

**NOTE: PUBLICATION OF NAME(S), ADDRESS(ES), OCCUPATION(S) OR
IDENTIFYING PARTICULARS OF COMPLAINANT(S) PROHIBITED
BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011.**

**NOTE: PUBLICATION OF NAMES, ADDRESSES, OCCUPATIONS OR
IDENTIFYING PARTICULARS OF ANY PERSONS UNDER THE AGE OF 18
YEARS WHO IS A COMPLAINANT PROHIBITED BY S 204 OF THE
CRIMINAL PROCEDURE ACT 2011.**

**ORDER PROHIBITING PUBLICATION OF THE NAME OR IDENTIFYING
PARTICULARS OF CO-OFFENDER. SEE PARAGRAPH [125].**

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

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

**CRI-2025-019-142
CRI-2025-019-5318
[2026] NZHC 2397**

THE KING

v

STUART ANTHONY MANHIRE

Hearing: 30 July 2026

Appearances: J Hamilton for the Crown
S McKenna and R Brown for the Defendant

Sentence: 30 July 2026

SENTENCING NOTES OF HARVEY J

Solicitors:
Crown Solicitors, Hamilton

Counsel:
R Brown, Barrister

Introduction

[1] Stuart Anthony Manhire, you appear for sentencing today having pleaded guilty to 23 charges against four victims. The most serious of that offending includes sexual violation by rape¹ and sexual violation by unlawful sexual connection.² Each of those charges carries a maximum penalty of 20 years' imprisonment. Your offending is extensive, and as a part of the sentencing process today I will be required to outline that offending in some detail. At the outset, I acknowledge and thank the victims and their families who are in Court today for their presence for what will be a challenging process.

[2] This proceeding was transferred from the District Court because Ms Hamilton, for the Crown, seeks a sentence of preventive detention. She submitted that the circumstances of your offending are so serious, and the ongoing risk you pose so great, that an indeterminant sentence is necessary to ensure the protection of the community. Alternatively, if preventive detention is not imposed, Ms Hamilton asks the Court to impose a minimum non-parole period of 60 per cent of the full term of the sentence imposed, up to the maximum of 10 years.

[3] Your counsel, Mr McKenna, contended that a sentence of preventive detention is not appropriate, and that a determinate sentence in the vicinity of 18 years' imprisonment should be imposed. Your counsel contended that a sentence of that length, paired with the potential to impose an extended supervision order (ESO) at the conclusion of that sentence, provides assurance of the protection of the community.

[4] This sentencing will be in four parts. First, I will cover the facts of your offending. Second, I will talk about your personal circumstances, including the risk factors identified by the health professionals who interviewed you. Third, I will fix your sentence. Finally, I will assess whether you should be subject to a sentence of preventive detention.

¹ Crimes Act 1961, s 128(1)(a). Maximum penalty: 20 years' imprisonment.

² Section 128(1)(b). Maximum penalty: 20 year's imprisonment.

Offending

[5] As foreshadowed, the process of sentencing requires me to traverse the details of your offending at some length. I have before me an agreed summary of facts that outlines your offending. That summary is extensive and graphic, spanning some 12 pages. At a high level, your offending involves serious sexual offending against four young women, three of whom were teenagers at the time of the offending, and with all of whom you [held a position of trust]. Some of your offending also involved your co-offender, Ms [K], who was your partner.

Anonymisation

[6] In Court today I will refer to the victims by name. I note that they will be referred to by an initial in the published version of these sentencing notes, [redacted] and their specific ages will also be redacted to protect their identities. Their names and identifying particulars are automatically suppressed under the Criminal Procedure Act 2011.³ I will outline your offending against them in chronological order.

[7] [Redacted].

Victim A

[8] [Redacted]. She was [an adult] at the time of your offending against her. On the evening of 3 April 2013, you and A were consuming alcohol at A's friend's address. By the end of the night, A became highly intoxicated, and you agreed to drive her to find her partner. A laid down on the rear seat of your vehicle and you began driving. After driving for some time, you parked the vehicle, got out and went to the back seat of the car where A was lying. You got in and pulled down A's pants and underwear. You climbed on top of her as she laid on her back, highly intoxicated but conscious. You rubbed your penis against A's genitalia, attempting to have sexual intercourse with her. This lasted for some time, before you got off of A and got out of the vehicle.

