out. You and Mr McLean were picked up by Mr Gray first, before going to Mr Martin's address. All three other occupants in the car accept they were aware a robbery was planned. You were wearing a Nomads patch when you went into the address, as was Mr McLean.

[36] However, I do accept that there is no evidence from which I can infer that you were aware Mr McLean had a firearm prior to entry into the sleep-out. The question put to the jury, to which they must have answered "YES", read:

> Are you sure that, when Mr McLean and Mr Lovejoy **had** a shared understanding or agreement to assist each other in achieving that common purpose, Mr Lovejoy knew that Mr McLean had a firearm? (emphasis added)

[37] The Crown said at trial that once there was a shared understanding or agreement to rob, it was sufficient that at some point you knew about the firearm. Without any clear evidence that you knew about the firearm before the robbery, I must sentence you on the basis that you became aware of the firearm once in the sleep-out, but in that knowledge you agreed to continue to rob Mr O'Rourke.

[38] As for the defence of withdrawal, I note that in rejecting that defence, the jury either had to be sure that:

(a) you did not leave the sleep-out before the firearm was discharged; or

(b) leaving the sleep-out did not demonstrate clearly to Mr McLean that you were withdrawing from the robbery; or

(c) leaving the sleep-out was not, in the circumstances, a reasonable and sufficient step to undo the effect of your previous participation in the robbery, or to prevent the killing of Mr O'Rourke.

[39] Mr Munro is correct that the jury may have concluded that you did leave the sleep-out before the firearm was discharged, but that you leaving the sleep-out was not a sufficient step to undo your previous participation. I do not think the evidence supported you having left the sleep-out early; you would almost certainly have been seen by Mr O'Rourke's children if you had done so. But even if that is what the jury found, I do not think it makes any real difference in sentencing you. You knew you were about to engage in a robbery going into the sleep-out, and once Mr McLean had produced the firearm, you did continue to participate in the robbery, knowing it was a probable consequence that Mr McLean would cause Mr O'Rourke serious injury. You did not go into the sleep-out intending or even anticipating that Mr O'Rourke would be killed. But you were not merely a reluctant participant in the robbery.

[40] We sometimes have what we call guideline judgments for particular offences which give us a starting point from which to sentence, but there is not a guideline judgment for manslaughter, because a manslaughter charge can arise in a wide variety of circumstances. Instead, a sentence needs to be imposed that reflects the particular circumstances of the individual offending. I consider that the following circumstances are relevant here:

(a) the offending took place in the context of an aggravated robbery;

(b) you and Mr McLean unlawfully entered Mr O'Rourke's sleep-out, which was his private dwelling, his home;

(c) there was more than one of you;

(d) you were using gang patches, which I infer was for intimidation;

(e) there was a firearm, although I sentence you on the basis that you only became aware of the firearm once in the sleep-out; and

(f) Mr O'Rourke was killed, although you did not anticipate that would happen.

[41] As I said before I am going to talk a little bit about similar cases or cases that the lawyers have said to me are similar. In oral submissions today Mr Carter emphasised a case called *Rapira* and in that case, the court said a starting point of ten years was unlikely to be sufficient where there had been home invasion and violence.[2] I have looked again at that case and I think it is somewhat different in that, although that was a general statement, it was made in the context of a group attack with much more deliberate violence. Further, that case was in 2003 and the subsequent cases that I will discuss suggest a lower starting point.

[42] In written submissions the Crown has also said that your offending is similar to another case called *Chase.*[3] That case involved a man called Mr Griffin. In that case, three men went to an address and robbed a man of drugs and money. During the robbery, one of Mr Griffin's co-defendants shot the victim in the chest. Mr Griffin was convicted of manslaughter and was given a starting point of 12 years' imprisonment. The Crown notes that Mr Griffin supplied the firearm in that case, but says that beyond that, your roles were similar. On that basis, it says that a starting point slightly lower than Mr Griffin's, at 11 years, is appropriate.

[43] However, I accept Mr Munro's submission that Mr Griffin's offending was much more serious than yours. On appeal, he was described as the joint leader of the attack, and his role was instrumental as he drove the group to the place of attack and supplied the firearms and ammunition.[4] He also detained the victim's partner while the others went to locate the victim.[5] By comparison, your involvement in the robbery itself was to rifle through drawers, and I have accepted that you only learned of the firearm once in the sleep-out.

