

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

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

**CRI-2025-017-154
[2026] NZHC 1870**

THE KING

v

AARON JOHN TEMPLETON

Hearing: 29 June 2026

Appearances: M B Brownlie for Crown
K L McHugh for Defendant

Judgment: 29 June 2026

SENTENCING NOTES OF OSBORNE J

Introduction

[1] Aaron John Templeton, you appear for sentence today following convictions for the manslaughter of Jack Stephens¹ and for driving with excess blood alcohol causing injury to Morgan Stephens.²

[2] In sentencing you today, I have to follow two steps.³ After identifying the facts of your offending, I will set a starting point of imprisonment, which assesses your culpability or blameworthiness and compares that to other cases. I must then consider

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

² Land Transport Act 1998, s 61(1)(b)—maximum penalty five years' imprisonment or \$20,000 fine with at least 12 months' disqualification.

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

the personal factors that counsel have been addressing which may either increase or decrease the starting point but, in your case, will decrease the starting point.

Facts of the offending

[3] I start with the facts of the offending which occurred on 15 February 2025. You were 19 at that time. You were not legally permitted to drive with any alcohol in your system. The two victims are cousins. Jack Stephens—20 years old at the time and was a close friend of yours. Morgan Stephens—18 years old at the time.

[4] You, Jack and Morgan were at your home having spent the day crutching lambs. You had drunk two stubbies of beer at home in the afternoon. You, Jack and Morgan decided to go to the Tokanui Tavern and you drove the three of you there in your 1997 Toyota Hilux. Ms McHugh tells me the distance between your home and the tavern is 8.8 kilometres.

[5] Once at the bar, you began consuming alcohol. You drank beer from a large “big bot” or “crate” bottles. Jack and Morgan were also consuming alcohol. You all had a meal.

[6] A video message sent to a friend at 5.45 pm indicated you were listening to music and you still had to drive home.

[7] Around 7.43 pm, you made a phone call to your mother telling her you were at the bar and that you would be home later. Your mother offered to pick you and the victims up from the bar if you had been drinking. You did not take up her offer. As you explained to the probation officer who wrote your pre-sentence report, you thought “nah, we’ll be right”. You further explained to the probation officer that you thought you would be able to get yourselves home without being caught.

[8] At approximately 7.45 pm, the local police officer conducted a hotel check at the bar, speaking with bar staff and some of the patrons inside. The bar manager noticed the behaviour of you, Jack and Morgan changing while the constable was present. The manager approached you and asked you about your plans to get home

and whether you had a sober driver. You advised the manager that your mother was going to pick you up.

[9] There was a courtesy coach available to patrons of the bar throughout the evening.

[10] At around 8 pm, you began sending video messages of yourself to a friend. You first discussed the constable's presence in the bar. You stated you were unsure over whether you should drive home now or wait for the police officer to leave to drive home.

[11] Around 8.10 pm, you sent a video to a friend showing the constable's marked patrol car parked in the bar car park, before turning the camera back on yourself. In the video you said "fuck you cunt. you can go get fucked. I'm gonna fucking double back on you cunt. You're gonna go the back roads and I'm gonna go the back roads and you can go get fucked". This was directed at the constable.

[12] The summary of facts records that you were visibly intoxicated in this video and were slurring your words. CCTV from around this time also showed you walking with a staggered gait.

[13] You had drunk around four of the large beer bottles while at the tavern, equating to around 14.8 standard drinks (that was in addition to the earlier two stubbies).

[14] At approximately 8.20 pm, you left the bar. You told Jack and Morgan to walk along the street while you got your car and then drove and picked them up. Jack got into the front passenger seat. Morgan took the back passenger side. None of you were wearing seatbelts at that stage.

[15] You began driving back along the Tokanui-Niagara Highway towards to your home. There was day light, the road conditions were dry, and the weather overhead was clear and fine.

[16] As you drove, Jack filmed you. You and he were both yelling “we’re running from the cops, we’re running from the cops”, during this video. You were not in fact being pursued by the police. You drove in such a way that your car crossed the centre line.

[17] As you passed an intersection, you drifted off the road into loose gravel on the roadside, all captured on video by Jack. Jack joked about putting on the seatbelts, following which Morgan did as he had become concerned with your manner of driving.

