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IN THE HIGH COURT OF NEW ZEALAND
WHANGANUI REGISTRY

I TE KŌTI MATUA O AOTEAROA
WHANGANUI ROHE

CRI-2022-083-595
[2026] NZHC 1523

THE KING

v

SHANNAN JOSEPH TAYLOR

Hearing:	29 May 2026
Appearances:	A N Kearney for Crown J H C Waugh for Defendant
Judgment:	29 May 2026

JUDGMENT OF GRICE J
(Sentencing notes)

[Ms G and Ms H read their victim impact statements].

[1] Before I go any further,[1] I would like to acknowledge both victims, whom I refer to in the sentencing notes as Ms G and Ms H. They had the courage today to come and read their victim impact statements. That is not an easy task. The statements demonstrate the extent to which you, Mr Taylor, violated their trust in their homes

[1] Mr Taylor was advised that he would receive a final version of the proofed sentencing notes, with the details of cases and legal references.

where they should have been able to feel safe. You have caused them serious and lasting psychological harm and inflicted physical pain. For Ms G, the offending occurred over a reasonably long period of time. It also affects her children as well, and indeed your children.

[2] Ms G and Ms H's names will not be published and their identities will not be made public.

Sentencing process

[3] The sentencing for which you appear today, Mr Taylor, is for offences for which you were found guilty at trial:

(a) three charges of rape, including one representative charge for your offending against Ms G between 1 December 2020 and 14 March 2022, another single occasion against her, and a single occasion against Ms H;[2]

(b) one charge of attempted sexual violation by unlawful connection against Ms G;[3] and

(c) one charge of assault on a person in a family relationship, being Ms G.[4]

[4] Your sentencing was transferred by the District Court to this Court, due to the seriousness of the offending. I am required today to decide what sentence should be imposed. I must consider whether you should receive a finite sentence of imprisonment or an indeterminate sentence of preventive detention.

[5] In reaching the sentence, I adopt a three-step approach.

[6] First, I will outline the facts of your offending. You and most of those present today will be familiar with those facts.

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2 Crimes Act 1961, ss 128(1)(a) and 128B: maximum penalty of 20 years' imprisonment.
3 Section 129(1): maximum penalty of 10 years' imprisonment.
4 Section 194A: maximum penalty of two years' imprisonment.

[7] Second, I will assess what your sentence would be if preventive detention was not imposed. That requires me to set a starting point based on your offending. I will then consider whether any increases or reductions should be applied, to that starting point, to reflect your personal situation. That will result in a finite sentence.

[8] Thirdly, I will consider whether, at the end of that finite sentence, the risk to the community would still be so great that I need to impose a sentence of preventive detention. That is an indeterminate sentence, where you would remain imprisoned until the Parole Board assesses it appropriate to release you, and even then, you would be subject to recall to prison, for the rest of your life.

The offending

[9] I first outline the facts of the offending.[5]

[10] The representative charge of rape against Ms G reflects that between 1 December 2020 and 14 March 2022 you repeatedly violated her. She would tell you she did not want to have sex with you, and you would sexually violate her anyway. This became routine.

[11] After a short break in your relationship, you moved cities together and she fell pregnant. The charge of assault on a person in a family relationship arises from an incident while Ms G was pregnant. You approached her with a balled-like fist as if you were going to punch her and you then shoved her.

[12] The next rape occurred on 16 March 2022 and was perpetrated against Ms H. At the time, Ms G was in hospital where she was due to give birth. You asked her about staying at Ms H's place, as you wanted to be close to the hospital. Ms G arranged that. You arrived at Ms H's address to stay, and you spent the next day at Whanganui Hospital. When you got to Ms H's address that night, she had prepared dinner. She invited you to help yourself to dinner and went back to her office to work. You encouraged Ms H to purchase some three bottles of wine later in the evening.