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2 *R v Rapira* [2003] 3 NZLR 794 (CA) at [132].
3 *R v Chase* [2018] NZHC 3332.
4 *Griffin v R* [2019] NZCA 422 at [21].
5 At [10].

[44] Mr Munro has provided me with four other sentencing decisions, with starting points of between four years' and seven years and six months' imprisonment.[6] I accept that two of those decisions are useful comparisons.

[45] In *Burke*,[7] a group associated with the Nomads gang attacked a man who owed the gang money. He was stabbed multiple times to his chest and arms in a vicious, extended attack. Mr Burke did not stab the victim, but punched him and put him in a chokehold. The injuries inflicted by Mr Burke did not cause the victim's death. Mr Burke was sentenced on the basis that he was part of a plan to beat the victim but did not know for sure that the main offender had a knife or that the victim was stabbed during the assault. He was set a starting point of six years and six months' imprisonment.

[46] Both you and Mr Burke in that case formed a common purpose with other offenders to commit an offence against someone, not expecting the victim to be killed. Mr Munro submits, and I agree, that that offending in *Burke* involved a greater degree of premeditation than yours, and that Mr Burke's involvement included actual violence inflicted on the deceased as he was trying to flee. In those ways your culpability is lower. But I also note that you knew about the firearm once you were inside the sleep-out and continued to rob Mr O'Rourke in that knowledge, whereas Mr Burke did not know about the knife when he punched and choked the victim.

[47] The other useful case is *R v Bush*. Mr Bush's father formed a plan with another man to steal the victim's vehicle. Mr Bush went with his father to the boarding house where the victim was living, unaware of the purpose of the visit. He waited outside while his father, who was armed with a weapon, went inside. Mr Bush's father threatened the victim, who responded by throwing things at him. Mr Bush's father retaliated with a vicious and brutal assault. Mr Bush went into the bedroom to assist his father by holding the victim down while the assault continued. His father struck the victim hard in the head, resulting in his death. During the assault, Mr Bush became

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6 *R v Pomare and Perkinson* [2016] NZHC 1346; *R v Burke* [2021] NZHC 136; *R v Huriwaka* [2023] NZHC 112; and *R v Bush* [2018] NZHC 1354.

7 Mr Burke's conviction appeal was successful in the Supreme Court — see *Burke v R* [2024] NZSC 37, [2024] 1 NZLR 1. His sentencing notes are still of assistance.

upset by the level of violence and left the room. He received a starting point of seven years and six months' imprisonment.

[48] It seems to me that your offending shares some common features with Mr Bush's. The violence inflicted on the victims was in their bedrooms. Neither of you anticipated when you went in that serious violence would be inflicted on the victims, although in your case you knew that the plan was to rob Mr O'Rourke. And you were both actively involved in the intended offending, although in Mr Bush's case this was through the use of violence. I agree with Mr Munro that an appropriate starting point for your offending would be slightly lower than Mr Bush's. However, I do not accept Mr Munro's submission that another similarity is that you left the scene; as I noted earlier I do not accept that you left the sleep-out.

[49] On balance having looked at those cases, I consider that your culpability is somewhere between the *Bush* and the *Burke* cases and on that basis, I adopt a starting point of seven years' imprisonment.

[50] Both counsel invited me to cross-check that starting point against what your starting point might have been if you were convicted of aggravated robbery. This morning, I gave Mr Gray a starting point of four years and six months' imprisonment[8] and Mr Martin a starting point of six years.[9] Unlike those two, you physically went into the sleep-out to help carry out the robbery, and you continued to rob Mr O'Rourke knowing about the weapon, whereas those two stayed in the car and did not know about the firearm. Balanced against that, Mr Martin had a greater role in planning the robbery. I consider that your level of culpability for the robbery is higher than Mr Martin's. That confirms to me that a starting point slightly higher than Mr Martin's starting point is the correct position.

[51] I adopt a starting point of seven years' imprisonment.

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8 *R v Gray* [2025] NZHC 3250.
9 *R v Martin* [2025] NZHC 3245.

