IN THE HIGH COURT OF NEW ZEALAND
PALMERSTON NORTH REGISTRY

I TE KŌTI MATUA O AOTEAROA
TE PAPAIOEA ROHE

CRI-2024-054-608
[2025] NZHC 3889

THE KING

v

ROBERT JAMES RICHARDS
ROYDEN TAMAHAU HAENGA (AKA HEREWINI)

Hearing: 10 December 2025

Appearances: G J C Carter for Crown
W R Hawkins for Richards
J S Jefferson for Haenga

Judgment: 10 December 2025

SENTENCING REMARKS OF McQUEEN J

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[1] Robert Richards and Royden Haenga, you appear for sentence in relation to the murder of Hori Gage. Towards the end of this hearing, when I am about to impose sentence, I will ask each of you to stand.

[2] Again, I acknowledge the presence of the Gage family in Court today, and the profound loss that you have suffered. This morning, we have heard very moving victim impact statements read out on behalf of the family and I thank those who gave them. Other statements have also been provided to the Court which I have read. All the statements confirm the senseless loss of Mr Gage and the pain that his family now carries. Mr Gage was a son, a brother, a partner, a father, an uncle, a member of a wider extended family and a friend—and no sentence that I impose today can make up for that loss.

The offending

[3] I begin by describing what you did. I appreciate that these facts are well-known to you and to many people in the Court, but the public nature of sentencing requires that I set out the relevant facts that arise from the evidence at your trial leading to guilty verdicts from the jury.

[4] On the evening of 4 August 2023, the Castle Bar in Palmerston North hosted a concert. A large number of patrons attended the concert, congregating in the bar area and consuming alcohol. During this concert an assault occurred which culminated in senior members of Black Power Manawatu attending the hotel. Also in attendance were members of the Mongrel Mob "Kartel" chapter who were attempting to set up a chapter in the Manawatu. A further altercation resulted in a senior Black Power president being assaulted by members of the Kartel group. He was seriously injured and de-patched.

[5] Between 4 and 6 August 2023, members of the Black Power gang travelled to Palmerston North from across the country. Mr Richards, this included your arrival from Hawkes Bay. A series of meetings of Black Power members were conducted at addresses in Palmerston North. Mr Haenga, the evidence at trial showed you scoping out the location where members of the Kartel were staying, being the Aspree Motor Lodge.

[6] On the afternoon of 6 August 2023, a large gathering of Black Power members occurred at a Gillespies Line address known as the Farm. Mr Richards and Mr Haenga, you were present at that meeting.

[7] After the meeting, you both armed yourselves with firearms. You went to Mr Haenga's car, which was a white Nissan Teana, and you were driven by another person to an associate's address. That associate was told that you, Mr Haenga, wanted him to drive instead. The associate then got into the white Nissan Teana, with you, Mr Haenga in the front passenger seat and you, Mr Richards in the rear passenger seat. The three of you drove to the suburb of Highbury, also known as the "hood".

[8] At about this time Mr Gage, his partner and three of his young children were sitting in their car in the driveway of their address. They were waiting on a family member to come to jump start their car before they could leave the address on a family outing.

[9] The evidence at trial showed that Mr Gage was wearing a red jacket as he walked to his car. Mr Haenga, on seeing Mr Gage, you said words to the effect of "there's a mutt there" as you drove past the address. You pulled out a gun from behind your seat and Mr Richards at this point you also were holding a gun. The driver continued driving past Mr Gage's address. But you, Mr Haenga, told him in no uncertain terms to turn the vehicle around and go back. The driver did so, stopping the car outside Mr Gage's address.

[10] Mr Richards, you got out of the vehicle and went up to Mr Gage, who was sitting in the driver's seat of his car, and opened fire, firing five shots at close range impacting his head, neck and chest. Mr Haenga, from outside the front passenger seat of the white Nissan Teana, you also fired towards Mr Gage and his car, firing four shots from your firearm, one of which hit Mr Gage in the arm.