[18] You continued driving towards home, passing another driver coming in the other direction. You were travelling over 100 kilometres an hour. Video footage from Jack shows you shaking the steering-wheel back and forth.

[19] Approximately two kilometres further on from where you first shook the steering wheel, you entered a soft right-hand bend. At that point the speed limit was 100 kilometres per hour, with a posted advisory speed of 75 kilometres per hour. You were travelling between 113 kilometres per hour and 127 kilometres per hour. As you drove through the bend, you failed to follow the curve. You lost control of the vehicle, causing it to cross the centre line. The vehicle overturned and began to roll.

[20] The vehicle left the road and continued to overturn, rolling out into a paddock. You were ejected from the vehicle landing beside the road in the ditch. Jack was ejected from the vehicle landing in the paddock face down, with the vehicle coming to rest on its wheels directly next to him. Morgan remained in the vehicle in the back seat.

[21] Members of the public quickly arrived on the scene and began to assist. Morgan was conscious, able to walk about, but was in shock. Jack was awake and conscious but had suffered extensive injuries. You were lying unconscious next to the road with a large gash on the side of your head.

[22] Jack became unresponsive and stopped breathing. As this occurred, the constable and the Tokanui Fire Brigade members arrived at the scene. CPR was

administered to Jack. However, this was unsuccessful, and Jack died at the scene from unsurvivable blunt force injuries.

[23] You and Morgan were transported to hospital for treatment of your injuries. Morgan suffered a laceration and bruising to his left eye, requiring three sutures. He had further bruising and discomfort to his abdomen area where his seat belt had been worn.

[24] A blood sample taken from you at Christchurch Hospital more than six and a half hours later revealed your blood contained 130 micrograms (plus or minus six micrograms) of alcohol per 100 millilitres of blood.

Victim impact statements

[25] We have heard read today a number of victim impact statements, two by Jack's parents, Paul and Heidi, one by Morgan's father, Clark, on behalf of Morgan and the broader family, the statement read by Mr Brownlie on behalf of John Lochhead and the statement read by Ken Stephens on behalf of Carolynne and himself, and finally and importantly, the statement by Ms Weir, read in Court today about her relationship with Jack and the devastating impact his death has had upon her.

[26] As courts, we do not receive victim impact statements in some proforma or routine way.

[27] They have three important purposes—⁴

- (a) first, to enable the victims of crimes to provide information to the Court about the effects of the offending;
- (b) secondly, to assist the Court in understanding the victims' views about the offending; and

⁴ Victims' Rights Act 2002, s 17AB.

- (c) thirdly, to inform you, Aaron Templeton, about the impact of your offending from the victims' perspectives.

[28] And when I say “victim”—as much as the most fundamental tragedy of this case lies in the death of Jack, there have been the most profound consequences for Morgan—you will have heard and read how utterly crushing and life changing have been the consequences of your selfish and utterly rash actions on the evening of 15 February 2025.

[29] I acknowledge on the basis of what I have heard and read, what a wonderful young man Jack was, with all the prospects that lay ahead of him.

[30] I also acknowledge the devastating impact on Morgan—while physical injuries may heal, the devastating impact on spirit and wellbeing will undoubtedly require much support and compassion from the extended family who appear to me, to be the ideal people to provide that support.

Information from other sources

[31] I have been presented by Ms McHugh, on behalf of you Aaron, with a very substantial body of information, probably the largest I have experienced by way of mitigation material in my time as a Judge. It falls into a number of categories which I will summarise:

- (a) The material from you. You have written letters of apology to the families of both Jack and Morgan, and I appreciate from what Ms McHugh has said that they have not been received through the police officers. You apologised for the choices you made on 15 February, you acknowledge it was your fault, you express you are heartbroken and feel terrible at the death and injuries you caused, and you say you take full responsibility for your actions that day. You have also provided me with the letter which you addressed to Jack.
- (b) General references. You have provided me with, on my count, references from some 111 people. Of those, I believe some eight come

from people whom I can describe as your immediate family, including your mother, some 50 or more are references from people who generally speak to knowing you personally, in your personal life, and speak very favourably of your sound and reliable personal character. And then, some 50 or more references come from people who I would say describe your business and work skills and ethics, and, again, speak very highly and favourably of those. And two are from people who had a brief encounter with you, Jack and Morgan in the tavern on 15 February.