Personal aggravating and mitigating factors

[52] I now turn to consider your personal aggravating and mitigating factors — in other words, the factors personal to you that mean I should increase or decrease your sentence from the starting point. You do not have any previous convictions and there are no other circumstances personal to you that warrant an increase to your sentence, but Mr Munro has submitted that the starting point of your sentence should be decreased to reflect a range of personal factors, which I address in turn.

Willingness to plead

[53] The first was your willingness to plead to manslaughter before trial. If a defendant pleads guilty to an offence before trial, they may receive a discount of up to 25 per cent on their sentence, depending on the circumstances, particularly the timing of the guilty plea. This is to reflect the benefits to the criminal justice system as it may mean there is no need for the time and expense of a trial, or the trial might be shortened.[10] There are also benefits to witnesses, particularly victims and their families, in not needing to give evidence, and they may be assisted by an offender's acknowledgment of responsibility for the offending.[11]

[54] Initially, all four defendants who drove to Mr O'Rourke's address were charged with murder. On 18 July 2025, the Crown reduced the charges against Mr Gray and Mr Martin to manslaughter, to reflect that they did not go into the sleep-out. On 4 August 2025, your counsel raised with the Crown the possibility of you pleading guilty to manslaughter.

[55] In written submissions before me the Crown said that you offer to plead to manslaughter on 18 August was "on the grounds that he was not part of a common purpose to rob and only became aware of the firearm in the sleep-out. The Crown view is that a plea to manslaughter on that basis was not legally available". The Crown goes on to say that your offer to plead to manslaughter was later revoked in any event, and you defended manslaughter throughout the trial. I accept that no credit could be given for that offer, given it was on the basis that you were not part of a common

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10 *Hessell v R* [2010] NZSC 135, [2011] 1 NZLR 607.
11 *Lynn v R* [2020] NZCA 616 at [38].

purpose to rob. Around this time, the charges against Mr Gray and Mr Martin were reduced to aggravated robbery, and you subsequently offered to plead to aggravated robbery instead. That was rejected by the Crown.

[56] However, the informal offer to plead guilty to manslaughter, made on 4 August 2025 must be considered. I am grateful to counsel for providing copies of the without prejudice email correspondence between them that discussed the offer and the Crown's position in response. As I said I would do at sentencing, I now set out more detail of that exchange, which suggests a more nuanced position on what occurred and the timing of it than I had at first understood.

[57] On 4 August 2025 Mr Munro emailed the Crown Solicitor. In that email Mr Munro set out the evidential submissions that could be made on your behalf, emphasising that there was no evidence that showed you had any role in the planning of the robbery, or that you were aware Mr McLean had a firearm before you went in the sleep-out. He further noted your position that you had left the sleep-out before Mr O'Rourke was shot.

[58] Mr Munro then said:

> Accordingly I would ask that the Crown consider amending the Murder charge to Manslaughter on the basis that Mr Lovejoy was part of a plan to commit an aggravated robbery, and foresaw harm happening during the aggravated robbery but was did not appreciate the level [of] harm was so serious that [it] could result in death on the grounds he was unaware of the presence of a firearm. Given the charge has been amended for Mr Gray and Mr Martin (who was involved in the planning of it) on this basis, I believe that the Crown can properly offer the same to Mr Lovejoy.

[59] In response, Mr Carter said that, even on the narrative as expressed in your second Police interview, the Crown believed you remained legally liable for s 168 and s 66(2) murder. Mr Carter concluded: "We could not accept a plea to manslaughter on the basis he was unaware of the presence of a firearm given his admission that he, at least, became aware of it, during the course of the robbery that he was participating in".

[60] On a reading of Mr Munro's 4 August 2025 email as a whole, it appears that at that date you were prepared to admit that you were part of a common purpose to

commit robbery, foresaw harm, but not the level of harm because you were not aware of the firearm until after going into the sleep-out. That is the basis on which it appears the jury ultimately found you guilty of manslaughter.