[11] The driver then drove away at speed from the address with both of you, back to the Farm at the Gillespies Line address.

[12] Mr Richards, you left to return to the Hawkes Bay. Members of the Manawatu Black Power took the white Nissan Teana. It was lit on fire and completely destroyed. Mr Haenga, you left town later that night.

[13] Mr Gage was pronounced deceased at the scene, following attempts at CPR from Police and Ambulance staff.

[14] I have already acknowledged, and do so again at this point, the impact of Mr Gage's death on his whānau and friends.

Approach to sentencing for murder

[15] I now turn to the approach I must take in sentencing each of you for your offending. I must apply the Sentencing Act 2002.[1] The main purposes of sentencing you are to hold you accountable for the harm you have caused by your offending; to promote in you a sense of responsibility for, and acknowledgement of that harm; to denounce and deter such conduct; to protect the community from you; and to assist you in your rehabilitation and reintegration.[2] The particularly relevant principles under the Sentencing Act that I must consider are the gravity of your offending, the seriousness of the offence itself, your degree of culpability and the need to achieve consistency with other sentences.[3]

[16] The usual sentence for murder is one of life imprisonment. The Sentencing Act contains a presumption that life imprisonment should be imposed.[4] The strong presumption in favour of life imprisonment reflects the sanctity of human life.[5] It may only be displaced if a sentence of life imprisonment would be manifestly unjust.[6]

[17] Given the nature of the offending in this case, the Crown says, and your respective counsel accept, that the presumption of life imprisonment applies to both of you. I agree. I must and will sentence you to life imprisonment.

[18] But this is not the end of the sentencing exercise. Where the Court imposes a sentence of life imprisonment on a charge of murder, it must also specify the minimum period of imprisonment that the offender must serve before being eligible to apply for parole.[7] This is called an MPI. The MPI must be a minimum non-parole period of at least 10 years and is required to reflect the relevant sentencing purposes—here, of the need to hold you accountable for the harm done to Mr Gage, his family and the

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1 I note that the version of Sentencing Act 2002 as at 1 March 2024 is applicable in this case given the offending occurred prior to the recent amendments to that Act.
2 Sentencing Act 2002, s 7.
3 Section 8(a), (b) and (e).
4 Section 102.
5 New Zealand Bill of Rights Act 1990, s 8.
6 Sentencing Act, s 102(1).
7 Section 103(1).

community, denouncing your conduct, and deterring other persons from committing similar offences.[8]

[19] In certain cases, however, an MPI that is longer than 10 years is necessary in order to satisfy one or more of these purposes. Under s 104 of the Sentencing Act the Court must impose an MPI of at least 17 years in cases which involve one or more of the aggravating factors listed in s 104, unless it would be manifestly unjust to do so.

[20] This means there are three questions I must answer to determine what MPI you must each serve:[9]

(a) First, do any of the aggravating factors identified in s 104 of the Sentencing Act apply to the facts?

(b) Second, what MPI would be appropriate but for the application of s 104?

(c) And third, if s 104 does apply, would an MPI of 17 years be manifestly unjust?

[21] I now turn to consider each of those questions.

Do any of the aggravating factors in s 104 of the Sentencing Act apply?

[22] The first question is whether any of the aggravating factors in s 104 apply in your case. The Crown says that s 104 applies to you both because the murder was committed with a high level of brutality, cruelty, depravity or callousness.[10]

[23] Mr Carter says that s 104 must apply given the following factors. This was a revenge attack and in that sense was pre-meditated. This was gang-related violence, motivated by revenge. The nature of the shooting by Mr Richards fits comfortably within the definition of brutal, callous, depraved and cruel. Finally, he notes the

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8 Sentencing Act, s 103(2).
9 *Davis v R* [2019] NZCA 40, [2019] 3 NZLR 43 at [25].
10 Sentencing Act, s 104(1)(e).

vulnerability of both Mr Gage and his partner and children sitting in their car at their home address.

