IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKAURAU ROHE

CRI-2025-004-000625
[2026] NZHC 1303

THE KING

v

B
S
O

Hearing:	15 May 2026
Counsel:	FMT Culliney and PR McNabb for Crown PQC Stokes for Defendant B AJ Maxwell-Scott and SJ Shanahan for Defendant S AC Cresswell for Defendant O
Judgment:	15 May 2026

SENTENCING REMARKS OF DOWNS J

Solicitors:
Crown Solicitor, Auckland.

Introduction

[1] Mr B, you are for sentence for three offences of sexual violation by rape: one as a principal and two as a party.[1] Mr O, you are for sentence for three offences of rape: one as a principal and two as a party. Mr S, you are for sentence for one offence of rape as a principal. All your offending concerns a 19-year-old German national who was in New Zealand as a tourist. I refer to her as X.

[2] All of you denied the offending. You were found guilty by a jury earlier this year. As I said to the jury when I thanked them for their service, the verdicts are entirely commensurate with the evidence, in part because much of what happened was captured by closed-circuit television.

Facts

[3] The key events occurred 31 December 2024 and during the early hours of the next day.

[4] X was celebrating New Year's Eve with friends in the Auckland CBD. She recalls drinking a bottle of wine, two vodka lemonades, a glass of prosecco, and a beer. The three of you were also celebrating in the CBD, with others.

[5] In the early hours of 1 January 2025, X and her friends went to a bar on Karangahape Road. There, she encountered you Mr B. She and you danced, kissed, and touched each other.

[6] At approximately 2.40 am, you Mr B and X left the bar. So too, seconds later, you Mr O and you Mr S. Mr B, you and X walked along Karangahape Road. There was more kissing and hugging between you. What stands out, however, is X's intoxication. Watched carefully, the footage showed her unsteady on her feet and struggling to walk in a straight line. At one point, Mr B, you pulled X to her feet from the ground. Mr O and Mr S, you must have seen that: you were across the road, looking on.

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[1] Each offence is punishable by a maximum penalty of 20 years' imprisonment; see Crimes Act 1961, ss 128(1)(a) and 128B.

[7] While on Karangahape Road, X pushed you away Mr B. She then sent a WhatsApp message to her friends, seeking help. I am satisfied she misspelled the German word for "help" because of intoxication, haste, and fear. X sent that message at 2.44 in the morning.

[8] You Mr B telephoned Mr O, who was still across the road with Mr S. Both of you came to Mr B. Mr B, you then gave Mr O the keys to a minivan. The van did not belong to any of you, and I say more about this shortly.

[9] Mr O, you and Mr S ran down the road to collect the van from where it was parked. Mr O, you drove the van back to where Mr B and X were. Mr S, you sat in the rear of the van while Mr O drove it.

[10] Mr B, you shepherded/guided X into the van as soon as it arrived. Mr O, you then immediately drove away. You drove to the northwestern motorway, then onto and along that motorway. You later left the motorway using the Patiki Road offramp. You then drove into a commercial or industrial area. You drove along Rosebank Road until you reached Paynes Aluminium. You pulled off the road, then drove to the very back of Paynes Aluminium. There, you parked the van. Unbeknown to you and the others, you did so near a functioning closed-circuit television camera.

[11] Mr B, you raped X inside the van. Your rape of her might well have begun before the van parked as the footage shows you on top of X as it did so. Precisely when your rape of X began is not important. But on any view, you were the first to rape her.

[12] Mr O, you were sitting in the driver's seat while Mr B raped X. The footage shows you turning to watch what Mr B was doing. Shortly thereafter, you got out of the driver's seat and opened the sliding door. You would have seen Mr B still on top of X. Mr O, you removed your singlet and got inside the van. Mr B, you then got off X and moved into the driver's seat.

[13] Mr O, you then raped X. You ejaculated inside her; a point cemented by the later discovery of your DNA on an internal sample from her.

[14] Mr S, when Mr O had finished raping X, you also raped her. But unlike the other defendants, you were found not guilty of being a party to any rape. I say more about this topic shortly.

[15] Mr B, you watched Mr S rape X while you opened the sliding door to the van. Later, you got into the middle of the van, where X was. The Crown's sentencing submissions refer to a further alleged rape by you at this juncture, but you were charged as a principal with one rape, not two, being that which began the sequence. I, therefore, put this aspect of the Crown's submissions entirely aside.