[61] I acknowledge that the Crown may have been concerned about whether the offer made on your behalf included an acknowledgement that, at the point you did become aware of the firearm, you continued to be part of the common plan to commit an aggravated robbery. The Crown might have concluded that, following the Supreme Court judgment in *Burke*,[12] that was not a safe set of facts for a manslaughter conviction. However, as at that date, the reason for rejecting the offer appears to have been that it believed there was sufficient evidence for the jury to find you guilty of murder. And it appears that at this time the Crown was prepared to offer a reduction in charge from murder to manslaughter for Mr Martin and Mr Gray, both of whom maintained they were unaware of the presence of a firearm.

[62] I accept Mr Munro's submission that it would be unfair to deny you a discount, in those particular circumstances.

[63] Nor, in my view, does it matter that you defended the manslaughter charge at trial. As noted in *Adams on Criminal Law*:[13]

> Where an offender charged with murder and whose offer to plead guilty to manslaughter is not accepted by the Crown is subsequently convicted of manslaughter at trial, appropriate credit for the earlier offer of a guilty plea should be given. There is no requirement that the defence at trial must have been conducted on the basis that the offender was guilty of the lesser charge. The sentencing credit is available even though at trial the offender denied responsibility for both murder and manslaughter.

[64] Mr Munro says that a discount of 20 per cent would be appropriate to reflect your willingness to plead to manslaughter. I do not accept that such a large discount is warranted. The 4 August offer was close to the start of the trial (three weeks before), albeit in circumstances where the Crown was reviewing its charging position.

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12 *Burke*, above n 7.

13 Mathew Downs (ed) *Adams on Criminal Law – Sentencing* (online ed, Thomson Reuters) at [SA9.15(5)] citing *R v Jamieson* [2009] NZCA 555 at [44]; *R v Betham* [2016] NZHC 2107 at [73]; and *R v Davies* [2020] NZHC 903.

[65] In the particular circumstances of the case, and on my review of the authorities, a discount of 10 per cent is appropriate for your willingness to plead guilty to manslaughter.

Youth

[66] I next turn to consider your youth. You were 19 years old at the time of the offending. As the Crown notes, the courts have, on a number of occasions, confirmed that youth is relevant to sentencing, for a number of reasons. They include:[14]

(a) The age-related neurological differences between young people and adults, including impulsivity and susceptibility to peer pressure and influence;

(b) The effect of imprisonment, especially long sentences, being crushing to young people; and

(c) The fact young people have a greater capacity for rehabilitation.

[67] The Crown notes that your offending has the hallmarks of youth offending, including a failure to fully grasp and reckon with the potential lethal consequences of your actions.

[68] Mr Munro submits that while there is no presumption in favour of a discount for youth, discounts of 10–30 per cent are common.[15] He also notes that you had no previous convictions, you were not involved in the planning of the robbery, and your involvement stemmed from your association with older and more criminally entrenched peers. He submitted a discount of no less than 20 per cent would be appropriate to recognise your youth.

[69] I have no difficulty accepting that your youth had a role to play in your offending, which was largely impulsive. Your involvement in this incident as a

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14 *Churchward v R* [2011] NZCA 531 at [77]; and *Rolleston and Roche v R* [2018] NZCA 611, [2019] NZAR 79.

15 *Pouwhare v R* [2010] NZCA 268.

19-year-old does not define the rest of your life, and I am encouraged by the rehabilitative steps you have taken, as attested to by your letters of support. Nevertheless, at 19 years old, you could and should have known better than to get in a car with three others, including a patched gang member, with the intention of robbing a man of methamphetamine. I am also conscious of the need to deter and denounce your conduct, and the need to recognise the consequences of your actions for Mr O'Rourke's whānau. I am satisfied that a discount of 15 per cent is appropriate to take account of your youth.

Other personal factors

[70] Mr Munro also asked for separate discounts of 10 per cent for your remorse and the impact your incarceration will have on your young children, who are in their formative years.

[71] I conclude that a discount for remorse is not warranted. I accept that you have recognised the harm your offending has caused, including the serious impact it has had on Mr O'Rourke's family. You also accept that your association with the Nomads gang was detrimental to your ability to make prosocial choices. I am encouraged by your insights into your offending, but I consider that any credit available for these factors is already taken into account in giving you a discount for your youth.

