

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

**I TE KŌTI MATUA O AOTEAROA
AHURIRI ROHE**

**CRI-2025-020-2154
[2026] NZHC 1567**

THE KING

v

ERUETI SAMSON TEO-TAANE WIRIHANA

Hearing: 4 June 2026

Appearances: C R Walker for Crown
S N Cameron and B J Frendin for Defendant

Judgment: 4 June 2026

SENTENCING NOTES OF McHERRON J

[1] Erueti Wirihana, you are to be sentenced today after you pleaded guilty to the manslaughter of Edward (Eddie) Peters.¹ You are also to be sentenced after pleading guilty to conspiring to pervert the course of justice.²

Impact on victim's whānau and friends

[2] I acknowledge Eddie Peters' whānau and everyone who knew and loved him. E te whānau pani kei konei; tēnā koutou. Ka nui te ngākau aroha ki a koutou. Thank you for reading your victim impact statements. Your father and brother's death at the hands of Mr Wirihana has had a devastating impact on you all. You have had to live with that impact for more than seven and a half years now. And your grief will last

¹ Crimes Act 1961, ss 160(2)(a), 171 and 177, maximum penalty of life imprisonment.

² Section 116, maximum penalty of seven years' imprisonment.

much longer than that. Eddie would be so proud of you all today: holding your heads high; remembering his free spirit and untamed nature; the way he made you laugh; his love for his tuahine and tēina; and his pride for his tamaiti.

The offending

[3] Mr Wirihana I will sentence you on the basis of a summary of facts prepared by the prosecution and which you admit and accept as a proper basis for your sentencing.

[4] In November 2018, you were 22 years old and a patched gang member. Your father, Samson Wirihana, had been diagnosed with a terminal illness. He died at his home in Hastings on Thursday 15 November 2018.

[5] A tangi was held at your father's address from about 4 pm on 15 November. You arrived at the tangi just after 4 pm. Most of those who attended the tangi were gang members. Mr Peters was not a gang member but had been friends with your father since they were both young; his whānau describe him as your father's best mate. Mr Peters arrived at the tangi about two and a half hours after you did.

[6] Sometime between 9 pm and 10 pm that night, Mr Peters walked to a relative's residence about 600 metres away. He told that relative that he believed he was going to be assaulted that night and might end up in the hospital. He did not explain why. The relative told Mr Peters to go home, but Mr Peters returned to the tangi.

[7] Back at the tangi, and sometime after 11 pm, a senior patched gang member asked him why he was at the tangi and where his patch was. Mr Peters replied "Come on, don't do this to me – I'm only here for Sammy," referring to your father.

[8] You heard the discussion, walked up to Mr Peters and punched him in the jaw, knocking him to the ground. You walked away after being told to leave Mr Peters alone. Mr Peters was helped to his feet. He was told he needed to leave the tangi and was escorted away, down the driveway.

[9] But you were still angry and did not want to leave it there. You walked down the driveway towards Mr Peters. He shouted he knew your father well, and said he did not want to leave. He walked off, increasing his pace as he left. Soon after he left, you began chasing after him. A gang associate was told to go after you and did so. Another senior gang member followed about a minute later, at a slower pace.

[10] You caught up with Mr Peters in a driveway nearly 300 metres away. You grabbed him, held him against a fence and punched him to the head. Mr Peters fell to the ground again and you stomped twice on his head. The associate pulled you away to prevent you from continuing to stomp on Mr Peters. He urged you to leave Mr Peters and return to the tangi. But it took a while for you to leave, and you kept saying “What, are you scared?” After the senior member arrived, you then returned to the tangi, leaving Mr Peters alone and seriously injured.

[11] At 12.25 am, following a call from a member of the public, police arrived and found Mr Peters lying on the ground in a pool of blood, with a reduced level of consciousness. He was taken to Hawke’s Bay Regional Hospital, where CT scans revealed bruising beneath his frontal scalp, a nasal fracture and a fracture of his right eye socket.

[12] Mr Peters stayed in the hospital over the weekend. He recovered temporarily and was able to leave the hospital briefly with assistance three days later. However, his condition worsened significantly that evening, Monday 19 November. He suffered two seizures. A second CT scan revealed bleeding around the brain and changes within his left vertebral artery. He was airlifted to Wellington Hospital the following day. He was treated there but his condition continued to worsen and, on Thursday 22 November, Mr Peters was declared brain dead. He was formally pronounced dead on Saturday 24 November 2018.