[16] I return to the sequence. After each of you had raped X, you Mr O drove her and the other defendants to Hobsonville Point. You were there for between 11 and 13 minutes. During this sequence, X again sent her friends a message on WhatsApp asking for help. She did so at 3.43 in the morning.

[17] Mr O, you then drove the van back into the CBD. You all then dropped X outside where she was staying. She was essentially dumped, unceremoniously, onto the footpath.

[18] The three of you then went to a carpark where you met the two men with whom you had been socialising earlier. The minivan belonged to the father of one of the men. Mr S, you said you and the other defendants had picked up a girl who was too drunk and you all had sex with her. That evidence was admissible against you alone at trial.

[19] In the aftermath of the offending, X ran onto the road saying, "she could not do it anymore" and had to be restrained by her friends. When seen by ambulance personnel, she was in a catatonic-like state. X was medically examined 1 January 2025. She had an injury to her genitalia which would have been extraordinarily painful, and bruising to her lip, neck, collar bone and chest. She had abrasions to her knees. X exhibited profound distress during her evidential interview of 2 January 2025. On occasions she exhibited similar distress during her trial testimony.

[20] Mr B and Mr S, your police interviews imply you agreed with each other to give aligned but fabricated accounts. You Mr B said any sexual activity with X was consensual and not penetrative. You Mr S said you were asleep in the rear of the van throughout. Each of you claimed to have been drinking heavily. Again, closed-circuit television footage demonstrated that as untrue. It showed you walking and interacting without difficulty.

[21] Mr O, you did not speak to the Police. That you testified undoubtedly reflects the fact you had to explain why your DNA was found inside X. You said X encouraged you to have sexual intercourse with her inside the van. Mr O, I intend you no discourtesy in saying that your testimony lacked any credibility. During cross-examination, you were repeatedly caught out in embellishment — and worse.

Aggravating factors

[22] I now deal with matters that make the offending worse. Lawyers call these aggravating factors. Mr B and Mr O, several matters make your offending worse.

Premeditation

[23] I begin with an element of premeditation. I say "element" because the two of you did not go into the CBD intending to rape. Rather, while you were there, you decided to remove X from the relative safety of the CBD and take her somewhere where you could rape her. I find you reached that agreement or understanding at or about 2.44 am, when X sent her first message asking for help. Shortly thereafter, X was shepherded into the van and driven away. You argued at trial that this trip reflected no more than an attempt to return X to her accommodation, with the wrong address being put into a phone. I am sure that is not true.

[24] First, the two of you chose to use the minivan rather than Mr O's car, which was also parked in the CBD, albeit further away. The van did not belong to either of you, but it had more room inside. Second, you did not tell the men with whom you were socialising where you were going even though the father of one of them owned the van. Unsurprisingly, the men tried to telephone you, to find where you were. Third, Mr O, Apple Maps was not activated on your phone until at 3.05 am, which is

when you arrived at Paynes Aluminium. Fourth, when you arrived there, you drove to the very back of the premises. You obviously did so in the hope of avoiding interruption, detection, or both. Last, it was apparent from the footage that your departure from the CBD was accompanied by some sense of urgency. That makes little sense if your objective was simply to return X home.

[25] In reaching this conclusion, I do not overlook that X accepted in cross-examination that a wrong address could have been put into a phone. Her memory of what occurred is porous, and her initial response to this proposition in cross-examination was that this happened towards the end of the sequence. That is entirely consistent with your trip to Hobsonville Point, which occurred *after* the offending.

Victim vulnerability

[26] The next aggravating factor concerns victim vulnerability. X was young, slight in build, and a long way from home. She had lost her friends at the bar. Most importantly, she was grossly intoxicated.

[27] X's likely blood alcohol level at the time of the offending was 180 milligrams of alcohol per 100 millilitres of blood. Her evidential interview makes clear she was either unconscious during some of the offending or so affected by alcohol she could not protect herself. I hasten to add she could not have protected herself even if she were not intoxicated given the two of you had taken her in a van to a remote location. Consequently, it is a moot point whether X was incapable of consent or did not consent. On any view, she was vulnerable. You both knew that.

Victim harm

[28] Any attempt to summarise the harm done to X risks being inadequate. I have already referred to X's physical injuries, to her profound distress, and to her like occasional distress at trial.