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5 Based on the summary of facts provided by the Crown. The defence's submissions accept that the facts are as detailed in the Crown's submissions and accepted by Mr Taylor.

[13] Later you went outside with Ms H, and, at some point, she ended up face down on the ground. You carried her into the bedroom. She has a fragmented memory and only recalls drinking one bottle of wine but does not know what happened in the rest of the evening. What is clear — and what was accepted by the jury — is that you raped her at this point.

[14] The remaining two charges — sexual violation and rape, reflect offending perpetrated by you against Ms G on 27 March 2022, following her giving birth. You came in while she was lying in bed, having just fed her newborn baby who was asleep in a bassinet just above her pillow. And despite Ms G repeatedly telling you: "no" that she did not want to have sex with you as she was still recovering from a caesarean, you attempted anal penetration two or three times. When she resisted, you twisted her arm behind her back and pinned her down. She told you: "no" and said her newborn baby was right there. You then raped her.

[15] This caused heavy bleeding. It caused Ms G pain around her C-section wound. She also noticed that some of the stitches had opened up. Later the wound became infected. When she subsequently challenged you about the rape and told you that she thought her infection might have been caused by it, you laughed it off and told her that she liked it.

Your personal circumstances

[16] Turning to your personal circumstances. I have received two health assessor's reports, as well as a pre-sentence report from the Department of Corrections. I have read all of those reports carefully.

[17] The information in those reports is personal in nature, but relevant to your sentencing as factors which might lead to an increase or reduction in the starting point of the sentence. In addition, the law requires me when assessing whether to impose a sentence of preventive detention to consider reports from at least two health assessors about the likelihood of your committing another serious sexual or violent offence.[6]

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6 Sentencing Act 2002, s 88(1)(b).

[18] Your background, recorded in the reports, involved significant hardship and deprivation. You grew up in an unstable environment, frequently moving as a child. You experienced physical and other forms of abuse, which were formative in that the abuse distorted your understanding of boundaries and undermined your development of a coherent and secure sense of self. You experienced bullying and ostracism, which you attribute to your family moving and to racism. You report that at age 14, you were kicked out of the family home, leading to a period of transient living and truancy. While you were enrolled in correspondence school, you made little progress in the absence of support.

[19] Your use of cannabis and alcohol commenced in early adolescence. Both have been sustained into your adult life. Your methamphetamine use escalated substantially following losses including your son's death.

[20] You say you were a member of a gang at one point, although I understand you have since left. You developed literacy in adulthood, completed a painting and decorating apprenticeship in your late twenties and had a business at one stage. Your employment has been more disrupted since 2014. But the evidence is that you do not have any diagnosed physical or mental health conditions, although you do experience anxiety, and one report writer considered that an assessment for psychopathy may be appropriate in future.

[21] Dr Carlyon, a clinical psychologist, noted that while you purported to accept responsibility for the offending, you framed the offending in a way which attributed responsibility for it to external factors including intoxication, your perception of Ms G's behaviour, the emotional aftermath of your son's death and the breakdown of your long-term relationship. Your characterisation of the offending against Ms H was that it "felt consensual". This contradicts the established facts. Dr Carlyon considered you made no remarks to suggest that you have any deeply held regrets for your offending nor gave any suggestion that you were insightful about the impacts on the victims.

[22] Dr Barry-Walsh, a psychiatrist, records that you stated to him that if you could take your offending back, you would and that you want to be given a chance to

rehabilitate and change. He considers that your development of a strong faith may assist you in that.

[23] You are currently serving a sentence of 16 years' imprisonment that was entered on 12 September 2025 in relation to 23 charges of sexual offending against children and young people, some of which were representative charges.[7] Those charges related to offending that occurred between May 2003 and December 2021. The offending was against four victims. No minimum period of imprisonment was imposed in relation to that offending.[8] Your lawyer, Mr Waugh, properly accepts that this current sentence is relevant, to any sentence that I impose today.