- (c) I have information from your attendance at Right Track and your continuing support through other services providers. You attended the Right Track Programme, a programme designed to proactively respond to aberrant driving. It is clear from the report I have received that you not only completed the programme successfully but were an outstanding member on that course and you had profound impact on others on the course. The probation officer notes that the content of the course is raw and confronting.
- (d) I have received medical reports as to the injuries you suffered in the crash. You suffered multiple trauma through crashing, including the serious brain injuries as well as fractures and dislocation. You have persisting effects, including fatigue. You have persistent cervical and lumbar pain which requires regular physiotherapy. Your physician's conclusion is that these residual symptoms are unlikely to resolve completely.
- (e) I have a medical report as to your existing kidney disease. In particular, I have an nephrologist's report concerning the kidney issues from which you have suffered from birth and which, through the crash, appear to have been exacerbated. It is reported you now suffer stage 5 chronic kidney disease and are at a point when you are on the edge of dialysis or transplantation. The specialists are actively planning those

interventions. The timing is uncertain but is likely to be in the next six to 12 months.

[32] I have also received your pre-sentence report that comes from the Department of Corrections. You discussed the basic details of your drinking with the probation officer. Your explanations of what when on that evening also included:

- (a) your comment that you believed you would be able to get home from the tavern without being caught;
- (b) the constable's presence was a potential interference with your plan to drive home but you bore no animosity to him;
- (c) your filming of Snapchat videos throughout the night was a way of "acting tough" on camera as part of the persona that you had developed for social media;
- (d) you, Jack and Morgan did not always wear seatbelts on what you called "short" journeys;
- (e) you believe you did not exceed 118 kilometres per hour as you could not do more in your car;
- (f) you said you felt okay to drive, but had to concentrate on listening and driving; and
- (g) you said your shaking of the steering wheel was in order to deal with play in the steering.

[33] Finally, I have the video record and I have viewed that video record of you at the tavern and on the Tokanui-Niagara Highway.

Your character

[34] I want to say something about your general character based on all the information I have received. At the point you committed these crimes, you were with full justification viewed by your community as a thoroughly decent and responsible young man. There can be no doubt about the fact that you were rightly highly regarded and still are. You had also quite rightly earned great respect for your work ethic and your skills which you had advanced to the point of self-employment at a formidably young age.

[35] Your relationship with alcohol is perturbing. Some of your references contain comments as to not having seen you drinking, but you explained to the probation officer you were a drinker and that on a typical night at your place or someone else's home, you would usually end up throwing up or passing out at the end.

The poor decisions on 15 February 2025

[36] I want to say something more about the extremely poor decisions you made on that evening. I am making these specific remarks not just to explain to you how the Court views those decisions, but also because the sentence is required to address the sentencing purposes of condemnation, denunciation of your conduct and in deterrence of others.

[37] In some of your explanations of your conduct, you have referred to concepts such as "one bad decision" or a "mistake". Numerous people who have provided references have also referred to your mistake or error of judgment. Ms McHugh, in her written submissions, referred to a "momentary reckless error of judgment". I need to say to you clearly, your conduct that evening did not involve just one mistake, or one bad momentary decision. That evening you made a series of calculated decisions which ultimately took you on to the road and took the life of Jack and left both you and Morgan injured. I will identify those decisions.

[38] First, your decision to drive you and your friends from home to the pub in the first place, knowing it was unlawful for you to do so. That was the deliberate decision you made, a deliberate gamble that you would not be caught on the road.

[39] Secondly, your decision to turn down your mother's offer of a lift.

[40] Thirdly, your decision to turn down the bar manager's supportive inquiries by saying, falsely, that your mother was going to pick you up.

[41] Fourthly, your decision for you and your friends to exit the tavern separately, minimising the chance of the constable intervening because of your taking passengers.

[42] And then, as you got into the car, your decision not to insist on seatbelts because it is not your practice on short drives.

[43] And finally, your decision once on the road to keep driving through the distraction of Snapchat videos when you knew you felt you needed to concentrate both on listening to your friends and on driving.

