

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

**I TE KŌTI MATUA O AOTEAROA
TE ROTORUA-NUI-A-KAHUMATAMOMOE ROHE**

**CRI-2024-070-2223
[2026] NZHC 1489**

THE KING

v

TANGAROA NAKI PAKI

Hearing: 28 May 2026
Appearances: L G Mulder for Crown
A F Rickard-Simms for defendant
Sentence: 28 May 2026

SENTENCE OF JOHNSTONE J

Solicitors:
Pollett Legal, Tauranga
Pacific Coast Law, Tirau

[1] Tangaroa Paki, I will sentence you now for your drugged driving, which:

- (a) injured the truck driver you crashed into;
- (b) seriously injured your backseat passenger Watene Tawa; and
- (c) killed his brother, Brayden, who had been sitting in the passenger seat next to you.

[2] I will start by describing your offending.

The offending

[3] In June 2023, your restricted driver's licence was suspended. In December 2023, your licence was still suspended, and you were on bail on a charge that (in the meantime) you had driven while suspended.

[4] At around 10.30 am on 27 December 2023, you drove to Welcome Bay, Tauranga, picking up Brayden and Watene Tawa on the way. The Subaru Impreza you were driving had been registered in a made-up name, but its registration had expired. It had no warrant of fitness. Its rear suspension was unwarrantable. It had rust about its A-pillars, suspension mounts and inner guards. It had a bald side to one of its front tyres, and its rear tyres did not have enough air in them. You knew the Impreza did not have a warrant, and could not have got one. You knew the front tyre was bald and the brakes were substandard.

[5] Throughout the day, you drank alcohol and smoked cannabis as you drove around Tauranga. In the lead up to the crash, you drove dangerously. At 10.09 pm, you ran a red light on Devonport Road, in central Tauranga. At 10.11 pm, as you drove around a bend on The Strand, you accelerated hard, crossing dangerously over the yellow centreline onto the wrong side of the road, causing the tyres to squeal. Your average speed between two pedestrian crossings in the 30-kilometre per hour zone on Dive Crescent, was 59 kilometres per hour. Further along Dive Crescent, you briefly lost control, driving onto a raised centre island. You then went over the Tauranga Harbour Bridge.

[6] Your average speed in a stretch of the 70-kilometre per hour zone before the first set of traffic lights beyond the bridge was between 86 and 89 kilometres per hour. You drove faster as you crossed the intersection of Tasman Quay and State Highway 2. From there you slowed a little, but after the intersection with Totara Street, your speed increased to around 94 kilometres per hour for a stretch, and then further to around 105 kilometres per hour. Speed calculations suggest you continued accelerating.

[7] In this area, State Highway 2 is a multi-lane road, with two primary lanes for traffic driving east, as you were. Ahead of you, where State Highway 2 intersects with Aerodrome Road, two vehicles had stopped (or were stopping) in the left lane for a red light. You changed direction, driving into the right lane. By the time you entered the intersection, the light had been red for around 11 seconds.

[8] By that time, Michael Evans was driving a Kenworth truck and trailer, on a green light, across the intersection in front of you. His truck was well lit. You put the Impreza's brakes on, but you were driving so fast there was no chance of stopping. Around 44 metres after the brakes went on the Impreza crashed into Mr Evans' truck, shunting it sideways.

[9] The force of the crash broke a bone in Mr Evans' hand. It broke a bone in one of Watene Tawa's limbs and caused him serious spinal damage. And it ruptured a vessel in Brayden Tawa's heart, killing him.

[10] You were injured too. And when samples of your blood were taken at the hospital, they contained THC, the active ingredient of cannabis. The driving limit for THC per millilitre of blood is one nanogram. Yours contained between 10 and 20 nanograms. The so-called "high-risk" level of THC per millilitre is three nanograms. You had more than three times the "high-risk" level.