[29] As you know, X's victim impact statement was read aloud this morning. I recite a small portion in the hope of capturing some of the harm you have done to her:

> There is almost nothing that keeps me alive.
>
> Because nothing in life feels strong enough to justify enduring this pain.
>
> Because of them, I suffer from depression and post-traumatic stress disorder. I have almost been admitted to a psychiatric clinic multiple times.
>
> I am now mentally ill. And anyone who struggles with mental health knows that it can make you a difficult person. You are broken—and it affects your relationships.
>
> Because of them, I have lost friends.
>
> I could not welcome the New Year like everyone else—I tried to sleep through it, and in the end cried all night.
>
> I am unable to have romantic relationships, because I feel too broken to be loved. And yet I long so deeply for love, hoping to regain my self-worth—but I cannot find it, because I feel too broken. Too much. Too difficult. Too emotional.
>
> That, too, is destroying me.
>
> Therapy and victim support in Germany are what keep me alive, even though I can no longer endure it.
>
> I do not want a life where I am only kept alive from the outside—but the ability to live on my own was taken from me.
>
> I moved away from my hometown because I could not bear being around people who knew what had happened to me—people whose looks constantly reminded me of it.
>
> Those people are my mother and my sister, whom I love more than anything. But their looks hurt me deeply, even though they do nothing wrong.
>
> In their eyes, I am a victim. And that hurts too much.
>
> They have destroyed my relationship with the most important people in my life. And I am terrified that I will never be able to restore it.
>
> Sometimes I felt that my mother suffered even more than I did. And then I began to feel guilty toward her. Suddenly, it felt like it was my fault.
>
> Since then, I cannot sleep alone. I am so paranoid that someone might be under my bed, wanting to touch me.
>
> At 20 years old, after returning to Germany, I slept in my mother's bed again. It felt incredibly humiliating. Now, it helps if my pets are with me, or if I know my roommate is nearby. But I still cannot sleep completely alone.

> Otherwise, the panic becomes so intense that I either cry myself to sleep or endure unbearable stomach pain.
>
> I also get stomach pain when I read comments from complete strangers about what happened to me.
>
> I do not understand how, even today, there are people who accuse victims of making things up.
>
> How can you?
>
> Why would I do that?
>
> Why would I put myself through a process that only destroys me further?
>
> I gain nothing from this. I do not become rich or famous.
>
> What would I gain from inventing something like this?

Multiple offenders, scale and other matters

[30] Mr B and Mr O, I am still talking to you about things that make your offending worse. Each of you was a party to the rape of X by the other. You were both also parties to Mr S's rape of X. Each rape was committed as soon as the earlier rape finished, in the presence of you all. The seriousness of these aspects speaks for itself.

[31] The footage — which the jury and I watched repeatedly during the trial — shows multiple flashes of light inside the van during and after the offending. Given the footage and your respective positions inside the van, I am sure that you Mr B and you Mr O used your phones to take one or more photographs inside the van, whether as "selfies", "trophies" or both. Each of you must have deleted this evidence before Police involvement.[2] Both of you deny taking photographs, but as with many other aspects of this case, the footage is plain if watched carefully. This additional indignity aggravates the seriousness of your offending. A similarly contemptuous attitude is apparent from the way in which X was dumped at her accommodation by the two of you.

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[2] Mr B was in the middle of the van when he took photographs; Mr O was in the front. The notice of agreed facts records Police could not determine whether imagery had been deleted because of technological limitations.

Aggravating factors: Mr S

[32] Mr S, I now talk to you. Contrary to the Crown's submission, I am not satisfied you were aware of the agreement or understanding between Mr B and Mr O that X was to be taken to a remote location and raped. A conclusion otherwise would come perilously close to interference with the jury's verdicts, a course that is not open. It follows no element of premeditation attaches to your offending. It is not clear you took photographs in connection with the offending either. So, I assume you did not. And, most significantly of course, you were found not guilty of being a party to the rapes by Mr B and Mr O. It follows your offending is less serious than theirs but serious, nonetheless.

[33] You did know X was vulnerable, in part because of her intoxication; and you did contribute directly to her harm by your own offending. Another factor for you is this: I am sure you knew the other men had raped X when you did likewise, albeit you did not help or encourage their rapes. I remind you of the obvious: you were right there in the van when Mr B and Mr O raped X, and contrary to what you told the police, you were not in a drunken sleep. I remind you of what you told another in the early hours of that morning: you and the other defendants had picked up a girl who was too drunk and you all had sex with her. I record that you are shaking your head to that remark. Mr S, you knew you had committed rape.