[44] I fully appreciate your judgment would have been very significantly affected by alcohol as the evening progressed. It is very clearly evident in the video footage, but each of your poor decisions to which I have referred, was due to a deliberate decision on your part. Your driving on that evening is not to be minimised as involving a single mistake or decision.

Purposes and principles of sentencing

[45] Aaron, in sentencing you today, I have to have regard to the purposes and principles of sentencing which are set out in the Sentencing Act 2002. They include accountability, denunciation, deterrence, rehabilitation, and protection of the community. I must consider your culpability—that is your blameworthiness—and I must aim to achieve consistency between your sentence and other sentences that have been handed down for similar offending.

Starting point

The maximum sentence

[46] It is important to note that the maximum sentence for manslaughter is one of life imprisonment. That is to be distinguished from the charge of reckless driving causing death, for which the maximum sentence is 10 years.

Crown submissions

[47] As you have heard, the Crown seeks a starting point of six years' imprisonment. Mr Brownlie identifies aggravating features of your offending as follows.

Level of impairment through alcohol

[48] The Crown points to the fact a blood sample taken from you over six hours after the crash revealed 130 micrograms level.

[49] It is estimated your blood alcohol level at the time of the crash was at least 189 micrograms of alcohol over 100 millilitres of blood. You had a zero-alcohol limit whilst driving. Even for a fully licensed driver, your blood alcohol level was approaching four times over the limit.

Driver distraction

[50] As you drove, one victim was filming you as you were yelling "we're running from the cops." You shook the steering wheel. The Crown says you were driving while distracted and seeking to "show off" with your driving.

Impact on the victims

[51] The offending caused the death of Jack Stephens and serious injuries to Morgan Stephens. The Crown emphasises the devastating and profound impact of Jack's death on those close to him.

Speed

[52] The Crown refers to your excessive speed, between 113–127 kilometres per hour when the speed limit was 100 and the advised speed around the corner where you lost control was 75 kilometres per hour.

Rationale for driving

[53] The Crown points to your actions at the tavern and while driving which demonstrated animosity towards the police and an intention to avoid detection for drink driving. They submit this is a seriously aggravating factor.

Prior bad driving

[54] The Crown points to the risky driving shown on the videos taken by Jack—crossing the centre line, drifting onto the roadside—such as to lead Morgan to accept Jack’s comment about putting seatbelts on.

The case law

[55] The Crown has referred me to four cases as bearing similarity to your offending and therefore useful in my setting a starting point.⁵ I will be footnoting those cases in the written version of these remarks. As I will come to shortly, of the cases Mr Brownlie referred me to, I find the case of *R v Kalu’uta* bears most similarity to yours.⁶

[56] Mr Brownlie submits six years is the appropriate starting point when comparing the facts of your offending with the cited cases. He submits that although (unlike in many cases) you did not consume drugs, your blood alcohol level was higher than in many instances and your restricted licence meant you should not have been drinking at all. He acknowledges you were not travelling as fast as in some cases but submits your “showing off” was a unique feature of your offending.

⁵ *R v Amson* [2024] NZHC 2910; *R v Price* [2020] NZHC 2995; *R v Kala’uta* [2016] NZHC 1526; and *R v Ross* [2023] NZHC 2477.

⁶ *R v Kalu’uta*, above n 5.

Submissions on your behalf

[57] Ms McHugh, on your behalf, takes issue with the Crown's assembly of aggravating features of the offending and submits a five-year starting point should be adopted. She accepts alcohol impairment, speed and the impact on victims, especially the death of Jack Stephens, are indisputably aggravating factors.

[58] She submits your alcohol impairment was not as severe as in some cases⁷ and notes you were not drinking spirits. Further, that the two victims did not think you were unfit to drive.

[59] Ms McHugh submits the Crown's assertion of an attempt to avoid police detection is not present as the constable at the tavern was not interested in your group and you were not being followed subsequently or chased by police.⁸ She submits your talk of being chased by the police was an act of "frivolity" and is properly categorised as part of the distraction.

