

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

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

**CRI-2022-092-6662
[2025] NZHC 3630**

THE KING

v

HAKYUNG LEE

Hearing: 26 November 2025

Counsel: N Walker, J A E Tausi and J M Kim for Crown
L O Smith and C Wilkinson-Smith for Defendant (Standby
counsel)

Sentenced: 26 November 2025

SENTENCING NOTES OF VENNING J

Solicitors: Kayes Fletcher Walker Ltd, Manukau, Auckland
Counsel: L Smith/C Wilkinson-Smith, Auckland

[1] Hakyung Lee, you are for sentence this morning because the jury found you guilty of murdering your two children, Yuna and Minu Jo. At the time they were killed Yuna was eight and Minu six.

[2] You have been recorded as representing yourself, but you have agreed to counsel assisting you or standby counsel presenting your defence in a full and detailed way at trial including calling evidence and also preparing substantial submissions for today's sentencing hearing. That is important as you appear to be at a complete loss and bereft in the situation you find yourself in.

[3] I start by summarising the background.

[4] You were born in South Korea. In 1993, at the age of 13, you immigrated to New Zealand with your family. Your father died when you were 18 years old. You trained and worked in hospitality and were a member of a Korean church community. Through that church community you met your husband, Ian, in 2004. You were married in 2006 and had the two children, Yuna and Minu. Your life after marriage to Ian seems to have a very happy and settled one. You remained involved in the church and Ian worked, had a good job with Air New Zealand. The children were doing well at school and were well liked by the teachers. Unfortunately Ian was diagnosed with a serious form of cancer in March 2017. Despite treatment in New Zealand and Korea, the cancer was terminal. He died in November 2017.

[5] You effectively had a breakdown following Ian's diagnosis of cancer and were not able to cope with the stress of his illness and his subsequent death. You struggled to tell the children he had died. You then had limited contact with the children's school teachers or school friends thereafter. The children did not return to school in 2018. You effectively withdrew from the community and support around you. After a holiday to the Gold Coast with your mother and children you did not see your mother again. You declined assistance from your brother-in-law and his family. You used Ian's life insurance money for travel, perhaps as a source of distraction for you and the children. Apart from the trip to Australia you had trips back to Korea and within New Zealand itself. You took the children to Taupo and Queenstown.

[6] You were not able to cope with life on your own and were not able to deal with the responsibility of looking after the children and their needs. As noted, they did not return to school. In June 2018 you killed the children by giving them an overdose of Nortriptyline pills that had originally been prescribed for you some time earlier for depression. You then concealed their bodies in plastic bin liners in several layers and suitcases and left them in a storage locker before flying to Korea. Their bodies were only discovered when you ceased paying the storage fees in early 2022 at around the time you were admitted to a psychiatric hospital in Korea after another episode. Ultimately you were extradited to New Zealand to face trial.

[7] The circumstances which followed from your husband's death and led to you killing your children are properly described as tragic.

[8] However, by its verdicts, the jury found you intended to kill your children and also that, while you were suffering from a depressive illness at the time, you knew that your actions were morally wrong.

[9] The primary purposes of sentencing in the case of murder generally are:

- (a) to hold the offender accountable for the harm done – in this case the killing of your children, and that causes harm obviously to them but also to your family and also the general community;
- (b) to promote a sense of responsibility for that harm;
- (c) to denounce such conduct; and
- (d) to deter others from committing similar offending to the extent that is at all possible.

[10] Your offending has affected many people. The victim impact statements from your mother and brother-in-law read this morning confirm the significant impact that your actions in killing the children have had on them and the ongoing nature of it.

[11] The particularly relevant principles the Court should have regard to are the gravity of the offending, the seriousness of the offence itself (murder), your level of culpability and the need to achieve consistency with other sentences, albeit that facts such as the present case thankfully do not arise often.

[12] Aggravating and mitigating factors under ss 9 and 9A of the Sentencing Act 2002 are also relevant.