[24] Mr Hawkins and Mr Jefferson say on your behalf that, as in many unfortunate gang shootings resulting in death, the statutory threshold for the very worst cases of murder is not reached here.

[25] The Court of Appeal has said that while:[11]

> … There is no such thing as a murder which is not, in some sense, brutal, cruel, depraved or callous. What the statute points to is the requirement that there be a "high level" of the requisite conduct. The provision has to be approached purposively, rather than mechanically. …

[26] In another case, *R v Gottermeyer*, the Court of Appeal has identified callousness as "insensitive and cruel disregard for others".[12]

[27] Some but not all of the caselaw in relation to s 104(1)(e)—which focuses on actions that have a high level of brutality, cruelty, depravity or callousness—focus on the attributes of the murder in a physical sense, for example on multiple stabbings.[13] But that is not the only way a murder can be assessed for the purpose of s 104.

[28] I am mindful of two decisions of this Court that have recently considered the relevant provision. In *R v Rameka*,[14] Mr Rameka drove to the home of his former partner with his 11 year old son in the car. At the home of his partner, he fired four shots at her from close range, killing her instantly, in sight of their son. The Court considered whether this murder met the threshold of a high level of callousness or

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11 *R v Slade* [2005] NZLR 526, (2005) 21 CRNZ 600 (CA) at [40].

12 *R v Gottermeyer* [2014] NZCA 205 at [79(a)].

13 Matthew Downs (ed) *Adams on Criminal Law – Sentencing* (online ed, Thomson Reuters) at [SA104.01]. In particular, Mr Hawkins for Mr Richards submitted that the offending in *R v Lothian* [2019] NZHC 2938 is an example of the high level of brutality that is typically involved in s 104(1)(e) cases. In *Lothian* there was a plan to lure the victim to the address with the initial intention to rob him for drugs. The group attacked the victim which involved hitting him multiple times including with a shovel, and he was also stabbed. The defendants then dug graves for the victim (insisting that the victim help dig his own grave), removed his clothing and then buried him. A starting point MPI of 18 years was appropriate for that offending, and then after uplifts and reductions were accounted for the final MPI was one of 20 years. While I accept Mr Hawkins' submission, I do not consider that case of assistance given the substantial planning involved, the prolonged attack on the victim and the physical brutality of the murder.

14 *R v Rameka* [2024] NZHC 324.

cruelty. The sentencing Judge concluded that the reality is that there are many cases that are of a much higher degree of callousness or cruelty than that of Mr Rameka, where the Courts have only just found s 104 to be engaged. The Judge concluded that as callous and cruel as Mr Rameka's actions were, they did not quite meet that threshold so s 104 was not engaged.

[29] In the second case, *R v Tahitahi*,[15] Mr Tahitahi travelled to a Grace Foundation church service, where about 200 people, including children, were present. With a concealed firearm, Mr Tahitahi walked right up to his victim, standing less than a metre behind him. He shot the victim six times in quick succession. The sentencing Judge did not accept that *Rameka* is authority for the proposition that a close range shooting observable by others is not highly callous. The Judge applied the definition used by the Court of Appeal in *Gottermeyer* as showing or having insensitive or cruel disregard for others. The Judge considered that this is what Mr Tahitahi exhibited to a heightened degree when he shot the victim in a professional, executional style killing.

[30] The essential facts of your offending bear repeating at this point. Mr Gage was not a planned target nor was there any evidence that he was involved with the violent events at the Castle Bar on 4 August 2023. Rather, you both set out from the Farm, following a gang meeting, to travel to the "hood" to find a Mongrel Mob member so that you could exact revenge for your gang, Black Power. Mr Haenga, you wore red to blend in as this is the colour associated with the Mongrel Mob. You both wore balaclavas to disguise yourselves. You both took firearms with you. Once you had identified Mr Gage as a "mutt", you directed the driver of your car to turn around and return to the address.