[60] Similarly, Ms McHugh submits the element of "bad driving" overlaps significantly with the features of excessive speed and driver distraction. She submits the crossing of the centre line and the drifting into loose gravel on the left side of the road were symptoms of those other factors rather than being a purposeful conduct such as snaking, dangerous overtaking or deliberately driving onto the wrong side. She suggests, as explained by you in the pre-sentence report, that the shaking of the wheel was caused by the steering mechanism of your vehicle which was exacerbated by your speed.

[61] She submits that the very close relationship between you and Jack is a relevant mitigating factor as is the fact there was a joint endeavour (what Ms McHugh describes as "larrikins"). She distinguishes your offending from instances where a defendant drove alone or ignored protests from passengers over dangerous or reckless driving.

⁷ Citing *R v Price*, above n 5.

⁸ See in comparison *R v Breakwell* [2019] NZHC 3338.

[62] Ms McHugh addressed factors identified by the Court of Appeal in *R v Skerrett*.⁹ She submits the *Skerrett* aggravating features of your offending were alcohol consumption and breaching the terms of your restricted licence. She submits your personal mitigating factors in terms of *Skerrett* are what she calls your momentary reckless error of judgment; your previous good driving record (you have had no previous infringement notices or demerit points); your guilty plea; your remorse; and the fact you have suffered emotional shock through Jack's dying.

[63] Ms McHugh submits on that basis the appropriate starting point for your offending is five years' imprisonment. She cites *R v Munro*,¹⁰ *R v Stephens*¹¹ and *R v Prince*¹² in support of that. I will be footnoting these cases, each of which I have considered.

[64] Ms McHugh submits the cases cited by the Crown all involve more culpable offending.

My analysis of the appropriate starting point

[65] I find the aggravating factors of the manslaughter charge are:¹³

- (a) consumption of alcohol;
- (b) driving in breach of a condition of your restricted licence conditions, namely the zero-alcohol limit;
- (c) your deliberate decision to drive, knowing you were prohibited from doing so, and disregarding readily available alternative transport options;
- (d) excessive speed;

⁹ *R v Skerrett* CA236/86, 9 December 1986. See also *Gacitua v R* [2013] NZCA 234.

¹⁰ *R v Munro* [2024] NZHC 151.

¹¹ *R v Stephens* [2023] NZHC 3555.

¹² *R v Prince* HC Whanganui CRI-2011-083-1775, 5 December 2011.

¹³ With reference to *Gacitua v R*, above n 9.

- (e) driving whilst distracted (which I consider the bravado and “showing off” aspect falls under); and
- (f) the injury to Morgan Stephens.

[66] And I appreciate and recognise that several of those are overlapping.

[67] Sentencing for vehicular manslaughter, as counsel have noted, is highly fact specific. No two cases are likely to be exactly similar. This is no exception.

[68] That said, I consider the blameworthiness of your offending to be broadly comparable with that in *R v Kala'uta*.¹⁴ I acknowledge there was no aggression on your part. Nor did your passengers warn you to stop or slow down. Your speed was lower than Mr Kala'uta's. You injured fewer people. However, your blood alcohol content was much higher than Mr Kala'uta's (his was 89 milligrams per 100 millimetres) and there was the added aggravating factor in your case of bravado and showing-off for the camera by joking that the police were chasing you which appears to have fuelled your erratic driving. Further, you were fully aware that you should not have been driving which was demonstrated through telling the bar manager your mother would drive you home, and your concern over the police officer being present at the bar. I consider the offending in *Stephens*,¹⁵ one of the cases cited by Ms McHugh, also to be broadly comparable to the blameworthiness of your conduct, but with the overall culpability of Mr Stephens' offending somewhat lower than yours.

[69] I will adopt a starting point of five years and nine months' imprisonment—that is between the starting points in *Kala'uta* and *Stephens*.

Personal mitigating factors

[70] The Crown submits a 20 per cent deduction is appropriate to reflect your guilty plea. Mr Brownlie submits this was not entered at the first opportunity, and the evidence against you was strong given the videos from Jack which showed your

¹⁴ *R v Kala'uta*, above n 5.

¹⁵ *R v Stephens*, above n 11.

distracted and dangerous manner of driving. He acknowledges the serious crash report was not disclosed until 2026 but says the report only increased the severity of the factual matrix.