[13] Section 102(1) of the Act provides for a mandatory sentence of life imprisonment for murder unless it would be manifestly unjust. The minimum non-parole period (MPI) is at least 10 years. Section 104 of the Act also provides that in certain circumstances the Court must impose an MPI of at least 17 years unless, again, it would be manifestly unjust to do so. In the present circumstances s 104 is engaged. Your children were particularly vulnerable because of their age and their reliance upon you as their sole caregiver. Also, there were two victims, even though the killings obviously arose from the same set of circumstances.

[14] The Crown says you planned to kill the children and to start a new life in Korea free of them. Ms Walker has pointed to, amongst other factors, your purchase of the bin bags, rubbish bags, bubble wrap and duct tape on 27 June before the children were killed and your subsequent actions after the children were killed. Ms Walker submits that there are no circumstances that make a sentence of life imprisonment manifestly unjust and that the Court should impose an MPI of between 21 to 23 years.

[15] On your behalf, Mr Wilkinson-Smith and Mrs Smith have argued that both an MPI of 17 or more years would be manifestly unjust as would the sentence of life imprisonment. Mr Wilkinson-Smith submits that the evidence does not support a conclusion that you deliberately killed the children to free yourself of the burden of parenting them alone. He says you meant to commit suicide yourself but failed, presumably because you did not take a strong enough dosage of the drug. I note at times it has also been suggested in your reports to others that you tried again to commit suicide when you awoke and found the children dead. It is submitted on your behalf that a finite sentence would be appropriate.

[16] Your mental health is obviously a major consideration in this case.

[17] At trial, Dr Monasterio offered the diagnosis that you were suffering from a major depressive disorder or prolonged grief disorder or a combination of both, but considered it was not associated with symptoms of psychosis.

[18] Dr Kelly also considered you to be suffering from a major depressive disorder. She was more open to you possibly suffering from psychotic episodes, but it appears the jury preferred the evidence of Dr Monasterio, as do I.

[19] For the purposes of sentencing the Court has an updated psychiatric report from Dr Duff. In her opinion, it is likely that you were suffering from an atypical depression and prolonged grief reaction at the time you killed the children. Dr Duff goes on to suggest there appears no motive for you killing the children. She does not support the Crown theory you wanted to relieve yourself of the burden of caring for them. She notes you remain unable to fully face the reality of your actions and your core tenet is that you impulsively decided to kill the children and yourself.

[20] Mrs Smith and Mr Wilkinson-Smith have also arranged on your behalf for a s 27 report with an emphasis on your Korean cultural background. The report is in considerable detail. In summary the report writer notes there are a number of factors which may have contributed to your offending:

- (a) layered grief and the disintegration of the relational identity which you attributed to your innate bad luck;
- (b) silenced distress, cultural shame and vulnerability;
- (c) familism and the moral framing of collective suicide within the Confucian context.

[21] The report writer suggests you present with profound psychological distress and an enduring sense of hopelessness. You have no desire for continued existence or life beyond incarceration.

[22] As noted, Dr Duff expressed some doubt as to the reliability of the evidence the Crown relies on to submit the children were killed on 27 June. She also opines that perhaps you decided impulsively to kill your children (and yourself) because of your prolonged grief reaction with secondary depression. Alternatively, that in the Korean cultural context with a focus on minimising emotional display and complying with expectations you regarded yourself as a source of “bad luck” to those close to you, so you impulsively killed the children and then retreated into a fantasy of beginning a new life.

[23] To resolve those divergent views, I have to make relevant findings as to the facts upon which I will sentence you.

[24] On the basis of the evidence taken overall, I find that sometime, late in the afternoon or during the evening of 27 June 2018 you administered the Nortriptyline to the children in a sufficiently fatal dose to kill them.

[25] The evidence supports the finding that Minu was alive and logged onto his player profile and connected to the internet at 10.53 am on Wednesday 27 June and similarly, Yuna did so at 12.07 pm that day.