Starting points

[34] There are considerable differences between the Crown and the three of you in relation to starting points. These differences largely reflect competing factual contentions, and allied contests over aggravating factors.[3] The starting points I adopt must, necessarily, reflect: (a) the jury's verdicts; and (b) the facts and aggravating factors as found by me within the framework established by the verdicts.

[35] The Crown seeks starting points of 14 and a half years' imprisonment for you Mr B and Mr O, and a 13 and a half year starting point for you Mr S. For reasons that will become apparent, I consider these starting points too high. Mr B, you argue for a

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[3] They also reflect differing interpretations of the case law.

10-year starting point or perhaps nine and a half. Mr O, you suggest 11 years. Mr S, you say a starting point of nine and a half years' imprisonment is right for you. For reasons that will become apparent, all these figures are too low.

[36] Mr B and Mr O, your offending extends into band three of the Court of Appeal guideline judgment in this area.[4] That said, whether your offending is regarded as being at the very top of band two or toward the bottom of band three matters not because the bands overlap. Mr S, your offending lies more firmly in band two, albeit toward the upper end of band two. The lawyers have given me many other cases to help me identify the starting point. I have considered these, and I will collect them in a footnote to my written remarks.[5]

[37] Mr B, you say the consensual kissing, touching and hugging between you and X at the bar and on Karangahape Road, make your offending less serious.[6] I respectfully disagree. First, activity of that nature is quite different to penetrative sexual activity in that it is much less intimate. Second, X pushed you away on Karangahape Road, and nothing consensual happened between the two of you thereafter. Again, watched carefully, it is clear from the footage X was saying no to whatever it was that you had suggested. Third, you knew X was vulnerable, in part because of her intoxication. Fourth, and as I said earlier, you and Mr O agreed or reached an understanding that X would be taken away from the CBD and raped.

[38] It was suggested at trial that you and X were asked to leave the bar by security staff because of the extent of consensual behaviour between you and her. That contention was unsupported by any independent evidence, and I consider that part of the defence case to be invention. You also argue, albeit faintly, that there was some consensual activity in the van to begin with. I am quite sure there was none.

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4 *R v AM* [2010] NZCA 114, [2010] 2 NZLR 750.

5 Many cases were cited. Those that follow comprise a selection: *R v Koroheke* CA189/01, 28 November 2001; *Abdi v R* [2014] NZCA 302; *Goundar v R* [2014] NZCA 303; *O'Neill v R* [2014] NZCA 466; *Weenink v R* [2014] NZCA 559; *McMaster v R* [2015] NZCA 466; *Haden v R* [2025] NZCA 53; *Rolleston v R* [2018] NZCA 611; *R v Mould* [2016] NZHC 154; *Skipper v R* [2013] NZCA 104; *R v Abdnur* [2025] NZDC 8073; and *Arona v R* [2018] NZCA 427.

6 See *R v AM*, above n 4, at [54]–[60].

[39] It will be apparent Mr B and Mr O that I see no reason to distinguish between the two of you, especially as you Mr O played a key role as the driver.

[40] As to starting points then, Mr B and Mr O I adopt 13 years' imprisonment. Mr S, 11 years' imprisonment.

Personal circumstances and mitigating factors

[41] I now turn to personal circumstances and things that may make your offending less serious. In doing so, I thank your lawyers for their hard work in providing a wealth of material about you including reports, references and certificates. I take the opportunity to thank them for the hard work that they have done for you now and during the trial in what would have been a very difficult case to defend. I am not going to refer to everything they have given me because to do otherwise would be unworkable.

[42] I begin with the most significant mitigating factor. Mr B, Mr O, and Mr S, you were all young when you committed these offences. Mr B, you were 19. So too you, Mr S. Mr O, you were only a little older, 20.

[43] [Redacted] None of you has been convicted of any other crime or offence.

[44] Each of you seeks significant discounts for youth, background, and otherwise good character. Mr O, you seek a discount for alleged remorse. Mr B and Mr O, both of you seek a discount for the fact you were on a curfew while you awaited trial.