[71] Mr Brownlie acknowledges a deduction to reflect your youth at the time of the offending, and now, is appropriate, but submits this should be no more than 15 per cent. He submits this aligns with Eaton J's sentencing of a defendant who was 18 when he committed vehicular manslaughter.¹⁶ Eaton J determined:

[26] ... In my view, the youth discount that might otherwise be available to an 18-year-old offender is tempered by the disproportionate involvement of young men in offences of motor manslaughter. That tells me, as the sentencing Judge, that the sentencing purposes of denunciation and deterrence require greater weighting.

[72] Ms McHugh submits the circumstances warrant a 25 per cent deduction for your guilty plea given the traumatic brain injury you suffered meant you had no memory of the night. You therefore relied on the serious crash report as a basis for your plea. She also refers to the fact you intimated an intention to plead guilty to the charge relating to Morgan Stephens on 3 November 2025 through a memorandum of counsel.

[73] She submits that you should, in addition, receive a 10 per cent deduction to account for your previous good character.

[74] She seeks a 20 per cent deduction to reflect your youth, and the fact prison sentences are more severe for younger defendants.¹⁷

[75] Ms McHugh seeks a further 10 per cent deduction to reflect your rehabilitative efforts while on bail.

[76] She submits your traumatic brain injury and pre-existing kidney condition will require specific assessment under s 8(h) of the Sentencing Act, but did not suggest a specific deduction in that regard.

¹⁶ *R v Ross*, above n 5.

¹⁷ *Millar v R* [2019] NZCA 570.

[77] And she submits a discrete 10 per cent deduction for remorse is available to you.

[78] In her written submissions, she brought these observations together by submitting you should receive an overall credit of 45 per cent (that is in addition to the guilty plea discount).

My analysis

[79] You pleaded guilty to both charges on 24 February 2026—that is one year after the offending. I accept your explanation that you have no memory of the crash or driving directly prior to it, and this has affected your willingness to enter guilty pleas, particularly to the serious charge of manslaughter. However, I also accept the Crown’s submission that you would have known you were intoxicated, and, because of the videos and other readily available information, would have known that you were driving erratically and at high speeds prior to the crash that caused Jack’s death. It was therefore open to you to earlier fully accept responsibility and plead guilty before receiving the serious crash report. Further, it was open to you to plead guilty to the lesser charge at an earlier date. I therefore determine a 20 per cent reduction for your guilty plea.

[80] I accept the Crown’s submission that a 15 per cent deduction for youth is appropriate.¹⁸ Your youth and immaturity are properly to be taken into account, but the assessment also requires consideration of the extent to which, on that February evening, you made a number of deliberate decisions, to the extent your decision to drive was not on a spur-of-the-moment impulse. My 15 per cent deduction for youth also recognises that this was your first set of driving convictions or other infractions.

[81] I have read the material relating to your rehabilitative efforts carefully. In particular, you have completed the Right Track programme, your mother having to drive you 134 kilometres to each of the nine sessions. You have expressed a desire to fundraise for emergency services who were called in aid of your crash and that is commendable.

¹⁸ See *R v Ross*, above n 5, at [23]–[28].

[82] I also accept the offending has had a profound effect on you. You are responsible for the death of your best friend, as close to you at the time as a brother, whom you have known since childhood, and you caused injury to another friend. You miss Jack and you tell me you talk to him every day. You have clearly been motivated to rehabilitate yourself to ensure you never offend in any similar way again.

[83] You have immense support from your family and your community. You are currently undertaking monthly counselling sessions with APM and fortnightly sessions with Rural Support Trust.

[84] The actions of your offending clearly weigh heavily on you. You accept what you did was wrong and that you have regretted it every day since. You feel and express deep remorse over having taken Jack's life, and over the pain you have caused to the victims' families. I take the loss you experience as a result of Jack's death into account in this context. You have offered to pay \$8,000 you have raised for the parents of Jack and \$1,000 for his sister. You have also raised \$1,000 to offer to Morgan.

[85] I accept you deeply regret your actions. I consider you have displayed genuine remorse through the letters you have attempted to write to the victims. You have, I accept, acknowledged and taken responsibility for not wearing seatbelts and for your drink driving generally.

[86] I will apply a 20 per cent deduction for the steps you have already taken, your prospects of rehabilitation generally, and for your remorse.