[13] The postmortem examination, and subsequent pathological evidence, identified that Mr Peters died from complications of the blunt force head trauma you inflicted on him on 15 November.

[14] This caused a split or tear in his left vertebral artery and pseudoaneurysm. The arterial wall was weakened. It ruptured and resulted in the bleeding around the brain which eventually led to Mr Peters' death.

[15] This injury was caused by one of your punches to his head. Your subsequent stomping of his head contributed to Mr Peters' injuries but not to his death as it did not cause the split in his left vertebral artery. That type of injury results from a rapid rotational movement of the head which stretches, and tears, the artery.

[16] We do not know which of your two punches to the head caused the arterial injury; the punch at the tangi or the punch down the road when you further attacked him, but it was one of them. So the manslaughter charge covers both assaults as it cannot be determined which of them caused Mr Peters' death. The charge also covers all of the violence you inflicted on Mr Peters that night as all of it is relevant to an assessment of your culpability.

[17] You were initially charged with murder, but after the medical evidence which demonstrated that the one of the punches was causative of death, the Crown amended the charge to manslaughter. The Crown accepted that you did not have murderous intent at the time of the first punch at the tangi. You pleaded guilty to that manslaughter charge.

[18] Before you were arrested for this offending, you were remanded in custody for an unrelated incident. On 13 December 2018, your then partner Ms Te Aho Rogers made a formal statement claiming she had been with you the entire time at the tangi and had not seen you go anywhere. On 14 and 15 December 2018, you discussed that false alibi on the phone with Ms Rogers.

[19] The conspiring to pervert the course of justice charge relates to that false alibi created for your benefit in December 2018 and then four years later confirming that same false alibi.

[20] Ms Rogers pleaded guilty to a charge of conspiring to pervert the course of justice and was sentenced for that in February of this year.³

[21] By 2022, the police still had not yet charged anyone in relation to Mr Peters' death, but they continued to investigate. You were again in custody for an unrelated matter. You called Ms Rogers and discussed interviews that each of you had recently had with the Police. She asked you for confirmation that you were both going to stick to the same story as in 2018. She stated that she was probably going to go to prison for perjury, and you argued with her and told her to shut up.

Principles and purposes of sentencing

[22] The sentence I impose on you today must take into account the purposes and principles in the Sentencing Act 2002.⁴ In your case, the purposes I find most relevant are to:

- (a) hold you accountable for harm done to Mr Peters, his whānau, and the community by your offending;
- (b) promote in you a sense of responsibility for, and acknowledgement of, that harm;
- (c) denounce what you did and to deter you from future offending and deter others who might act in a similar way; and
- (d) protect the community.

[23] I must impose the least restrictive sentence outcome that is appropriate in the circumstances.⁵ I must also have regard to your need for rehabilitation.

³ *R v Rogers* [2026] NZHC 378.

⁴ Sentencing Act 2002, ss 7 and 8.

⁵ Section 8(g).

Starting point

[24] In order to determine your sentence I first need to establish a starting point reflecting the seriousness of your offending, adjusted for aggravating and mitigating factors of your offending.

[25] I will then make adjustments, either increasing or decreasing your sentence, to take into account your personal circumstances and to acknowledge your guilty plea.

[26] I will take your manslaughter charge as the leading charge. The maximum sentence for manslaughter is life imprisonment.⁶ This reflects the seriousness of offending that involves taking another person's life.

[27] There is no tariff sentence for manslaughter because it can be committed in such a wide variety of circumstances.⁷ However, because this is a case in which serious violence was involved, a leading appellate judgment for serious violence offending, *R v Taueki*, is often used to assist in fixing the penalty for manslaughter.⁸

[28] There are several similarities between the two punches. Both occurred over a relatively short period. In both cases the force was sufficient for Mr Peters to either be knocked or fall to the ground.

[29] Your conviction for manslaughter, rather than murder, implies you did not intend to cause Mr Peters' death or to cause him injury which you knew was likely to cause death, being reckless as to whether that death would occur. However, I am satisfied that you did intend to cause Mr Peters serious injury, especially with regards to the second punch.

[30] As I have noted, when you punched Mr Peters for the first time, you did so with sufficient force to knock him to the ground. You punched him to the head, which you would know had the potential to cause very serious injury.

⁶ Crimes Act 1961, s 177.