[31] Mr Richards, you approached Mr Gage and shot him multiple times from close range. Your counsel suggests that while Mr Gage was effectively ambushed, that is not the same as vulnerability, but I do not accept such a distinction on the present facts. Mr Haenga, you also shot towards Mr Gage four times, once shooting him in the arm.

[32] I take account of the callousness of shooting Mr Gage at close range in front of his partner and children while he was sitting in his car at his address, in

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15 *R v Tahitahi* [2024] NZHC 2284.

circumstances where he had taken no role in the earlier events at the Castle Bar and was only identified by you as an appropriate target because he was wearing red.

[33] Mr Jefferson raises the point that Mr Haenga was not motivated to stop at that address by the presence of children. I consider that it was absolutely reckless to shoot at the car and the risks to Mr Gage's family were obvious. Mr Gage could not defend himself or leave. Your combined actions illustrate a high level of insensitive or cruel disregard for Mr Gage's family, who had to witness his murder. As in *Tahitahi*, this was an execution style killing.

[34] I find the analysis in *Tahitahi* more apt for this case than that in *Rameka*. As counsel accept, ultimately, I must make my own assessment of the position as no two cases are identical. As I discussed with counsel it is open to me to consider the differences in your position later in the sentencing.

[35] I conclude then that the aggravating factor specified in s 104(1)(e) applies.

What MPI would be appropriate under s 103?

[36] I turn now to consider the second question for each of you. I must consider what MPI would be appropriate for each of you if s 104 were not engaged. This is done by considering comparable cases and what MPI was imposed in those. It involves setting a starting point MPI in your cases before considering what adjustments need to be made to that starting point to take into account each of your personal circumstances.

Relevant caselaw

[37] Counsel have provided caselaw they say is relevant to checking what the appropriate MPI start point for each of you is.[16] I must take account of the aggravating features of this offending which I have already mentioned in my discussion relating to s 104.

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[16] *R v Te Tomo* [2015] NZHC 2671; *R v Moala* HC Auckland CRI-2006-092-461, 12 December 2007; *R v Harrison* [2014] NZHC 2705; *R v McCallum* HC Wanganui CRI-2008-083-2794, 12 February 2010; *R v Afamasaga* [2014] NZHC 2142; *R v Taoho* HC Rotorua CRI-2009-263-163, 12 December 2011; and *R v Wallace* HC Wellington CRI-2007-083-1608, 20 February 2009.

[38] The Crown compares this case particularly to *R v Wallace*.[17] Mr Carter submits that your current offending is worse on several levels. In *Wallace*, several carloads of Mongrel Mob members, in a pre-meditated plan, drove past a Black Power address (which had Black Power members congregated outside) with one of them firing a gun at the address. A bullet struck a two year old inside the address and she was killed. MPIs of 15 years' imprisonment were given to the shooter (Mr Wallace) and the planner of the offending (Mr Check).[18]

[39] I accept, as Mr Carter submits, that the current offending has some significant differences from that in *Wallace*. Here, your shooting of Mr Gage was deliberate and targeted compared to the accidental shooting of the victim inside the address in *Wallace*. Further, *Wallace* involved groups of gang members engaging, following earlier altercations between them. By contrast, Mr Gage was not directly associated with the gang tensions that had arisen two days earlier and he was simply sitting in his car with his family, at home, when you identified him as a Mongrel Mob member and shot at him, having deliberately decided to seek some revenge.

[40] As a result, Mr Carter says that your role, Mr Richards, is significantly more serious than that of Mr Wallace (as the shooter), while your role, Mr Haenga, is more serious than that of Mr Check (as the planner).