Finite sentence

[24] I now turn to consider the appropriate finite sentence. In doing so, I rely on the guidance provided by the higher courts, including the important case of *R v AM*. *R v AM* provides guidance on what range of imprisonment terms should be imposed for various rape and sexual assault offences.[9]

[25] The sentence I impose, must take into account the purposes and principles under the Sentencing Act 2002. The purposes of sentencing relevant here, are:

(a) to hold you accountable for the harm you have caused to your victims and the community through your offending;[10]

(b) to promote in you a sense of responsibility for, and acknowledgment of, that harm;[11]

(c) to provide for the interests of the victims of the offence;[12]

(d) to denounce the conduct in which you were involved;[13]

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7 *R v Taylor* [2025] NZDC 21973.
8 At [21].
9 *R v AM* [2010] NZCA 114, [2010] 2 NZLR 750.
10 Sentencing Act, s 7(1)(a).
11 Section 7(1)(b).
12 Section 7(1)(c).
13 Section 7(1)(e).

(e) to deter you, and others from committing the same or similar offending;[14]

(f) to protect the community;[15] and

(g) to assist in your rehabilitation and reintegration.[16]

[26] I am required to take into account the gravity of your offending and the degree of your culpability.[17] I must take into account the seriousness of the type of your offending and the general desirability of consistency, with similar offenders who have committed similar offences in similar circumstances.[18] I also take into account the information that we have heard today about the effect of your offending on your victims. In addition, I must impose the least restrictive outcome appropriate in the circumstances.[19] I take into account your personal, family, community and cultural background.[20]

Starting point

[27] Mr Taylor, I start with your offending against Ms G which is the most serious. The lead charge is rape. The fact that there were multiple instances of rape perpetrated against her, is taken into account as an aggravating feature of this offending.[21] I also take into account the charges of assault on a person in a family relationship and attempted sexual violation by unlawful connection, in my assessment.

[28] Your offending against Ms G involved four aggravating factors. First, there is the scale of the offending.[22] Your offending involved repeated abuse over a prolonged period of time and reached the point where she expected to be raped every day. The offending itself was serious every time it occurred. It involved the type of systematic

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14 Section 7(1)(f).
15 Section 7(1)(g).
16 Section 7(1)(h).
17 Section 8(a).
18 Section 8(b) and (e).
19 Section 8(f)–(g).
20 Section 8(i).
21 *Bowman v R* [2022] NZHC 2622.
22 *R v AM*, above n 9, at [47]–[49].

abuse that meant you could rape her whenever you wanted to.[23] Your lawyer, rightly accepts that the scale of your offending, is an aggravating factor. This factor is present to a moderate degree, and in my view, involves a degree of premeditation and coercion by the creation of an abusive environment.

[29] Second, your offending involved a breach of trust and a victim who was vulnerable.[24] You were in a familial relationship with her, and she should have been able to feel safe with you. One of the charges relates to offending against Ms G when she had only recently undergone surgery. In that case, she was particularly vulnerable. I also accept the Crown's submission that there was a power imbalance between the two of you as a result of your controlling behaviour throughout the course of the relationship. This contributed further to her vulnerability. That factor is present to a moderate degree.

[30] Third, as we have heard, the harm caused by your offending is significant and enduring.[25] Such harm is inherent in this kind of offending and the victim will likely suffer from psychological harm for the rest of her life. I accept that your offending involved emotional abuse of Ms G. Your offending on 27 March caused her to suffer heavy bleeding and pain around her wound. The effects will also have lasting repercussions for her family and relationships. I accept the Crown's submission that this factor is present to a moderate degree.

[31] In my view, violence was also a factor in your offending, and it was present to a low to moderate degree. Sexual offending is inherently violent to a degree. But in addition, your offending involved pushing Ms G onto a bed and telling her to do what she was told. The 27 March incident involved you twisting her arm behind her back to restrain her as well as the other steps.