[11] You had therefore committed two offences of being a person in charge of a motor vehicle, and causing bodily injury, when a blood specimen taken from you

showed evidence of a blood concentration drug level exceeding the high-risk level.¹ And one offence of doing so in a manner causing death.²

[12] Your blood samples were taken two hours and 40 minutes after the crash. As well as the THC, the samples also contained between 24 and 28 milligrams of alcohol per 100 millilitres. This makes it likely that the amount of alcohol in your blood at the time of the crash was between 50 and 90 milligrams per 100 millilitres, so around the level where an infringement notice might have been issued. And, since using cannabis and alcohol together tends to add to the effect of the alcohol, it seems your drinking was a further factor in the crash and in your poor driving in the lead-up.

[13] Your offending has had devastating consequences. I acknowledge whānau who wrote very thoughtful statements, which I have read carefully and we listened to being read here in Court. As you heard, Mrs Tawa feels like she lost both her sons. Clearly, Brayden Tawa's children both lost their dad. And his partner, their mum, is heartbroken for them as well as for herself.

The gravity of the offending

[14] I have started by describing your offending, because in sentencing you I need to assess its seriousness (its gravity).³ And I need to consider where its seriousness sits alongside other cases of similar offending.⁴ This will lead me to decide upon a starting point. Once I have decided upon the starting point that reflects the offending, I will consider what adjustments need to be made, to take into account your circumstances as an individual.

[15] In my view, the gravity of this offending, compared to other cases where a high-level drugged driver kills a person, is increased (it is aggravated) because:

¹ Land Transport Act 1998, s 61(2) and (3). Maximum penalty: five years' imprisonment or \$20,000 fine, and mandatory disqualification.

² Section 61(2) and (3AA). Maximum penalty: 10 years' imprisonment or \$20,000 fine, and mandatory disqualification.

³ Sentencing Act 2002, s 8(1)(a) and (f).

⁴ Section 8(1)(e).

- (a) The THC concentration was more than three times the high-risk level. And the THC had been paired with alcohol.
- (b) There was poor driving in central Tauranga, and then driving at an unlawful and increasingly excessive speed along State Highway 2 to the point of the crash.
- (c) And the Impreza was in a poor condition, and you (the driver) knew it.

[16] So overall, the driving resulting in Braydon Tawa's death was highly culpable.⁵

[17] The gravity of the offending is also aggravated by the facts that:

- (a) It was undertaken by a driver whose licence had been suspended, and who was on bail for driving while suspended.
- (b) And it injured two other people as well. I have not received detailed information about the effect of the offending on Watene Tawa, or on Mr Evans. There will likely be ongoing effects felt by them. Mr Evans if he remains a professional driver, is likely to continue to be apprehensive, even fearful, as he goes about his work.

[18] Overall, the offending's gravity leads me to decide on a starting point of five and a half years' imprisonment. The lawyers have helped me to decide on that starting point by pointing me to a number of other cases of poor, or drunk or drugged driving causing death.⁶ Referring to the two which are most comparable to yours:

- (a) In the first case, the Court of Appeal approved a five-year starting point in a case where a reckless but not drugged driver had been speeding on a semi-rural road, and tried to overtake a car at an intersection. He crashed into a car coming the other way, killing his passenger and

⁵ *Gacitua v R* [2013] NZCA 434.

⁶ *R v Carter* [2025] NZHC 228; *R v Munro* [2024] NZHC 151; *R v Tiddy* [2023] NZHC 2288; *Skipper v R* [2017] NZCA 399; *Paparoa v Police* [2023] NZHC 2978; *R v Howard* [2023] NZHC 1956; *Lewis v R* [2023] NZHC 1248; *R v Grace* [2020] NZHC 3145; *R v Fallowfield* [1996] 3 NZLR 657 (CA); *McPike v Police* HC Auckland CRI-2010-404-151, 28 June 2010.

injuring a person in the other car. He had been driving in a persistently dangerous manner for around 10 minutes, but he had slowed down in his attempt to take the corner, and although he had been drinking earlier in the evening, a sniffer test at the scene of the crash was negative.⁷ So the offending in that case was less serious than the offending in this case. The offending in this case requires a higher starting point.