[9] A saw you standing outside the vehicle and climbed into the driver's seat, started the car and began driving away to seek safety. As she was driving, you got into

³ Criminal Procedure Act 2011, s 203. Section 204 also applies to victims C and D.

the front passenger's seat and sat there as A continued to drive. A few weeks later when you and A discussed the incident you threatened her. You told her you would take her for a "boot ride" if she spoke about what had happened, and you told her not to tell anyone. You pleaded guilty to indecent assault⁴ and threatening to kill.⁵

Victim B

[10] [Redacted]. She was [a teenager] when you offended against her. In February 2023 you sent a Facebook message to B telling her [redacted] that you wanted to meet her. [Redacted] After meeting you, B asked to stay with you, as she had nowhere else to live. At the time, you and Ms [K] were living in emergency motel housing in a single room [redacted].

[11] After approximately a month living at the address you started sending sexually explicit messages and images to B. You also began to casually brush past B's breasts and backside. Eventually, you began deliberately grabbing B's breasts and backside when you were within reaching distance. That contact was unwanted. On one occasion B said she was going for a shower and asked if anyone wanted the bathroom, before going in and locking the door. You followed the victim, unlocking the door with a butter knife. You brought a dining chair into the bathroom and sat down. You masturbated as you watched B shower. As you watched, you asked B to insert the soap into her anus, vagina and mouth. You offered her \$6,000 or five ounces of cannabis to do this.

[12] On 10 May 2024 you, Ms [K], [redacted, and] B moved into a larger unit in the motel. On multiple occasions over the next two months, you and Ms [K] committed sexual acts upon B. This included both of you on different occasions digitally penetrating the victim's genitalia without her consent. It is estimated that you did this approximately 50 times, virtually daily.

[13] You also had non-consenting anal sexual intercourse with B many times over this period. On one occasion you and B had been drinking, and you again unlocked

⁴ Crimes Act, s 135. Maximum penalty: seven years' imprisonment.

⁵ Section 306(1)(a). Maximum penalty: seven years' imprisonment.

the door and followed B into the bathroom after she had begun to shower. You removed most of your clothes. A struggle ensued between you and B, and you tried to have sexual intercourse with her. Due to B's level of intoxication, she began to go in and out of consciousness and fell onto the floor. B tried to fight back, but you forcibly sexually violated her by unlawful sexual connection.

[14] On multiple occasions you also performed unwanted oral sex upon B. On one occasion, on an afternoon in June 2023, you and Ms [K] performed oral sex upon B simultaneously. B had smoked cannabis and methamphetamine that you had supplied her. You were all sitting on the bed talking when Ms [K] began touching B's leg and rubbing the inside of her thigh. You and Ms [K] began to be intimate with each other and asked B to join in. B said no, that it was not right, and that she did not feel comfortable. At this point, B was heavily under the influence of drugs and Ms [K] pushed B onto her back on the bed and began to undress her.

[15] You and Ms [K] began to kiss B's body and then performed oral sex on her. B then passed out due to the effect of the drugs. B regained consciousness and tried to get up off the bed but you pushed her back onto it. Ms [K] grabbed onto B's hands, placing all of her weight onto them to prevent B from escaping. You then raped B, before performing oral sex on her again. You repeated this action a number of times before being interrupted [redacted].

[16] You raped B on multiple occasions between February 2023 and July 2023. B estimated that this occurred weekly, totalling some 20–30 occasions.

[17] On multiple occasions you, and occasionally Ms [K], would threaten to kill B and members of her family. For example, you would tell B that you would kill her [relative] if she did not have sex with you. You would tell B you would take her [relative] for a "boot ride" to get her to do sexual acts. You occasionally gave physical effect to your threats by punching B to her face and body. On some occasions you told her your "boys" would bash her or kill her if she told anyone. On occasions throughout the period of February 2023 to July 2023 you would give methamphetamine and cannabis to B. Sometimes sexual activity would follow after B was affected by the drugs.

[18] You pleaded guilty to charges of committing an indecent act with intent to insult or offend,⁶ four counts of sexual violation by unlawful sexual connection,⁷ two counts of sexual violation by rape,⁸ a representative charge of threatening to kill,⁹ and representative charges of supplying methamphetamine¹⁰ and cannabis.¹¹

Victim C

[19] [Redacted]. She was [under 18] when you offended against her. [Redacted]. On multiple occasions you and sometimes Ms [K] would supply C methamphetamine for her to smoke. Sometimes you and Ms [K] would use the drug with her. Often, sexual offending would follow.

[20] On many occasions during sexual activity, you would digitally penetrate C's genitalia. Usually, this would be accompanied by other sexual acts including rape and performing oral sex on her. On several occasions Ms [K] would digitally penetrate C's genitalia. This included an occasion in the shower when the two were alone when Ms [K] forcibly pulled C over onto the floor and also performed oral sex on her. On one occasion Ms [K] performed oral sex on C in the bedroom while you held her arms down.