⁷ *Murray v R* [2013] NZCA 177 at [20].

⁸ *R v Taueki* [2005] 3 NZLR 372 (CA); *R v Jamieson* [2009] NZCA 555 and *R v Tai* [2010] NZCA 598.

[31] You went on to commit more serious violence against Mr Peters very soon after the first punch. I am satisfied that, when you punched Mr Peters a second time, you intended to cause him very serious injury. You were angry and had chased Mr Peters. You knew that he had already been punched once with sufficient force to knock him to the ground. You held him against a fence, which likely allowed the punch to connect with more force. It formed part of a more prolonged attack in which you stomped on Mr Peters' head. You had to be pulled away by your associate to prevent you from continuing to attack. Cruelly, you did not help or seek help for Mr Peters afterwards.

[32] Ms Cameron has submitted that you did choose to stop when your associate encouraged you to leave Mr Peters alone. In addition, Mr Peters fell onto grass, rather than concrete, and you were wearing sneakers. You were also in a state of shock and grief, your father having just died. While I take these things into account, this does not mean that you did not intend to cause Mr Peters serious injury. You were angry, and you lashed out with ultimately tragic results.

[33] The Crown submits a starting point of eight and a half years' imprisonment is warranted.

[34] Your counsel, Ms Cameron, has argued that your starting point should be set at seven and a half years' imprisonment.

[35] In terms of the *Taueki* analysis, as both Crown and defence broadly agree, the following aggravating factors of the manslaughter offending apply:

- (a) The seriousness of the injury you inflicted — this was ultimately a fatal act in which Mr Peters was killed.
- (b) Your attacking Mr Peters' head, which can have very serious consequences as it did in this case.
- (c) Mr Peters' vulnerability. He was intoxicated, and outnumbered significantly by other gang members who, while they did not participate in the attack, were present. When the second punch and stomping

occurred he had been chased and pursued, and he was outnumbered, although you were the only person who participated in the attack. When you stomped on his head he was lying on the ground.

- (d) A limited degree of premeditation, to the extent that Mr Peters was chased down the street after the first punch to attack him again. It is unclear why you chose to attack Mr Peters. But there is no indication it was planned in advance.

[36] I have not identified any mitigating features to the manslaughter offending.

[37] However, I note the absence of a weapon, a single assailant, and violence limited to two stomps. While you did not intend to cause the death of Mr Peters I disagree with the defence that there is insufficient evidence you intended to cause him really serious harm. His injuries and the fact that you stomped on his head after having knocked him to the ground indicate otherwise.

[38] I consider your case lies just above the middle of Band Two of *Taueki*. Band Two has a starting point range of five to ten years' imprisonment.

[39] The Crown has provided me with several manslaughter cases that it considers to be comparable to the circumstances in your case.⁹ I have considered all of them. These cases had starting points between seven to eight and a half years.

[40] Ms Cameron has provided me with two additional cases, to which I have also had regard.¹⁰ I have to say that I have found them less useful than the cases put forward by the Crown, due to the particular circumstances of those cases.¹¹

[41] I have considered each of the cases that counsel have advanced carefully. While they all have similarities to your case, there are also differences and ultimately

⁹ *R v Tai*, above n 8; *R v Te Hana* [2022] NZHC 2424; *R v Te Pana* [2013] NZHC 1592; *Te Pana v R* [2014] NZCA 55.

¹⁰ *Turi v R* [2014] NZCA 254; *R v Clarke* HC Rotorua CRI-2009-270-73, 29 May 2009.

¹¹ The victim in *Turi v R* in had a severely weakened heart and the shock of the assault contributed to his fatal heart attack. *R v Clarke* involved a group assault. I consider the violence inflicted by the defendant in the present case to be more serious than that of the defendants in those cases.

each case, including your case, must turn on its own facts. Considering the relative seriousness of each, I am satisfied that a starting point of eight years is appropriate. I consider that your violence towards Mr Peters was slightly more serious than that of the defendant in *R v Tai* and was of similar seriousness to that of the defendants in *R v Te Hana* and *R v Te Pana*.¹² I consider one punch manslaughter cases such as *Blackler v R* to be of less assistance.¹³ While Mr Peters' death was caused by one of two punches, those punches were part of your more prolonged attack over several minutes, broken by an interval in which you chased him.