[32] Taking these factors together, your offending against Ms G sits at the middle to top of band two of *AM*. That means the starting point is between seven and 13 years' imprisonment for your offending against Ms G. I accept the Crown's submission that

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23 Compare *Laugesen v R* [2024] NZCA 649 at [28].
24 Section 9(1)(f) and (g); *R v AM*, above n 9, at [42]–[43] and [50].
25 At [44].

your offending against Ms G is similar to that in *Laugesen v R*, which involved frequent offending in a domestic relationship and psychological abuse of the victim.[26] In that case, a starting point of eleven years' imprisonment was imposed. Threats to kill are not present in your case, unlike in *Laugesen*. However, I consider that in light of the coercive and abusive environment you created, this does not significantly distinguish your case. Additionally, the fact that you offended against a second victim makes the totality of your offending worse than in *Laugesen*.

[33] Turning to the offending against Ms H. The aggravating factor of breach of trust is present here. Your offending occurred while you were her guest and staying in her home. Additionally, she was intoxicated at the time and vulnerable as a result. Both factors are present to a moderate degree. I also accept that there was a low to moderate level of premeditation in your insistence that you stay at her home, which was arranged by Ms G for while she was in hospital. She commented that she thought it was strange at the time.

[34] The harm caused by your offending to Ms H has been significant and continues to impact her mental health, her relationships, and her sense of trust and safety. In her statement, she talked about how the offending dismantled the stable and independent life she had built and replaced it with fear, isolation and ongoing trauma.

[35] Your lawyer says that a starting point overall of no more than 12 years is appropriate.

[36] However, standing back and looking at the totality of the index offending, I accept the Crown's submission, that a starting point of 12 and a half years is appropriate. This reflects the starting point I have adopted in relation to your offending against Ms G of 11 years, and an uplift of one and a half years for your offending against Ms H.

Personal aggravating and mitigating factors

[37] I turn now to look at your personal circumstances.

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[26] *Laugesen v R*, above n 23.

[38] You have previous convictions for offending against children and young people, for which you were sentenced in September last year. As you are serving your sentence for these convictions at present, I must make a totality adjustment and will consider those convictions in a moment. You otherwise have no relevant previous convictions, so no uplift for other prior convictions is required.

[39] You offended against both victims here, while you were on bail for your previous offending against children and young people. Nonetheless, no uplift is sought in relation to this factor.

[40] The Crown also says you have no relevant personal mitigating factors that require a reduction. You did not plead guilty. You were convicted following a trial. Additionally, I am satisfied on the basis of the reports in front of me, that a reduction for remorse is not appropriate in the circumstances. I accept that while there are letters of remorse attached to your counsel's submissions and some indications of remorse in the reports, they are late in the piece. You have put the victims through a trial. It is only latterly you have expressed remorse in relation to the earlier offending and the remorse is not even clear. At best, the remorse is equivocal and does not call for any recognition in sentencing.

[41] You lawyer, however, submits that you should receive a reduction of 10 per cent for the information about your background and cultural factors. These are outlined in the psychological reports prepared for this hearing. They contain new information that has not previously been before the Courts. In particular, the information was not before the Judge sentencing you in relation to the first set of offending, so it was not taken into account in that earlier sentencing.

[42] I am required to take into account your personal, family, community and cultural background when considering your personal mitigating circumstances.[27] A reduction is permitted where the background factors help to explain how you came to offend, if they are causatively contributary to the offending.[28] As I have already said, there is some suggestion contained in the reports, that the abuse you suffered as a child

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27 Sentencing Act, s 8(1)(i).
28 *Berkland v R* [2022] NZSC 143; [2022] 1 NZLR 509 at [114]–[121].

has influenced your offending today. It is also evident from the reports that you have experienced significant deprivation. In the circumstances, I consider you are entitled to a reduction of 10 per cent for background and personal factors.

[43] If that were the end of the sentencing process, that would produce a sentence of 11 years and three months' imprisonment.