[26] At that same time or around that time you were away from the home, so it could not have been you. At around that time you purchased an envelope and a courier bag and sent off an application to change your name. You then went to Mitre 10 and bought a 10 pack of garden rubbish bags, a six pack of black rubbish bin liners, bubble wrap and duct tape. You then returned home later in the afternoon.

[27] There was no further activity on the PlayStations after 12.07 pm activity and broadband usage for the home dropped off from around that time. Further, a small detail, but Minu was found to be wearing a pair of underwear with Wednesday noted on the band. They were from a set with individual days of the week noted. The children were found in day clothes rather than bedwear.

[28] Your actions after administering the Nortriptyline to the children, which I note you accept you powdered and put in a juice for them to take, suggest that you planned

to hide what you had done and to leave New Zealand and relocate to Korea. The very next day, 28 June 2018, you bought a new suitcase and signed up for the Safe Store storage agreement. There was no need to buy another suitcase unless you had already used or intended to use the other suitcases to conceal the children's bodies.

[29] Further, on the following day, you sat a driver's licence certificate and spent two and a half hours at a hair salon. Finally on Saturday, 30 June, you bought more plastic bin liners and a heavy duty padlock for the storage unit.

[30] Over the following month you continued to spend money on personal items. You appeared normal to the agent when the flat was inspected. You sold your car and booked the business class flights to Korea and took yourself there.

[31] The only evidence you also tried to kill yourself at the time by taking an overdose yourself is from your self-reporting. But your accounts as to what you did around this time to various people of your actions, including medical professionals, has been inconsistent over time. You were not able to answer the probation officer when asked if the children were still alive when you purchased the bin liners and duct tape on the second occasion. At one stage you told your mother you had no children and you told the detective who accompanied you back to New Zealand that you had left your children in an institution and also someone else had killed them.

[32] While no doubt your actions were influenced by your depression, I conclude from the evidence that you decided to kill your children because you could not cope with the responsibility and burden of caring for them without the support of your husband, Ian. You had relied heavily on him during your marriage. You could not cope when he became seriously unwell and perhaps you could not bear to have the children around you as a constant reminder of your former happy life which had been cruelly taken from you. You became, as noted, severely depressed over the months leading up to and following his death. I accept the Crown submission that the evidence supports a finding that you killed the children to avoid the burden of parenting them alone. However I consider it is no coincidence that you took steps to change your name earlier on the day that you killed them. I reject the suggestion that after you

awoke to find them dead you again tried again to kill yourself. Your actions are inconsistent with that proposition.

[33] Once the realisation that you had killed your children set in, you set about calmly and methodically dealing with and effectively disposing of their bodies in such a way to prevent the authorities finding out what you had done and in a way that meant their bodies would not be found for sometime. To that extent, I disagree with Dr Duff's suggestion that you went through a checklist in some sort of robotic way or were acting on auto pilot. Your actions were organised and considered and took place over a number of days.

[34] I return to whether the imposition of an MPI of 17 years or more, in this case the 21 to 23 years sought by the Crown would be manifestly unjust. The first issue for the Court is whether it could be said to be manifestly unjust to sentence you to a minimum term of imprisonment of 17 years or longer.

[35] Mander J faced a similar issue when sentencing Ms Dickason.¹

[36] Ms Dickason had murdered her three young daughters. In that case the Judge accepted that the offending at its root involved the dire mental breakdown of Ms Dickason. Mander J considered it was necessary to take into account the reason for her actions, namely the severe mental disorder from which she was suffering that night. He considered the legislative policy sitting behind s 104 did not intend the provision to apply to cases where the offender's psychiatric condition was so predominant to the offending and concluded in her case it would be manifestly unjust to impose a minimum period of 17 years, despite the fact that he would have taken the starting point of 24 years as an MPI.

[37] Mander J then addressed whether it would be manifestly unjust to impose a life sentence. He noted the presumption of life imprisonment will only be displaced by strongly mitigating circumstances as would render the sentence manifestly unjust,² and that the courts have "rarely been persuaded that offenders who are suffering from

¹ *R v Dickason* [2024] NZHC 1704.