[21] On many occasions you raped C at the motel. This usually occurred in a bedroom. Often the victim was affected by methamphetamine. Often Ms [K] would sit beside the bed watching you rape C. On multiple of those occasions C would be crying and asking for Ms [K]'s help. You would tell C to "[redacted]", and that she was a "[redacted]". Ms [K] would tell C to shut up, that it was normal, and it was what happens [redacted]. After the rapes, Ms [K] would purport to comfort C and tell her that things were okay and that she was safe.

[22] One of the rapes occurred several days after C arrived at the address. She fell asleep on your and Ms [K]'s bed. C awoke in the middle of the night to you hugging

⁶ Section 126. Maximum penalty: two years' imprisonment.

⁷ Section 128(1)(b). Maximum penalty: 20 years' imprisonment.

⁸ Section 128(1)(a). Maximum penalty: 20 years' imprisonment.

⁹ Section 306(1)(a). Maximum penalty: seven years' imprisonment.

¹⁰ Misuse of Drugs Act 1975, s 6(1)(c). Maximum penalty: life imprisonment.

¹¹ Section 7. Maximum penalty: three months' imprisonment.

her in a spooning position from behind. She could feel that her own pants were down with the waistband down by her knees. You edged your way closer to the victim and raped her. You whispered in her ear that she was a “[redacted]” and to “[redacted]”. You ejaculated in C’s vagina.

[23] On multiple occasions during or after the sexual offending you threatened C and told her that you would kill her if she told anyone. You told her if she left, she would be hunted down and killed. You told her you would take her for a boot ride. You would accompany those threats with physical assaults, including hitting her with a belt [redacted].

[24] On one occasion you were in the motel room with Ms [K] and C. You held a methamphetamine pipe up to C’s mouth for her to smoke. The pipe cracked and you found another, and more methamphetamine was consumed. You pulled C from where she was seated on the bed onto a mattress on the floor, and prevented her from escaping as she told you to stop. You folded her legs up so her knees were up by her chest and placed your entire weight on her. This caused an asphyxiation of C’s airway. You also covered C’s mouth with your hand. You then raped C, while compressing her legs against her chest. C could not remember passing out and woke up in a bed, with blood all over the sheets.

[25] You pleaded guilty to two counts of sexual violation by unlawful sexual connection,¹² a representative charge of sexual violation by rape,¹³ a representative charge of threatening to kill,¹⁴ a charge of strangulation,¹⁵ and a representative charge of supplying methamphetamine.¹⁶

Victim D

[26] [Redacted]. D was [a young person under the age of 16 years] at the time of your offending against her. [Redacted]. After giving birth in August 2023, Ms [K]

¹² Crimes Act, s 128(1)(b); and for one of the charges as a party under s 66. Maximum penalty: 20 years’ imprisonment.

¹³ Section 128(1)(a). Maximum penalty: 20 years’ imprisonment.

¹⁴ Section 306(1)(a). Maximum penalty: seven years’ imprisonment.

¹⁵ Section 189A(b). Maximum penalty: seven years’ imprisonment.

¹⁶ Misuse of Drugs Act, s 6(1)(c). Maximum penalty: life imprisonment.

became bedridden and unable to have sex with you, so she asked D to have sex with you instead. She told D that you would pay \$20 for each sexual encounter. D refused the initial offer, but encouraged by you and Ms [K], and the prospect of making some money, she acquiesced.

[27] Over approximately a year you engaged in various sexual acts with D. She had never had sex with anyone else before. [Redacted] Ms [K] told her it was a normal feeling. [Redacted] The first time you tried to have sexual contact with D was at night when she was [under 16] years old. She was in her own bed, in the same bedroom as you and Ms [K]. You tried to touch D's body but she kept telling you to go back to bed, so you stopped. On many occasions during sexual acts, you would touch and digitally penetrate D's genitalia. Sometimes Ms [K] would do the same.

[28] On one occasion you and D had an argument. On hearing the argument Ms [K] told D that she had to make it up to you by performing oral sex on you. D refused, but you and Ms [K] insisted. D performed oral sex on you while Ms [K] forced D's head up and down. Afterwards, D vomited in a bucket.

[29] On multiple occasions, what D estimated to be "a lot" and sometimes twice per day, you raped her. This happened across two motels. Sometimes Ms [K] was present. You would also take D for car rides and rape her in the car. You would often direct D to have a shower before sex occurred as you told her that would make it less painful. You would sometimes join her in the shower to do so. On one occasion you and Ms [K] directed D to kneel naked on all fours. You inserted your penis into D's vagina while Ms [K] held her hand. On at least one occasion this caused the victim physical pain.