Totality adjustment

[44] Given the totality of the offending, the Court must consider the global impact of the full sentence you will face. You are currently serving a sentence of 16 years' imprisonment, in relation to offending against children and young people. I must determine whether today's sentence should be served cumulatively or concurrently with that. A concurrent sentence is one which is served at the same time. If I am to impose a cumulative sentence — that is, a sentence which is added to your current sentence — I must take into account totality. The total period of imprisonment must not be out of proportion to the gravity of the overall offending.[29]

[45] The Crown submits that the overlap between your present offending with the previous offending is very small. The majority of your current offending occurred after it. The Crown suggests the imposition of a cumulative sentence of about 12 and a half years on top of your existing sentence, because your offending against adults is distinct from your previous offending (against children and young people).

[46] The end sentence for the present offending is 11 years and three months. Therefore, if this were to be cumulative on the offending on which you were sentenced of 16 years, the result would be 27 years and three months, in total.

[47] Your lawyer says that the Crown's submission suggesting 28 and a half years, would result in you being sentenced to almost a decade longer than any case he has been able to locate. He submits that I should apply an uplift of two years to your existing sentence, to reach an end sentence of 18 years' imprisonment for all of the

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[29] Sentencing Act, s 85.

offending — that is both the offending for which you were sentenced to in September and today's offending.

[48] I accept the Crown's submission in part, concerning the differences between the sets of offending — the two sets were, for the most part, committed at different times and of a different (albeit related) nature, in that it was sexual. Both sets of offending featured you taking advantage of your power and control over those who trusted you. I accept the Crown's submission that a cumulative sentence is appropriate in the circumstances.

[49] Nevertheless, I accept Mr Waugh's submission, that a sentence of imprisonment of that magnitude, if the two full sentences were added together would be wholly out of proportion to the gravity of your overall offending.[30] I must take into account the 16 years imprisonment that you are already serving. Your counsel indicated that it is highly unlikely an appeal will be pursued in relation to the sentence that is presently existing. Making an adjustment for totality and taking into account your personal background and circumstances, I consider an end sentence of 22 years' imprisonment for all of your offending is appropriate. This imposes a cumulative sentence of six years' imprisonment to commence on the expiry of the sentence you are currently serving.

Minimum period of imprisonment

[50] I now turn to consider the minimum period of imprisonment issue. You would normally be eligible for parole after serving one third of your sentence, unless the Court imposes a minimum period of imprisonment (MPI).[31] A minimum period of imprisonment can be imposed where I am satisfied that the standard period of parole, would be insufficient to hold you accountable for the harm done to the victims and the community, to denounce your conduct, to deter you, or protect the community from you.[32] A minimum period of imprisonment must not however, exceed the *lesser* of two thirds of the full term of the sentence or ten years' imprisonment.[33]

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30 Section 85(2).
31 Parole Act 2002, s 84(1).
32 Sentencing Act, s 86(2).
33 Section 86(4).

[51] The Crown submits that a minimum period of imprisonment of at least half the end sentence is appropriate. It has made further submissions on that point. It accepts that in a case of a cumulative sentence, the MPI on the additional cumulative sentence may not be effective, nor add substantially to the normal parole period under the two cumulative sentences.

[52] Mr Waugh argues that an MPI would not serve any particular purpose and would only delay your eligibility for rehabilitative programs.

[53] An MPI cannot be imposed in a mechanistic way. In this case, the substantial harm caused by your offending does require denunciation and deterrence. I also take into account harm to the victims which was clear from the victim impact statements. In this case, you also showed a degree of callousness and a determination to impose your sexual urges on in particular Ms G, regardless of her circumstances. You have shown a lack of remorse.