[41] Your counsel, Mr Haenga, provides several cases which he says have similar features to your offending, but refers to two cases in particular, *R v Te Tomo* and *R v Moala*, to submit that your starting point MPI should be 12 years.[19]

[42] In *Te Tomo* the victim in that case was affiliated with the Black Power and the offender was affiliated with the Mongrel Mob. After a brief altercation with the offender and the victim outside a property, further weapons were obtained from inside the property by the offender, but the victim got hold of them. The offender then went inside again and came out with a .22 calibre rifle. At that point the victim and his

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17 *R v Wallace*, above n 16. In *Wallace* the sentencing Judge concluded s 104 did not apply as the only ground advanced by the Crown was that the shot itself constituted an unlawful entry and that was rejected.

18 Upheld on appeal: *R v Check* [2009] NZCA 548.

19 *R v Te Tomo*; and *R v Moala*, above n 16.

associate were walking off the front lawn of the property towards the footpath. The offender fired one shot. The victim sought shelter behind a large steel power box. The offender then shot the victim from up close, causing a fatal wound. The Judge in that case adopted a starting point MPI of 12 years.

[43] In *Moala* there was prolonged confrontation between local street gangs and the offenders went to find members of the opposing gang. Several fights broke out and when the two gangs formed into lines facing each other the victim took off his jacket and shirt, and advanced with his arms in the air to within two or three metres from the offender, inviting a fight. The offender raised the shotgun and fired at close range into the victim's face. In that case the Judge adopted a starting point MPI of 13 years.

[44] Mr Jefferson submits that your culpability is less than the actions of the offenders in those cases as they involved gang confrontation with planned retaliation and the victims were shot in the face at close range.

[45] I consider those cases are less similar to your offending, Mr Haenga. While they were in a gang context, they do not have the element present in your offending which is that Mr Gage was not fighting, nor even able to defend himself. *Te Tomo* and *Moala* can be characterised as unnecessarily escalating fights between gangs, or their affiliates, resulting in someone being shot. Here, Mr Gage was an unsuspecting victim. I therefore consider your offending is more serious than that in those cases.

[46] I have also found *R v McCallum* of some assistance.[20] There, members and associates of the Black Power gang searched for rival gang targets and found the victim who was wearing red (although he was not a gang member). The victim was beaten to death including with the flat side of a short-handled axe. The sentencing Judge concluded that a starting point of a 14 year MPI was appropriate in that case.

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[20] *R v McCallum*, above n 16.

MPI under s 103

[47] Bearing in mind this caselaw and the purposes for which an MPI must be set under s 103, I now assess the MPI for each of you under s 103. This involves first setting a notional MPI and then considering any relevant personal factors.

[48] For you Mr Richards, the Crown says the particularly callous nature of your acts in the role as principal offender means an MPI of 18 years is required. Your counsel submits that a starting point of an MPI of 17 years' imprisonment would be appropriate.

[49] For you Mr Haenga, the Crown say that a starting point of an MPI of at least 15 years' imprisonment should apply. Mr Jefferson submits that that is too high, and 12 years is appropriate.

[50] Mr Richards, it is you who directly killed Mr Gage, firing at him from close range multiple times, having gone up to the car where he was sitting. In contrast, Mr Haenga, you fired four shots from the road in the direction of Mr Gage, one striking him in the arm. None of your shots could have been fatal, although as the Crown says, it was only chance that more of your bullets did not strike Mr Gage and did not do so in a manner that could have been fatal.

[51] These facts are reflected in your respective roles as principal and party to the murder. Although the general rule is that a party is just as culpable as the principal offender, a party's culpability or degree of involvement may call for a lesser sentence.[21]

[52] Distinguishing between you comes down to the facts. I am satisfied that here there is a real difference between you.

[53] Your shooting of Mr Gage was brutal and callous, Mr Richards. You were a senior patched member of the Black Power gang and took it upon yourself, willingly,

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[21] *R v Afamasaga*, above n 16, at [38] citing *R v McNaughton* [2012] NZHC 815.

to inflict revenge for the events at the Castle bar by killing Mr Gage. The purposeful way in which you approached and shot Mr Gage illustrates your murderous intent.