[45] I begin with some general observations. Personal circumstances, including a person's age and background, can have a significant effect upon a sentence. However, everything turns on the facts, including the circumstances and seriousness of the offending and the relevance, or otherwise, of a defendant's personal circumstances to the offending.[7] In some cases, discounts are significant. In others, they are less so. Again, everything turns on the facts.

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7 *Berkland v R* [2022] NZSC 143, [2022] 1 NZLR 509.

[46] In this case, age, otherwise good character, and potential for rehabilitation constitute three sides of the same triangle rather than being wholly independent factors. Let me explain the point this way: the good character of a 70-year-old offender is much more tangible than that of someone your age, for the simple reason their longer, otherwise blameless life, is a matter of record rather than a projection. Furthermore, all of you continue to deny the offending and to minimise the harm you have caused, which is relevant to your rehabilitation. I give you some examples, which are that only.

[47] Mr B, you told the person who wrote your pre-sentence report that X was "more into it than me" at the bar. You also maintained the fabrications you were highly intoxicated and did not penetrate her.

[48] Mr O, you told the person who wrote your pre-sentence report that you were doing no more than trying to return X to her home but got lost on your way. The probation officer says you were not able to provide a rationale for your actions, to acknowledge the impact on X, or to take responsibility for what you had done.

[49] On your behalf, Ms Cresswell argues language and cultural difficulties might have compromised your pre-sentence report. She says you should receive a discount for remorse. That contention is based on a letter and an offer of $3,000 reparation.

[50] I am far from persuaded of any remorse on your part. Your trial testimony was a series of arrogant lies and embellishments. Let me give you one example, you will recall it. You said that you knew that there was a closed-circuit television camera at Paynes Aluminium and you parked underneath it to demonstrate you had done nothing wrong. That proposition was unworthy of the oath or affirmation that you took to tell the truth. Let me be blunt with you Mr O: I consider you have offered a letter recording an apparent apology and reparation of $3,000 for forensic advantage only, not because you are genuinely remorseful.

[51] Mr S, you gave the person who wrote your pre-sentence report the same inaccurate account that you gave the police. The probation officer said your attitudes are concerning and you demonstrate "a high sense of entitlement". You commissioned

a report from a consultant clinical psychologist, Dr Sarah Cluley. Dr Cluley says your attitudes towards X and the offending concerning and "marked by a striking absence of empathy". Dr Cluley goes on to say it is possible your background might have contributed to the offending in conjunction with peer pressure. I return to this shortly.

[52] I pause to thank everyone for their great patience while I give these remarks, but you will understand that it is terribly important the defendants understand what I have to say.

[53] Against the background of everything I have said thus far, I confine the deduction for your age at the time of the offending, otherwise good character, and prospect of rehabilitation, to 20 percent for each of you. The figure would have been somewhat higher but for your ongoing denial of the offending, which again, has obvious relevance to your rehabilitation.

[54] I return to your backgrounds. [Redacted]

[55] [Redacted] There is no suggestion that any of you has been exposed to the normalisation of sexual offending, or that any of you has suffered sexual abuse. Unlike many defendants before this court, each of you is from a good, supportive, loving family. Each of you has been raised to be responsible and law-abiding.

[56] Mr S, Dr Cluley's hypothesis in relation to your circumstance is just that, hypothesis. You did not testify, and an expert may not do so by proxy.

[57] Mr O, it is unclear to me how a provisional diagnosis of PTSD (from a psychotherapist) in relation to you affects the calculus. There is nothing before me to suggest anyone who suffers PTSD is more likely to offend sexually, or that anything that happened on the evening or morning in question inflamed or aggravated that condition, assuming you suffer it.

Bail

[58] I decline any deduction for the curfew, which unlike electronically monitored bail, is a relatively modest regulation of liberty. I note the curfew in the cited case, which resulted in a discount, lasted three years, not one year, your period.[8]

Minimum periods of imprisonment?

[59] The Crown seeks a minimum period of up to 50 percent for each of you.

[60] The Court may impose a minimum period if satisfied regular parole eligibility after one-third of the sentence is insufficient for all or any of these purposes:[9]

(a) Holding the offender accountable for the harm done to the victim and the community by the offending:

(b) Denouncing the conduct in which the offender was involved:

(c) Deterring the offender or other persons from committing the same or similar offence.

(d) Protecting the community from the offender.