[42] I must also consider your charge of conspiring to pervert the course of justice. Your co-conspirator, Ms Rogers, received a starting point of 20 months' imprisonment for her role in the offending.¹⁴ This reflected the fact that the false alibi did not really divert the investigation materially, although it did require further enquiries to be made as to your whereabouts on the evening. It also reflected the fact that, unlike you, she was in a vulnerable position in providing information for a partner (at that time), the father of her child and a patched gang member.

[43] The Crown has suggested that I should take the same starting point for you. The Crown suggests that an uplift of nine months' imprisonment is appropriate, to reflect totality considerations. And Ms Cameron concurs with this as an appropriate uplift.

[44] Attempting to pervert the course of justice is a serious charge, especially when providing a false alibi. I agree that an uplift of nine months is appropriate here and I uplift your starting point by that amount.

[45] The final starting point for your offending is eight years and nine months.

Personal features

[46] I now must consider the personal features to you, Mr Wirihana, which may require adjustments to that starting point.

¹² *R v Tai*; *R v Te Hana*, above n 9.

¹³ *Blackler v R* [2019] NZCA 232.

¹⁴ *R v Rogers*, above n 3.

[47] You have a relatively lengthy criminal history, but with relatively few violent offence convictions. Your first offence was an aggravated robbery which you committed just shy of your sixteenth birthday in 2012. From there you committed a variety of dishonesty, drug and non-compliance offences. You did not commit a further violent offence until 11 November 2018 when you committed an offence of injuring with intent to injure. I have not considered your criminal history after the offending occurred. Overall, I do not consider your criminal history warrants an uplift.

[48] You pleaded guilty to manslaughter after the charge was amended when the new pathological evidence came to light. The Court was advised of that plea on 21 April 2026, seven working days before the trial which was set down to begin on 4 May.

[49] The Crown submits that the reduction for a guilty plea should not exceed 15 per cent. This is because although the Crown had not indicated it would accept a plea for manslaughter, neither had you offered to plead guilty to manslaughter, or even to acknowledge at trial that you were the person responsible. Instead, you maintained that it was for the Crown to prove everything, as was your right. The Crown submits that this significantly complicated trial preparation. The Crown submits that the medical evidence did not preclude you from accepting that you were the person responsible for the assaults on Mr Peters, or that the recordings left no available defence to the conspiracy to pervert the course of justice charge.

[50] Ms Cameron has sought a guilty plea reduction of 15 to 20 per cent. She submits that resolution occurred so close to trial because the defence took an early trial date, to ensure closure for all parties. While she accepts that the trial instructions were to proceed to trial with all matters in dispute, she also submits that the plea still meant that over 30 witnesses did not have to give their evidence.

[51] I accept that your guilty plea ultimately aided the administration of justice and meant that those witnesses did not have to give evidence. That is the principal justification for a guilty plea reduction.¹⁵ However, your plea was very close to trial,

¹⁵ *Moses v R* [2020] NZCA 296, [2020] 3 NZLR 583 at [22].

for which significant preparation was required. In addition, you had not previously indicated willingness to plead guilty to manslaughter.

[52] Taking those factors into account, I consider a reduction of 15 per cent is appropriate in all the circumstances. Although your guilty plea came very late, it was based on medical evidence fixing the cause of death, which was itself only available very late.

[53] I have read your pre-sentence report. The report details that you did not want to discuss your remorse towards Mr Peters and his whānau. You said what is done is done and you know you cannot change anything. You feel there is no use in trying to apologise to Mr Peters' whānau as they would never accept it, and you understand why.

[54] You are Ngāti Kahungunu and connected to Te Hauke Marae. Ms Cameron has advised that you have Cook Islands Māori heritage. You had a good upbringing in Omaha. Your parents split up when you were quite young. You were not exposed to family violence between others in your whānau, but your father used to give you “hidings” when you were a young teenager and got caught stealing. While your father was a patched gang member, he discouraged you from joining the gang because he wanted you to do better. Nevertheless, you began prospecting in 2013 and became patched in 2018. You were 22 on the day of the tangi.

[55] You have reported that on the day of the tangi you had been drinking alcohol and smoking meth, and by that time your meth use had become problematic. It had gotten to a point where you were using nearly every day. However, your methamphetamine or alcohol use on the day of the tangi is not a mitigating factor.¹⁶

[56] The Crown submits no reduction is appropriate for your age at the time of the manslaughter offending. Although you were 22, you had already appeared before the Court on numerous occasions. It is submitted that the offending was not an act of immaturity or youthful indiscretion or an impulsive act immediately regretted. You were additionally not under any pressure to commit the offending.