[54] In the normal circumstances, I would have considered that a MPI was appropriate. However, this matter is complicated by your existing sentence of 16 years' imprisonment. An MPI was not imposed on your 16 years as the Judge noted the difficulty of assessing what would continue to occur into the future. He considered that the Parole Board would be in a better situation to assess that.[34]

[55] Because I am imposing a cumulative sentence of six years' imprisonment today, any MPI that I am able to impose, would not be significant. It would serve no practical purpose in the context of the 22 years' imprisonment which is your overall sentence and the length of the statutory non-parole period that would apply to that.[35] I refer to various cases including *Briggs v R*, which indicates the situation is such that I should not impose an MPI.[36]

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34 *R v Taylor*, above n 7, at [20] and [21].
35 Parole Act, s 84(4) and *O'Carroll v R* [2016] NZCA 510 at [39]–[41].
36 *Briggs v R* [2020] NZCA 453 at [44]–[46].

[56] Not imposing an MPI will also give more flexibility to the Parole Board when considering your ultimate release in the context of this long sentence.[37] The Parole Board plays an important role in the release process.

Preventive detention

[57] The Crown submits that a sentence of preventive detention is available. A sentence of preventive detention may be imposed where a defendant has committed a qualifying violent or sexual offence,[38] as in this case, and the Court is satisfied that the defendant is likely to commit another qualifying violent or sexual offence upon release, after receiving any sentence the Court may impose.[39]

[58] In deciding whether or not to impose a sentence of preventive detention, the underlying issue is whether a defendant is likely to remain such an ongoing risk to the safety of the community, which can only be met by the imposition of a sentence of preventive detention rather than a lengthy finite sentence.[40] A sentence of preventive detention is not one of last resort and need not be resorted to only after other sentencing options have been tried without success.

[59] The Sentencing Act requires me to consider certain factors when considering preventive detention. These are:[41]

(a) a pattern of serious offending disclosed by your offending history;

(b) the seriousness of the harm to the community caused by the offending;

(c) information indicating a tendency to commit serious offences in the future;

(d) the absence or failure of efforts by the offender to address the causes of the offending; and

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37 At [46].
38 Sentencing Act, s 87(2)(a).
39 Section 87(2)(c).
40 *Bowman v R*, above n 21, at [59].
41 Sentencing Act, s 87(4).

(e) the principle that a lengthy finite sentence is preferable if this provides adequate protection for the community.

[60] I address each of these in turn.

Any pattern of serious offending disclosed by your offending history

[61] The first factor is your pattern of serious offending, which is disclosed by your offending history. The Crown submits, and I accept, that you have displayed a serious and persistent pattern of sexual offending that began in May 2003 and lasted until April 2022. Your counsel accepts this is the case.

[62] Your offending began when you were 21 and was perpetrated against victims ranging from the age of four to adult women. All of your offending has been against victims who were vulnerable. It is a pattern of sexual offending which is gravely concerning and has been maintained over a number of years. Your offending against Ms G involved both physical and psychological coercion. I consider there is a pattern of serious offending disclosed by your history.

The seriousness of the harm to the community caused by the offending

[63] Turning to the second factor, that is the seriousness of the harm to the community caused by your offending. Your first set of charges involves sexual offending against children, which is inherently serious and seen as particularly harmful by the community.[42]

[64] The offending for which you are sentenced today, has caused serious harm to the community as well. The particular harm is of course to Ms G and to Ms H, both of whom were entitled to feel safe around you. But the harm you have caused to them, will also have ongoing effects on those around them and this includes on the children.

[65] Your counsel accepts that serious harm has been caused by your offending.

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42 *R v Stephens* [2025] NZHC 810 at [115].

Information indicating a tendency to commit serious offences in the future

[66] The next factor is any information indicating a tendency to commit serious offences in the future. I have received two expert health assessor reports to assist me with that assessment today. One from Dr Carlyon and one from Dr Barry-Walsh. Nonetheless, I must make my own decision as to risk having a regard to all the evidence.[43]

[67] Dr Carlyon considered that your presentation and pattern of serious and repetitive sexual offending could be understood as emerging from the interaction of developmental adversity, disrupted attachment and an enduring deficit in your regard toward women and girls in positions of vulnerability or dependence. Dr Carlyon referred to your willingness to prioritise your own needs and wants. Further, he considered that features of your offending warrant a formal assessment of what may be elevated psychopathic traits, as part of any comprehensive treatment evaluation to be conducted in future.