[61] Mr B and Mr O, the case for a minimum period in relation to you both is strong given the seriousness of the offending, including the aggravating factors I discussed earlier. Your offending does call for denunciation and deterrence. Your refusal to accept responsibility for what occurred arguably adds to the need to hold you accountable. However, I consider your age counts decisively against the imposition of a minimum period, the sentence might otherwise be crushing. I also consider it better for the Parole Board to assess risk in the usual way.

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8 *Kreegher v R* [2021] NZCA 22.
9 Sentencing Act 2002, s 86.

[62] Mr S, somewhat similar reasoning applies to you. Moreover, you were found not guilty of being a party to the rapes by Mr B and Mr O. It follows "gang rape" is not a feature of your offending, albeit as I said, you knew the others had raped X.

[63] For completeness, in declining the application for minimum periods, I have disregarded the observations in the pre-sentence reports that refer to you Mr B and you Mr S as having a low risk of re-offending. Those assessments are simplistic; they largely reflect the absence of other convictions and nothing more sophisticated.

[64] This leaves one issue.

Name suppression

[65] All of you sought interim suppression of name before trial. Another Judge of this Court declined the application,[10] but the Court of Appeal allowed your appeal and granted interim suppression.[11] It did so 18 December 2025, only six months ago.

[66] All of you now seek permanent suppression of name. The application is based on hardship to you, and others. The Crown opposes the application, as does X, a position made clear by her victim impact statement.

[67] There is nothing before me to disturb the Court of Appeal's recent conclusion "that the extreme hardship threshold is met".[12] It follows the application turns on what is called the discretionary assessment.

[68] Your age favours suppression, as does the likelihood of harm to you and others from publication. Our Supreme Court has emphasised the importance of youth in this context, albeit in a case in which the defendant was a true young person; he was between 14 and 17 years when he committed the offending.[13] That you are here as protected persons also favours suppression.

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10 *R v FB* [2025] NZHC 3088.
11 *C (CA670/2025) v R* [2025] NZCA 682.
12 At [27].
13 *M (SC13/2023) v R* [2024] NZSC 29, [2024] 1 NZLR 83.

[69] As against these considerations, the offending is serious. The administration of criminal justice typically requires a triangulation of interests: those of the defendant and connected parties; those of the victim; and those of the public.[14] There is a public interest in the identification of those convicted of serious offending, including sexual offending. The case has attracted considerable attention. Those in your immediate community are also entitled to know what you did.

[70] One submission made in support of name suppression is that "there is little to be gained in the publics interest by publication of [your] names". With respect, the submission is misconceived. There is a public interest in the business of the Courts being open to the public. There is also a public interest in the identification of those convicted of serious criminal offending. These propositions are so well known, no statement of principle is called for. Furthermore, s 14 of the New Zealand Bill of Rights Act 1990 affirms freedom of expression, "including the freedom to seek, receive, and impart information and opinions of any kind in any form".

[71] Standing back, I am satisfied your names should not be suppressed given the public interests I have discussed, given X's interests, and given s 14. [Redacted]

[72] Mr B, Mr O and Mr S, please forgive me for what may seem like a very short digression before I pass sentence.

A better way?

[73] There continues to be a discussion in this country, and in other countries, as to whether the adversarial system of trial is sufficiently sensitive to the needs to victims of sexual offending. With that discussion in mind, let me recite a few short passages from X's victim impact statement; what follows are quotes:

> The entire court process was the worst thing I have ever had to endure.
>
> In court I felt like I was the criminal.
>
> During the trial I thought I was going to die.

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[14] *Attorney-General's Reference (No 3 of 1999)* [2001] 2 AC 91 (HL) at 118.

> I felt as if I was standing naked in front of millions of people who did not believe me, judged me, saw me as a slut, and would eventually beat me.
>
> I felt disgusting.

[74] May the ventilation of those observations contribute to our further discussion on whether the balance is appropriately struck.

Result

[75] Please stand.

[76] Mr B, for each offence of rape your sentence is 10 years, five months' imprisonment.

[77] Mr O, for each offence of rape your sentence is 10 years, five months' imprisonment.

[78] Mr S, your offence of rape attracts a sentence of eight years, 10 months' imprisonment.

[79] Your applications for permanent name suppression are declined, as is the Crown's application for minimum periods of imprisonment.

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Downs J