¹⁶ Sentencing Act, s 9(3).

[57] Ms Cameron has argued that you should receive a 15 per cent reduction for your youth and personal circumstances. She submits that your offending was “lashing out” due to a combination of grief, shock, impulsiveness and substance abuse. She highlights cases discussing how youth and an immature brain can lead to impulsiveness, and that until the age of 25 or thereabouts, neurological development of the parts of the brain which control executive functioning may not be complete.¹⁷

[58] Ultimately, your personal circumstances on the day that you attacked Mr Peters cannot be an excuse. However, I accept that, as a result of your relative youth, your capacity to deal with your grief and anger was slightly less than that of a fully developed adult. Weighing against that acceptance though is the seriousness of the offending, your previous appearances before the Court, and that the age of 22 is towards the upper end of what can be described as a youth. As the Crown have pointed out, you could have and were encouraged to walk away after the first attack, but you continued to inflict further serious injuries. In these circumstances, I consider a reduction of five per cent is appropriate to reflect your relative youth at the time of the offending.

[59] I have decided therefore to give you a total reduction of 20 per cent. That brings your final sentence to seven years’ imprisonment. I must also consider whether you require a minimum period of imprisonment or MPI.

Minimum Period of Imprisonment (MPI)

[60] An MPI is the time you must serve before you can be considered for release on parole. A defendant would normally be eligible to be released having served one third of the sentence imposed by the Court.¹⁸ To impose an MPI, I must be satisfied that the one third eligibility date for parole would be insufficient to achieve the purposes and principles of sentencing, namely: to hold you accountable for the harm you have done to the victim, the whānau and the community; to denounce your conduct; to deter

¹⁷ *Churchward v R* [2011] NZCA 531, (2011) 25 CRNZ 446 at [77]; *Dickey v R* [2023] NZCA 2, [2023] 2 NZLR 405 at [86].

¹⁸ Parole Act 2002, s 84(1).

you or other persons from committing the same or similar offences; and to protect the community from you.¹⁹

[61] The Crown has submitted that a minimum period of at least half the sentence is appropriate, as was applied in similar cases.²⁰ It is submitted that an MPI is appropriate because this was serious, unprovoked violence on a defenceless man resulting in death. Being eligible to be considered for release after serving only one third of your sentence would be insufficient for accountability, denunciation, deterrence and protection of the community.

[62] Your lawyer has submitted today that a minimum non-parole period is not opposed, in the interests of achieving the purposes of deterrence, denunciation and accountability, particularly in relation to the violence that created the serious risk of harm or death, rather than the unintended consequence of the death itself. However, Ms Cameron submits that you have recently turned a corner, with no incidents in prison this year, meaning that protection of the community should play a lesser role.

[63] I agree that an MPI of half of your sentence is warranted in your case. A one third eligibility for parole would be insufficient to provide sufficient denunciation and deterrence of your conduct.

[64] Finally, you have expressed a desire to change and to make your mother proud. As at the date of your pre-sentence report, as I mentioned, you had no recorded misconducts for 2026. You wish to remain free of incidents and misconducts so that you can move to the Māori Focus Unit at Hawkes Bay Regional Prison and gain some work experience. You said being clean and sober makes you feel really good. I strongly encourage you to take up the drug treatment and psychological programmes offered to you, as you've said you are prepared to do. These will help you stay clean and sober. That is the pathway for you into the self care units and Whare Oranga Ake where you want to go to get some work experience. I encourage you to focus on your mother and your tamāhine. Nothing would make them feel better than to be able to

¹⁹ Sentencing Act, s 86.

²⁰ *R v Te Hana*, above n 9; *R v Gillies* [2025] NZHC 2380; *R v Te Pana*, above n 9.

say their son and Dad has turned his life around in those ways. And as Eddie's brother said earlier in this hearing, forgiveness can be achieved by earning it.

Outcome

[65] Mr Wirihana, please stand. I sentence you to seven years' imprisonment on the charge of manslaughter. I impose a minimum period of imprisonment of three and a half years, which is 50 per cent of your total sentence.

[66] I also sentence you to 9 months' imprisonment, to be served concurrently, on the charge of conspiring to pervert the course of justice.

[67] Please stand down.

McHerron J

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