[54] While your actions in shooting Mr Gage were brutal and cold-blooded, I am not persuaded that an MPI of 18 years' imprisonment is required. Having compared your offending with the offending in *Wallace* and bearing in mind the nature of your murderous intent, I consider a notional 17 year MPI is appropriate.

[55] Mr Haenga, while you also willingly took on a role to seek revenge, including volunteering your car and two drivers, you have consistently denied having any intention to kill a person, as opposed to an intent to intimidate. You were very foolish to get in the car with Mr Richards at the Farm, then taking more steps that intentionally assisted Mr Richards. The evidence shows that you were reckless as to Mr Richards' murderous intent and what he might do. But the nature of your shooting was different to that of Mr Richards. I also find on the evidence at trial that your comments in the back of the car after the shooting were an acknowledgement by you of what had happened rather than properly being cast as a celebration by you.

[56] Mr Haenga, I accept therefore that your culpability for the murder of Mr Gage is less than that of Mr Richards, which is ultimately recognised by the Crown.

[57] I consider an appropriate notional starting point for your MPI is 14 years' imprisonment.

Aggravating and mitigating circumstances

[58] I now consider any aggravating and mitigating circumstances that arise from each of your individual circumstances. While the conventional discounting formula for personal factors does not apply to sentences of life imprisonment and minimum periods of imprisonment,[22] the Court has the ability to adjust an MPI for personal mitigating factors.[23]

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22 *Hohua v R* [2019] NZCA 533 at [44].
23 Sentencing Act, s 9(2).

Mr Richards

[59] Mr Richards, I begin with you.

[60] You are in your late 30s. Your conviction history dates back to 2000 with over 100 convictions. You have a history of violence offending, with the pre-sentence report recording 24 convictions for violence or weapon related offending with the most recent violence being a family violence offence in 2023. As was mentioned at trial, you have been convicted of a grievous bodily harm charge involving the running over of a police office in the course of duty.

[61] I accept the Crown's submission that you demonstrate a clear and significant risk of serious violence given this background and the present offending. I agree that the evidence at trial shows that those around you on 6 August 2023 were intimidated by you.

[62] However, I do not consider any uplift is necessary for your previous convictions in light of the inevitably lengthy term you will face for the present offending.

[63] As for potential mitigating factors, I have considered the recently prepared pre-sentence report, psychiatric report and alcohol and other drug (or AOD) report that have been provided, as well as the s 27 cultural report prepared in 2023.

[64] Mr Richards, you do not accept that you killed Mr Gage. You contend that others lied about your involvement in his murder, and that you were simply in the Palmerston North area for other reasons on the weekend when Mr Gage was killed. Self-evidently, no allowance for remorse is available in such circumstances.

[65] You have provided some conflicting information to the report writers, for example as to whether you are currently in a long term relationship, whether or not you intend to leave the Black Power gang (in which you hold or held a position of responsibility), and whether or not you feel sympathy for Mr Gage and his family.

[66] Despite this I note that in the most recent report, which is the AOD report, there is some expression of empathy for the Gage family, at this later stage. I also note that in that report you were reported to be motivated to improve your overall wellbeing to prevent future offending and at least part of this is said to promote your connection with your child.

[67] And despite the conflicting information, I do note that there is a consistent narrative of a difficult background with exposure to parental violence and substance abuse and then abuse while in state care from a young age. This disposed you to gang involvement. The possibility is raised that you have suffered a traumatic brain injury. And ongoing substance abuse is an issue for you as well.

[68] Your counsel, Mr Hawkins, submits that personal mitigating factors are present such that an allowance of one to two years from the MPI is appropriate. The Crown acknowledges your personal circumstances but emphasises your lengthy history.

[69] In the circumstances, I consider that an allowance of six months is appropriate for personal circumstances, particularly your difficult upbringing and ongoing drug issues. This would result in a final MPI under s 103 of 16 years' and six months' imprisonment.

Mr Haenga

[70] Mr Haenga, I now turn to you.