[72] However, I do think it is appropriate to recognise the impact your imprisonment will have on your children.[16] Your children are in their formative years and you were an attentive father during your time on bail; it sounds from the letters I have read that you were a key part of their lives. It is better for both them and for your own rehabilitation for you to be reunited with them as soon as possible. With that in mind, I grant a five per cent discount for the impact of imprisonment on your children.

Time spent on EM bail

[73] The final personal factor I consider today is the time you spent on electronically monitored (EM) bail.[17] You spent 481 days on strict EM bail conditions,

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16 *Campbell v R* [2020] NZCA 356 at [41]; and *Philip v R* [2022] NZSC 149, [2022] 1 NZLR 571.
17 Sentencing Act, s 9(2)(h).

with a 24-hour curfew aside from agreed absences. Your compliance with those conditions was near perfect, with one technical breach in May 2025 due to a flat tyre.

[74] You were bailed to an address in Whangārei from 15 May 2024. You applied to appear at trial by audio-visual link, but I declined this application on 18 August 2025.[18] You applied for EM bail to an address in the Palmerston North area, for the duration of the trial. I directed an EM bail suitability report, and in the meantime, directed you to surrender yourself into custody at the Palmerston North police station. When you arrived at the Police station, as the Court had directed, the Police declined to take you into custody, and you called the EM bail team for advice. During the first week of your trial, while waiting on the suitability report, you remained at the proposed address, on bail simpliciter, without incident.[19]

[75] For over a year, you complied with strict bail conditions to the best of your ability, and your actions at the start of the trial were commendable. I agree with your counsel that it is appropriate for you to receive the maximum credit available for the time spent on EM bail.

[76] The key considerations are the period of time you spent on EM bail (around one year and four months), your compliance with the conditions (perfect) and the relative restrictiveness of the EM conditions.[20] Your bail conditions required approval for you to attend appointments other than attending the gym, grocery shopping, or attending a playground with your children during select times, and those appointments required supervision. I have looked at some other cases referred to me by counsel, to make an assessment of what credit I should give you. In *Hohipa*, the appellant was given 12 months' credit for 14 months on EM bail, but his conditions appear to have been more restrictive than yours.[21] In *Paora*, the appellant was given credit of 70 per cent for time spent on, and compliant with, EM bail; for part of that time his conditions were more restrictive than yours.[22]

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18 *R v Lovejoy* [2025] NZHC 2327.
19 *R v Lovejoy* [2025] NZHC 2520.
20 Sentencing Act, s 9(3A).
21 *Hohipa v R* [2015] NZCA 485 at [32]–[35].
22 *Paora v R* [2021] NZCA 559 at [62].

[77] I consider it appropriate to grant you credit of ten months for time spent on EM bail.

End sentence

[78] That brings me to the end sentence. From a starting point of seven years' imprisonment, I apply discounts of 10 per cent for your willingness to plead guilty to manslaughter, 15 per cent for your youth, and five per cent for the impacts of your incarceration on your young children. From that, I subtract 10 months for your time spent on EM bail.

[79] That results in an end sentence of four years' imprisonment.

Minimum period of imprisonment

[80] Before we conclude I have to address the question of a minimum period of imprisonment (MPI). 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 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, would not be adequately met.

[81] The Crown seeks an MPI of 50 per cent to denounce your conduct and to hold you accountable.

[82] I have carefully considered this question and I do not accept that an MPI is required in this case. I have already taken the seriousness and consequences of your offending into account when setting your sentence. The relevant sentencing principles of denunciation and accountability have already been met.

[83] Further, and as I noted earlier, your offending has the hallmarks of youth offending. As the Crown concedes, you have a greater capacity for rehabilitation, and there is a risk that a long sentence may be crushing.

[84] Nor do I think there is any heightened need to protect the community by keeping you in prison for longer than would otherwise be recommended by the Parole Board. The fact that you do not have any previous convictions, your acceptance of some degree of responsibility through your willingness to plead to manslaughter, and your likely positive response to rehabilitation, in my view, point to a low risk of reoffending. I also note again your exemplary conduct while on EM bail for a lengthy period.

[85] 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.

Conclusion and result

[86] Jaedyn Patrick Lovejoy, please stand.

[87] On one charge of manslaughter, I sentence you to four years' imprisonment.

[88] You may stand down.

Gwyn J