[30] Towards the middle of 2024, when D was [under 16] years old, she began to overtly reject your advances. You continued to have sexual intercourse with her by force, ripping the blankets off her if she was in bed [redacted].

[31] You pleaded guilty to charges of attempting to do an indecent act,¹⁷ a representative charge of sexual conduct with a young person under 16,¹⁸ two counts of sexual violation by unlawful sexual connection, one being representative,¹⁹ and a representative charge of sexual violation by rape.²⁰

Victim impact statements

[32] The Court has heard victim impact statements from A, B, and C. I outline those briefly.

Victim A

[33] A describes the friendship and trust she had in you from a young age [redacted]. She describes the betrayal she felt when you assaulted her, and that you waited until she was vulnerable. A did not want to believe what had happened to her, that you could do what you did [redacted]. She shut down because of the trauma she experienced and moved away to isolate herself and her children from you. [Redacted].

Victim B

[34] B described that she has been diagnosed with post-traumatic stress disorder, depression and anxiety. She constantly thinks about what happened and finds it difficult to interact with people. Before you offended against her, she was confident and capable of working. Now she struggles to get work. She struggles to communicate and present herself confidently. [Redacted]. She also described the impact your offending on D had on her personally. [Redacted].

Victim C

[35] [Redacted] She did not understand what was happening to her at the time, but felt scared, confused and trapped. [Redacted]. She kept a brave face so they would not know what you were doing. She survived what was meant to destroy her [redacted]. She carries what happened to her every day. That weight she describes as

¹⁷ Crimes Act, ss 134(3) and 72. Maximum penalty: three years and six months' imprisonment.

¹⁸ Section 134(3). Maximum penalty: seven years' imprisonment.

¹⁹ Section 128(1)(b). Maximum penalty: 20 years' imprisonment.

²⁰ Section 128(1)(a). Maximum penalty: 20 years' imprisonment.

unbearable. The memories of what happened to her come back without warning. Your offending continues to affect her relationships, her confidence, and how she moves through the world. She also describes that being exposed to drugs from a young age continues to affect her. It has made healing all the more difficult. C says she will not be silent, and that her voice matters, and that while her experience is part of her story, it is not the end of that story.

[36] I commend each of the victims for your courage in being here. I also acknowledge those who could not be in attendance today. Nothing I can say will change what has happened to you. While the sentencing process cannot undo the immense harm that you have all experienced, it may play a small part in assisting your pathways towards healing.

Approach to sentencing

[37] Mr Manhire, in imposing your sentence today, I will first determine finite sentences for your offending, taking account of any aggravating and mitigating features of the offending. I will then apply any uplifts or discounts to reflect personal factors. I will then consider whether you should be sentenced to preventive detention.²¹ Because I must be satisfied you are likely to commit another qualifying offence at the sentence expiry date before preventive detention can be considered, I must first decide what such a sentence would be.²² Throughout the whole exercise I must have regard to the purposes and principles of sentencing. Important principles include holding you accountable for harm, promoting a sense of responsibility, denunciation of your conduct, deterrence for you and other persons from committing similar offending, protection of the community, and assisting your rehabilitation and reintegration.

[38] Section 9A of the Sentencing Act 2002 is also engaged. It provides that when sentencing an offender in a case which involves violence toward or neglect of a young person the following aggravating factors must be taken into account where applicable:

- (a) the defencelessness of the victim:

²¹ Sentencing Act 2002, s 87.

²² Section 87(2)(c).

- (b) in relation to any harm resulting from the offence, any serious or long-term physical or psychological effect on the victim:
- (c) the magnitude of the breach of any relationship of trust between the victim and the offender:
- (d) threats by the offender to prevent the victim reporting the offending:
and
- (e) deliberate concealment of the offending from authorities.

[39] I acknowledge that the s 9A factors overlap with the aggravating factors used to assess culpability in sexual violation and rape cases and am mindful to avoid double-counting in this respect.

Personal background

[40] You are 40, soon to be 41, years old. Your offending took place between 2013 and 2024 when you were aged between 27 and 39 years old. You have 33 prior convictions. These are largely for dishonesty, driving and violence related offences. You have not received any drug-related convictions. You have a history of non-compliance, with 10 total convictions for breaching community work, conditions of supervision and breaches of release conditions.