[68] Dr Carlyon assessed your risk of reoffending across two tests. The first, the Static-99R, places you in the Above Average Risk category. Under this test, your risk of recidivism in five years was estimated to be between 8.4 and 10.1 per cent and, within 10 years, 12.1 and 15.9 per cent. The second, the VRS-SO test, suggests that without meaningful treatment, there is a 38.3 to 51.4 per cent risk you will reoffend in the next 10 years. Combining the two tests, you were found to be in the Well Above Average Risk category. Transitions to the lowest risk category may take decades for people within this category.

[69] Dr Barry-Walsh found grounds to have grave concern for your propensity for further offending, should you be returned to the community at this time. Dr Barry-Walsh considered that given you have expressed willingness to engage in programs, you would appear to be a suitable candidate for sexual offender treatment programs while in custody.

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[43] *R v B* [2023] NZHC 3649 at [47].

[70] Dr Barry-Walsh also assessed your risk of reoffending across two tests, based on your likelihood of reoffending at the age of 59 (after serving a full sentence of 16 years' imprisonment). The first test was the Static-99R. Dr Barry-Walsh found you had a higher-than-average risk of reoffending under this metric. The Risk of Sexual Violence Protocol-V2 suggested that there was some good evidence of chronicity of sexual violence from you and this, combined with various other factors, led Dr Barry-Walsh to conclude that he had serious concerns about your potential for reoffending.

[71] However, Dr Barry-Walsh emphasised that a caveat on any report as to future risk was that he was not able to identify the probability of an individual reoffending. He noted this was particularly the case where as here, you are already facing a lengthy prison sentence and "where interventions and events may substantially alter your risk of further offending". This was further complicated, Dr Barry-Walsh said, by the lack of present knowledge of the circumstances and context in which you may be returned to the community including any interventions or conditions that may impact on your risk of further offending. He repeated this caveat and noted that careful assessment would be required to better understand the drivers of your offending and how best to manage these risks, after all legal matters were completed. At best, all he could say was that he had serious concerns for your potential for further offending, should you be in the community at this juncture, without any interventions to date to address the offending.

[72] Having regard to the information contained in the reports, I am satisfied that you have a tendency to commit serious offences in the future. Your lack of empathy and the chronic nature of the sexual violence that you have perpetrated since 2003, bolsters this conclusion.

[73] However, I go on to consider the absence or failure of efforts by you, to reduce the cause or causes of your offending.

The absence of or failure of efforts by you to address the cause or causes of the offending

[74] The Crown acknowledges that there has been no opportunity for previous treatment or intervention in your case. It submits that, while there is the opportunity for therapeutic intervention, the fact that it has not been available to date does not mean preventive detention is automatically inappropriate. This is especially where there are obvious barriers to you gaining insight into your offending. In this case, you refused to speak to the health assessors about the offending for which you were sentenced in September, on the basis that you intended to appeal, but in fact no such appeal has been filed.

[75] Your counsel submits that neither of the health assessor reports suggest that you will not have a successful response to treatment. Minimisation of your offending and a lack of awareness and empathy is to be expected prior to your rehabilitative efforts beginning. In addition, counsel has provided me with a letter of remorse, confirmation of completion of a Jigsaw Whanganui family harm prevention programme, and confirmation of your involvement with and ongoing support from Legacy Centre faith-based rehabilitation. Dr Barry-Walsh noted that you had expressed willingness to engage in treatment programmes. Dr Carlyon observed that your motivations for this may be "mixed" because you are aware that participation will improve your prospects of parole.