² At [60].

severe mental illness or disability [even] should avoid life imprisonment for murder”.³ However he considered the operative extent of Ms Dickason’s mental impairment could not adequately be recognised by an adjustment to the minimum period and in the circumstances the imposition of life imprisonment would be manifestly unjust. He declined to impose a life sentence and instead sentenced Ms Dickason to a finite sentence of 18 years’ imprisonment on each charge.

[38] The Crown also referred to the case of *R v Howse*.⁴ Mr Howse was found guilty of murdering his two stepdaughters who were 11 and 12 at the time. He killed them with a single knife wound while they were sleeping in separate bedrooms apparently in an attempt to cover up his alleged offending against them. The Court of Appeal accepted the offending involved callousness of a very high degree but substituted an MPI of 25 years instead of the 28 years originally imposed. I put the case of *Howse* to one side.

[39] The Crown acknowledges your offending is potentially less serious than the offending in *R v Dickason* given the additional victim and the callousness of the offending in that case. The Crown suggests, as I have noted, an end MPI of 21 or 22 years is required.

[40] The Crown submits the case of *R v Dickason* can be distinguished as there are no circumstances in your case making a sentence of life imprisonment manifestly unjust and further, there are no circumstances making the imposition of the longer minimum non-parole period in your case manifestly unjust. Ms Walker submits an MPI is required given the young age of the victims and their vulnerability in particular. Ms Walker accepted a reduction of one year or so could be appropriate to reflect your major depressive disorder at the time.

[41] For you, Mr Wilkinson-Smith acknowledges that a starting point of 18–20 years would be consistent with *Dickason*, but submitted it would be manifestly unjust

³ At [60].

⁴ *R v Howse* [2003] 3 NZLR 767 (CA).

to impose an MPI of 17 years or more. Also, it would be manifestly unjust to impose a life sentence. Counsel relies heavily on the reasoning of Mander J in *Dickason*.⁵

[42] I consider given the circumstances of this case a starting point for an MPI of 22 years would be appropriate to reflect the two children were killed and to take account of the circumstances in which they were killed.

[43] In *R v Smith* the Court of Appeal considered the approach to sentencing a defendant for the murder of a dependent relative in some detail. The Court accepted that where s 104 is engaged, as it is in this case, it is appropriate to first reach a provisional conclusion as to the impact of the section before considering whether life imprisonment would be manifestly unjust.⁶ The logic is that manifestly unjust under s 104 is a broad-based assessment whereas the test in s 102 is firmly anchored to an assessment of the circumstances of the offence and the offender.

[44] It is worth repeating that in *Smith*, the Court of Appeal affirmed four key elements of s 102:

- (a) Parliament has enacted a strong presumption that those convicted of murder will be sentenced to life imprisonment;
- (b) the presumption reflects the value placed by Parliament upon the sanctity of life and the sentencing objectives of accountability, denunciation, deterrence and protection of society;
- (c) before a court can conclude that a sentence of life imprisonment would be manifestly unjust under s 102, it must consider the circumstances of the offence and the offender; and
- (d) the manifestly unjust criterion in s 102 reinforces that courts will rarely depart from the presumption of life imprisonment for those who commit murder.

⁵ *R v Dickason*, above n 1.

⁶ *R v Smith* [2021] NZCA 318. See also *Van Hemert v R* [2023] NZSC 116, [2023] 1 NZLR 412.

[45] In *Smith* the Court of Appeal went on to note that s 104 of the Act requires courts to impose an MPI of 17 years or more for particularly serious murders unless satisfied it would be manifestly unjust to do so. The importance that Parliament has placed upon protecting children in particular from violence is reaffirmed by s 9A of the Act, which provides that where a court is sentencing an offender in a case involving violence against a child under the age of 14 years, the court is to have regard to the aggravating features set out in that subsection, including the defencelessness of the victim, the magnitude of the breach of any relationship of trust and the offender, both applicable considerations in your case.