[87] As I have already touched on, I do not consider a discrete deduction for good character is warranted. The deduction for good character significantly overlaps with youth and rehabilitative potential, while those latter two also overlap with each other. I consider it would be artificial and double counting to allow you a separate good character deduction.¹⁹

¹⁹ *R v Ormsby-Turner* [2023] NZCA 601 at [85]; and *Solicitor-General v Kosetatino* [2024] NZHC 1464 at [43].

[88] In terms of your health conditions, I acknowledge these will be harder to manage in prison, but I have been told by the report writer, that Corrections can do so. Corrections is able to provide weekly physiotherapy for your back and leg conditions which have resulted from the crash and are able to cater for your requirements on account of your kidney failure. There is no suggestion that your future medical requirements, and in particular, any specific arrangements in relation dialysis or moving towards transplantation cannot be appropriately managed or supervised by Corrections. I am not satisfied your conditions will make imprisonment disproportionately severe.

[89] These observations result in a net deduction of 55 per cent.

[90] With a starting point of 69 months' imprisonment, your end sentence will be one of two years and seven months' imprisonment. I consider that is appropriate having regard to the totality of your offending. A sentence of more than two years' cannot be converted to one of home detention.

The sentence on the remaining charge

[91] You must be separately sentenced on the second charge, that of driving with excess blood alcohol and causing injury to Morgan Stevens. The sentence you will serve on that charge will be served concurrently, that means at the same time, as the sentence on your manslaughter charge. I will be imposing a sentence of one years' imprisonment on the second charge to be served, as I say, concurrently.

Disqualification

[92] Counsel have refrained, in the interests I think of time this morning, from focusing on the submissions I received in writing in relation to disqualification. The Crown submits, in line with the cases it cited to me, that you should be disqualified from holding or obtaining a licence for four years' and six months from your prison release date.

[93] Ms McHugh submits a period of two years' disqualification is appropriate in the circumstances where you have not driven since your offending in February 2025 (some sixteen months ago).

[94] I consider a four-year disqualification period would normally be appropriate. However, I reduce this to two and a half years to reflect the period you have been prohibited from driving while on bail (due both to your bail conditions and to being suspended for health reasons, by the Ministry of Health).

Minimum period of imprisonment

[95] As counsel will understand, I do not intend to impose a minimum period of imprisonment.

Sentence

[96] Mr Templeton, please stand.

[97] On the charge of manslaughter, I sentence you to two years and seven months' imprisonment.

[98] On the charge of driving with excess blood alcohol causing injury, I sentence you to one year's imprisonment to be served concurrently.

[99] You will be disqualified from driving for two years and six months, commencing from your release date from prison.

[100] I make an order that you pay the costs of your blood analysis of \$233.29.

Solicitors:
Crown Solicitor, Invercargill
McHugh Law, Invercargill

Schedule

[101] In *R v Amson*,²⁰ Downs J adopted a starting point of six-and-a-half year starting point for charges of manslaughter and reckless driving causing injury. Mr Amson's blood sample revealed 166 milligrams of alcohol per 100 millilitres of blood and a "high level of cannabis". He drove on a state highway for three and a half kilometres recklessly and dangerously. He had been overtaking vehicles at approximately 140 kilometres per hour and at times over double yellow lines. Mr Amson was in the wrong lane and collided with the victims' vehicle, killing the passenger in the other vehicle while the driver survived with injuries. Mr Amson had been driving at 150—165 kilometres per hours at the point of impact.

[102] In *R v Price*, I adopted a starting point of six years' imprisonment for charges of manslaughter and driving with excess blood alcohol (third or subsequent).²¹ Mr Price was at a venue for a tournament prize giving. He had just prior drunk three or four beers. He purchased beer at the venue and was refused further service. He continued to drink alcohol. Mr Price said he needed to get home. His associates told him not to drive. Mr Price declined an offer of accommodation for the night. He then went to his vehicle, smoked a substance and drove away. He drove on the opposite side of the road when the victim was coming the other way. The two vehicles collided head on and the victim died at the scene. Toxicology reported showed 183 micrograms of alcohol per 100 millilitres of blood as well as cannabis and methamphetamine in his system.