[71] You are 34 years old. You have a moderate criminal history and until this offending, it was focused on dishonesty and non-compliance. The Crown does not seek any uplift for your previous convictions, and I agree this is appropriate.

[72] I have considered the pre-sentence report, psychological report and AOD report provided for you. I have also received and read the letter of support from your partner and the letter from you that I was given this morning.

[73] You acknowledge your actions on 6 August 2023 and are sorry for Mr Gage's death and the impact of it on his children, partner and family. You say you did not

intend him to be killed, and you were only there to "shoot up a car" to achieve retribution for your Black Power gang president. Nonetheless I accept you have some greater insight into your offending. You say that you think about the offending every day, acknowledging that the violence should not have happened, and it was reckless and impulsive. You sought to participate in restorative justice, although of course that is always a matter for the Gage family, and I just mention that as supporting your willingness to acknowledge what you did. You also say that you had taken methamphetamine on the day of the offending, demonstrating the ongoing drug issues that you are facing.

[74] The psychological report writer records that you present with significant and complex psychological difficulties stemming from profound developmental trauma, neurodiversity and long term immersion in an antisocial, gang-affiliated lifestyle. Your childhood was characterised by parental neglect, abuse, instability in care and substance abuse. Undiagnosed attention deficit hyperactivity disorder (more commonly known as ADHD) likely exacerbated your behavioural difficulties and impacted on your ability to maintain employment. While you were drawn into the gang because of the sense of belonging, you experienced a prolonged physical assault from other gang members leading to experiencing anxiety and possible post-traumatic stress disorder (or PTSD). You have also suffered other mild traumatic brain injuries.

[75] The pre-sentence report writer assesses you as having a high risk of general reoffending and a moderate risk of violent reoffending. But I note you have now decided to leave Black Power, demonstrating motivation to lead a prosocial life. You are very fortunate to have the support of your family, and you want to pursue rehabilitation so you can stay drug-free. This is reinforced by what you and your partner say in your letters to the Court, in particular where your partner comments on your profound shift since you have been in prison, turning away from the gang and drug lifestyle, towards a positive future for you and your whānau.

[76] In these circumstances your counsel proposes an allowance of one year.

[77] The Crown again accepts your background personal circumstances and acknowledges that the occurrence of another homicide in your partner's family has likely given you greater insight into Mr Gage's family's experience.

[78] In the circumstances, I consider that a reduction of one year is appropriate for personal circumstances, particularly given your background factors, mental health, remorse and motivation for rehabilitation. This would result in a final MPI under s 103 of 13 years' imprisonment.

Would an MPI of 17 years be manifestly unjust?

[79] Against those starting points, the final question that I must answer for each of you is whether an MPI of 17 years would be manifestly unjust.

[80] Mr Richards, I conclude that it would not be manifestly unjust for a 17 year MPI to apply to you. It is the appropriate non-parole period to reflect the seriousness and callousness of your offending and the significance of the need for deterrence. This is despite the fact that I have said your personal circumstances could justify a reduction of six months to produce an MPI of 16 years and six months under s 103. As was the case in *Tahitahi*,[24] I consider that the difference of six months does not, in the circumstances of this case, make an MPI of 17 years manifestly unjust.

[81] Mr Haenga, in your circumstances I conclude it would be manifestly unjust to impose the 17 year MPI on you. I have already discussed the way in which I am satisfied that your culpability for the offending is significantly lesser, and this means a 17 year MPI would be manifestly unjust.

Imposition of sentences

[82] Mr Richards and Mr Haenga, would you please stand.

[83] Mr Richards, for your crime of murdering Hori Gage, I sentence you to life imprisonment. You must serve a minimum period of imprisonment of 17 years.

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[24] *R v Tahitahi*, above n 15, at [80]–[81].

[84] Mr Haenga, for your crime of murdering Hori Gage, I sentence you to life imprisonment. You must serve a minimum period of imprisonment of 13 years.

[85] You may both stand down.

McQueen J