[46] *Smith* involved the murder of Ms Smith's granddaughter and has some similarities to your case.

[47] I consider your case can be distinguished from that of Ms Dickason. The very extreme lengths that Ms Dickason took and the apparently random and frenzied violence involved in her killing of her children supported Mander J's conclusion that the murders had to be viewed in the context of the cognitive distortion and impaired judgment which not just contributed to her actions but in her case actually drove them.

[48] However, in your case, the evidence does not go so far as supporting a conclusion that your condition dominated or drove your actions. You went about killing the children in a deliberate and calculated way and then took a number of steps to cover up your offending. I consider your case to be different to Ms Dickason's. While undoubtedly you were affected by your severe depression and would not otherwise have acted as you did, as the Court of Appeal said in *Smith*, it is necessary to consider both the circumstances of the offence and the offender in determining whether or not it would be manifestly unjust to impose life imprisonment.

[49] Further, as the Supreme Court emphasised in *Van Hemert*, in this context "manifestly" simply means that the injustice must be clear.⁷ In my judgment it is not so clear in your case, particularly when the assessment is made against the purposes and principles of the Act and s 9 and s 9A particularly.

⁷ *Van Hemert v R*, above n 6.

[50] Having made that point, I accept that the significant mitigating factor which contributed to your offending itself is undoubtedly the fact that at the time you acted in this way to kill your children whom you loved is that you were suffering from a major depressive disorder, a prolonged grief disorder, or a combination of both as opined by Dr Monasterio.

[51] While there is a reference to remorse in the materials before the Court, given your limited engagement in the process, it is not sufficiently demonstrated to reduce the MPI further. While I accept that you pose no particular threat to the community at large, and indeed the only threat of further harm by you is the likelihood of self-harm, the only other relevant mitigating factor that I can take into account is the point made by Mr Wilkinson-Smith of your relative isolation and the additional burden of any sentence on you.

[52] In my judgment those factors primarily of course the major depressive disorder and its influence on your actions supports a reduction of five years from the MPI of 22 years. That leads to an MPI of 17 years. In those circumstances it cannot be said that the statutory MPI under s 104 of 17 years would be manifestly unjust.

[53] Given my above conclusions as to the circumstances of the offending and having regard to your particular circumstances, I am also satisfied that life imprisonment would not be manifestly unjust in your case, even though you were suffering from serious depression, the steps you took immediately prior to killing the children on 27 June, the method of killing them and the steps you took immediately after showed a clearly measured approach to killing the children and then to cover up your actions so that you could leave New Zealand and establish a new life in Korea.

[54] For the above reasons I consider that in the circumstances of this case and your personal circumstances the purposes and principles of the Act require the imposition of a sentence of life imprisonment for the killing of the children with the minimum non-parole period of 17 years.

[55] Dr Duff suggests in her report that your mental impairment remains such that you presently require compulsory treatment or care so that, particularly in your

interests, you should serve your sentence and be detained in a hospital as a special patient under the Mental Health (Compulsory Assessment and Treatment) Act 1992. It would then be for the relevant medical authorities to determine when you are fit enough or in a sufficiently reliable state to be transferred to a prison to serve the rest of your sentence. Ms Walker has suggested there is no need for such an order in this case given that you apparently have been managed in prison to date with only two references to the Mason Clinic being required.

[56] However, I accept Mr Wilkinson-Smith's submission that your present circumstances and condition are such that the order is appropriate in this case.

[57] Ms Lee, please stand.

[58] On the charges of the murder of Yuna and Minu Jo you are sentenced to life imprisonment. You are to serve a minimum non-parole period of 17 years.

[59] I make an order under s 34(1)(a)(i) of the Criminal Procedure (Mentally Impaired Persons) Act 2003 that you be detained as a special patient under the Mental Health (Compulsory Assessment and Treatment) Act 1992.

[60] Please stand down.

Venning J