[103] In *R v Kala'uta*, Peters J adopted a starting point of six years' imprisonment for charges of manslaughter and driving with excess blood alcohol causing injury (x 4).²² Mr Kala'uta was with six other people and was being driven by a sober driver. At some point, he decided he should drive and threatened the driver to do so. Mr Kala'uta's wife got in the front seat and the two were arguing. She started hitting the defendant and later turned on the windscreen wipers and indicator. Mr Kala'uta's driving was aggressive and he was speeding, up to 160 kilometres per hour. He

²⁰ *R v Amson*, above n 5.

²¹ *R v Price*, above n 5.

²² *R v Kala'uta*, above n 5.

ignored the passengers when they yelled at him to stop. Mr Kala'uta attempted to swerve around a car in front of him, he lost control and the car spun and slammed into the steel barrier at the side of the motorway. One passenger died at the scene and four other passengers suffered injuries. Mr Kala'uta's blood alcohol level was 89 milligrams of alcohol per 100 millilitres of blood.

[104] In *R v Ross*, Eaton J adopted a starting point of six-and-a-half years' imprisonment for one charge of manslaughter. Mr Ross was aged 18 and held a restricted drivers' licence.²³ He picked up a passenger (in breach of his licence conditions) and had been drinking. The passenger took over driving but later left the defendant. The defendant drove to meet up with three further associates and then continued drinking. Mr Ross drove these associates. Prior to the crash, Mr Ross was driving through the main street of Oamaru and weaving in and out of traffic, tailgating and overtaking other road users. Mr Ross failed to follow the curvature of the road and had to take evasive action to avoid a collision. He was travelling between 130—140 kilometres an hour in a 50-kilometre speed zone. Mr Ross entered a sweeping bend and lost control of the vehicle which slid before colliding with a stone block fence. The vehicle was travelling between 123—141 kilometres an hour during the crash. One of the occupants of the vehicle died instantly, another passenger receiving a minor injury. Mr Ross had 253 micrograms of alcohol per 100 millilitres of blood.

[105] In *Munro*, the defendant was 17 at the time of the offending, was on a learner's licence, driving a car with an expired registration and warrant of fitness which was fitted with a space saver tyre.²⁴ He was driving at speeds of 138 and 141 kilometres per hour when he lost control and crashed while driving around a moderate right-hand bend. Prior to this he had raced another vehicle. One passenger died at the scene and the defendant and other passenger were hospitalised due to serious injury. His blood alcohol level when tested was 52.2 milligrams of alcohol per litre of blood, but it was estimated to have been double at the time of the crash. A five-year starting point was adopted. Home detention was ultimately imposed.

²³ *R v Ross*, above n 5.

²⁴ *R v Munro*, above n 10.

[106] In *Stephens* the 18-year-old defendant has consumed 20 “bongs” of cannabis that evening up until 30 minutes before driving.²⁵ The defendant was on a restricted licence and collected two passengers before driving to a location to do burnouts with a number of other cars. The defendant was driving through residential streets with the other cars, at speeds of between 75 and 87 kilometres per hour. The defendant did not stop for a red light and swerved around a stopped car before entering the intersection and colliding with another car travelling through the intersection and she lost control of the vehicle. Her car veered into a streetlight before mounting a footpath, hitting and killing a pedestrian. Her passenger suffered extensive injuries. A starting point of five years and six months was adopted.

[107] In *Prince*, the 18-year-old defendant after drinking drove five passengers (overloading the vehicle so that two passengers were sitting in the rear footwells).²⁶ He was tested 2.7 hours after the crash, revealing a blood alcohol level of five milligrams of alcohol per 100 ml of blood which was too low to support firm conclusions as to how alcohol affected the crash. The defendant began driving erratically at speeds up to 140 kilometres per hour causing the passengers to become alarmed. They asked him to slow down. He was swerving across the centre line. He lost control as he drove around a gentle left-hand corner. One passenger was ejected from the vehicle and drowned in a ditch. Three other passengers were thrown from the vehicle, suffering serious injuries. A five-year starting point was adopted. Home detention was ultimately imposed.

²⁵ *R v Stephens*, above n 11.

²⁶ *R v Prince*, above n 5.