[76] Nonetheless, although you have not participated in significant treatment, I accept the Crown's submission, that that does not militate entirely against a sentence of preventive detention.

A lengthy determinate or finite sentence is preferable to a sentence of preventive detention

[77] A final factor, is the principle that a lengthy determinate or finite sentence, is preferable to a sentence of preventive detention in appropriate circumstances.

[78] The application of orthodox sentencing principles gives rise to a relatively lengthy finite sentence, in this case. I accept that any reassessment of your

rehabilitative prospects is hampered by your opportunity to date to engage in treatment programmes, and that will emerge over time.

[79] In assessing whether a sentence short of preventive detention is preferable and sufficient to protect society, regard can also be had to the availability of an extended supervision order (ESO) at the end of your sentence.[44] That has been indicated by the Court of Appeal in earlier cases.

Should a sentence of preventive detention be imposed?

[80] I have decided to impose a lengthy finite sentence and not a sentence of preventive detention. There are two reasons why I have come to this conclusion.

[81] First, your rehabilitative potential is not exhausted. It has barely started. You are at the beginning of the process of pursuing rehabilitation. As long as you engage, genuinely and without ulterior motive, in the programmes that may be offered to you, the risk you pose to women and girls, is likely to reduce. Dr Barry-Walsh also indicated that some sexual offending diminishes with age. You will be into your fifties by the time you are even eligible for parole. Your rehabilitation is an important purpose of sentencing today.

[82] In addition, the fact that an ESO might present a more flexible and effective method of dealing with the risk of reoffending has been recognised by the Court of Appeal. This led the Court of Appeal in *T v R* to quash a preventive detention order imposed on an offender, who had been responsible for two sets of serious sexual violation of children.[45] While that offending was over a shorter time span than the two sets of offending in this case, the offending against the children in in *T v R* was very serious. In addition, the offender had served a prison sentence during which he had treatment and yet he had reoffended.

[83] The Court of Appeal considered the less restrictive outcome would be a finite term of imprisonment (with the possibility of an ESO).

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44 *R v Mist* [2005] 2 NZLR 791 (CA) and *R v B*, above n 43, at [56].
45 *T v R* [2026] NZCA 111.

[84] In this case, Dr Barry-Walsh, in particular, caveated his risk assessment and the need for appropriate treatment and the consideration of an ESO, with the statement that these considerations could be better assessed at an appropriate time.

[85] Dr Barry-Walsh noted that your development of a strong faith and exploration of te ao Māori may provide you with a more secure sense of identity and be a protective factor against a risk of reoffending, if you are motivated to engage in interventions to address your offending. Dr Barry-Walsh noted that the context and circumstances of an offender's release as well as the extent of ongoing interventions including supervision treatment and monitoring, impacted further offending risk. He said that examples included, being subject to the child sex offender register and eligibility for an ESO.

[86] The finite sentence in this case is lengthy. In the circumstances, I am satisfied it is sufficient to protect the public and is the least restrictive option available. As your lawyer has noted, the possibility of an ESO being granted on your release is available. That would follow the appropriate risk assessments at that time.

[87] On balance, I am satisfied that a lengthy finite sentence is adequate, in all of the circumstances, to protect the community.

Sentence and ancillary orders

[88] Mr Taylor, please stand. I sentence you to six years' imprisonment in respect of your offending against the present complainants, Ms G and Ms H. That term of imprisonment is to be served cumulatively on your current sentence of imprisonment. Overall, the total length of the sentence imposed taken with your current term of imprisonment, is 22 years' imprisonment.

[89] You are already on the sexual offenders register and of course will remain on that.

[90] Up until now you have been subject to an interim order for the suppression of your name. Your counsel has advised me that there is no intention to seek permanent

name suppression. That interim order for the suppression of your name therefore lapses with immediate effect.

[91] Mr Taylor, please stand down.

Grice J

Solicitors:
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