- (b) In the second case, this Court decided recently on a starting point of six years' imprisonment where a driver engaged in very bad driving for at least an hour, under the influence of methamphetamine, cannabis and diazepam, while distracted by texting associates and taking a video call, before crashing into and killing a husband and seriously injuring his wife. In that case, the car being driven does not appear to have been in a condition as bad as you knew your Impreza was. And the driver was not on bail for driving while suspended. But the driving was even worse than yours, and the driver did not hold a licence, and his car was unregistered.⁸

Adjustments for individual circumstances

[19] I will adjust that starting point of five and a half years' imprisonment, taken in relation to the offending, to take account of your circumstances as an individual.

[20] When you crashed the Impreza on 27 December 2023, you were 27 years old. You had previous convictions, including for dangerous driving and failing to stop. But those driving offences had been committed when you were 19. I have decided to make no adjustment upwards or downwards for your criminal history: it is not to your credit, but it does not materially affect the gravity of your offending.

[21] I will allow a reduction for remorse and for what I have to say appear to be limited rehabilitation prospects (it will be up to you to prove me wrong about that):

⁷ Above, n 5.

⁸ *R v Carter*, above n 6.

- (a) You told the probation officer who reported to me on your individual circumstances that you feel fully remorseful, that you know the brothers' family will be going through a lot because of you, that you hope the survivors make full recoveries, and that you feel shame and sadness. I have read messages of support from your family: your mother's letter confirms to me you are grieving for Brayden Tawa. You have written your own letter to me, confirming how deeply you regret Brayden's passing and the effect upon all concerned of his loss.

- (b) Also you started a Salvation Army substance abuse programme in 2025, albeit you did not complete it for financial reasons.

[22] The reduction for remorse and rehabilitative prospects that I will apply cannot be any more than 10 per cent. In May 2024, only five months after this crash, you were back driving while disqualified.

[23] I will also allow a reduction for your guilty plea, entered to an amended Crown charge notice, which avoided the costly and potentially hurtful impact of the contested trial that had been scheduled for late April 2026. You were originally charged with manslaughter, alongside the two drugged driving causing injury charges to which you pleaded guilty in December 2024. It is understandable that you were reluctant to plead guilty to the manslaughter charge, with its maximum penalty of life imprisonment. Your lawyer spoke "on the record", at that hearing in December 2024, when you entered guilty pleas on the other charges, about your desire to plead guilty to a charge of drugged driving causing death, with its maximum penalty of 10 years' imprisonment. The Crown did not accept your offer then, but did so by seeking leave to file its amended Crown charge notice a few weeks before the trial in April this year. You pleaded guilty immediately.

[24] I will apply a reduction of 20 per cent for your guilty plea. It cannot be more than that, as your "on the record" response to being charged in relation to Braydon Tawa's death did not come until December 2024, around six months after the manslaughter charge was filed.

[25] You spent 10 months on EM bail. If you had been in custody then, waiting for your trial, instead of EM bail, that time would have counted against your sentence. In line with the usual practice, I will apply a reduction to recognise the 10 months you spent under some degree of constraint. The reduction will be one of four months.

[26] No reparation order can be made, as there is no prospect of you paying much if anything towards the cost of the damage caused to the truck and of the loss of business income suffered by the truck's owner. Given the prison sentence I will be imposing upon you, I remit your outstanding fines.

Result

[27] Please stand.

[28] The law requires that, in sentencing you, I disqualify you from holding a driver licence for at least a year. In your case, given your offending and your circumstances, I disqualify you from driving for four years on each charge.

[29] For your offence of drugged driving injuring Mr Evans, the truck driver, I sentence you to 18 months' imprisonment.

[30] For your offence of drugged driving injuring Watene Pawa, I sentence you to 18 months' imprisonment.

[31] For your offence of drugged driving causing Brayden Pawa's death, I sentence you to three years and six months' imprisonment.

[32] Those prison sentences will be served concurrently; that is, all at the same time. The total prison sentence is one of three years and six months' imprisonment.

[33] Please stand down.

Johnstone J