[41] In 2017 you were convicted on charges of rape against a young person and indecent assault against a young person, committed in 2015. You were sentenced to six years and eight months' imprisonment. That offending was against the 14-year-old daughter of a female friend of yours. The offending occurred under the pretext of you driving her home. Instead, you drove her to a beach where after several attempts to entice her into sexual behaviour, you indecently assaulted and then raped her. The offending occurred despite the victim's repeated protests and requests to be taken home. During the offending you threatened and restrained the victim and later you tried to bribe her into not disclosing the offending. When you were arrested you engaged in victim blaming. You said that you had been asleep and that you had awoken to the victim sitting on you and engaging in sexual intercourse with you.

[42] In 2020, you were recalled to prison for breaching your release conditions for being at your then partner's address in the presence of children. In 2024 you were convicted of failing to comply with your reporting obligations under the Child Sex

Offender Register. You were also convicted of threatening behaviour against a family member in 2024.

Health assessor reports

[43] Section 88 of the Sentencing Act requires that when the Court is considering preventive detention, it must consider health assessor reports about your likelihood of committing a further qualifying sexual or violent offence. I have been assisted by detailed reports prepared by Kathryn Gilchrist, a registered clinical psychologist and neuropsychologist, and Dr Peter Dean, a consultant psychiatrist. They both interviewed you recently, Ms Gilchrist in March, and Dr Dean in April and June 2026.

Ms Gilchrist

[44] Ms Gilchrist outlined your personal background in detail. You reported that you never knew your biological father and had a difficult early relationship with your mother and stepfather. You say your stepfather was frequently intoxicated and physically abusive towards you and your mother. You described engaging in antisocial behaviours from a young age. You have also previously disclosed experiencing sexual trauma from early childhood, although you did not provide details of that alleged abuse. You described becoming disillusioned, angry and mistrustful when your abuser was subsequently found not guilty. Ms Gilchrist opined that this likely left you sexually preoccupied from an early age, and with a distorted view of healthy familial and intimate relationships.

[45] You stopped regularly attending school at around 12 years old, and you left home at 14 years old to escape the physical violence. You have never held a job and began receiving welfare. You described the onset of chronic polysubstance use around this time. You consumed excessive quantities of alcohol once or twice a week and used cannabis approximately weekly. By the age of 15 or 16 you were using methamphetamine intermittently. This escalated over time, and at its extreme you estimated you were “high for a year”. You also experimented with hallucinogenic substances including psilocybin mushrooms and lysergic acid diethylamide (LSD).

[46] In respect to your sexual history, you reported that you “bed hopped for most of [your] 20’s”, implying high frequency, impersonal sexual behaviour. Most of your relationships had been brief and, in some cases, simultaneous, [redacted]. You have six children with six women who “popped in and out of [your life].” You wanted nothing to do with most of these children, which you attribute to your drug use and not wanting to be tied down to the responsibilities of parenthood.

[47] Ms Gilchrist recorded that you presented with significant elevations in several personality domains indicating problematic personality features, mental health concerns, and barriers to engaging in treatment. Your profile responses suggested you are unreliable and irresponsible, have an increased likelihood of violent and non-violent anti-social behaviour, and experience a persistent sense of hopelessness and powerlessness. You also displayed a pattern of drug dependence.

[48] You denied much of your offending. For example, you denied sexually violating or raping B, blaming her and suggesting she had fabricated the accusations in the hopes of a “payout”. You also denied your offending against C [redacted]. You did acknowledge parts of your offending against D. However, you minimised your offending and described that it was “only a handful of times ... within a month” and “if [D] hadn’t wanted to do it, we stopped.” As for your offending when you would take her for car rides, you implied that the sexual contact was consensual. You said, “I asked her if she wanted to [engage in sexual acts], if she was OK, and she was fine.”

[49] Ms Gilchrist observed that you display a pattern of minimising and rationalising your behaviour as well as victim blaming. You demonstrate a lack of understanding of the inherent power differential between yourself and the victims of your offending, or their vulnerability. You appear to justify your offending as a mutual transaction between willing parties.

[50] As to your risk of reoffending, Ms Gilchrist utilised several psychometric assessments. She recorded a Static-99R score of 6, falling at the 94th percentile. That score placed you in the group with a sexual recidivism rate approximately 3.8 times the rate of offenders in the middle of the risk distribution. The group of men with that score had a predicted rate of sexual reconviction of 17.6 per cent over five years, and

25 per cent over 10 years of their release from prison.²³ Ms Gilchrist also applied the Violence Risk Scale: Sexual Offense version (VRS: SO), estimating that for the group with the same total VRS: SO score and predicted degree of change after five years, they had a sexual recidivism rate of 41.1 per cent, and after 10 years 55.5 per cent.²⁴

[51] Overall, Ms Gilchrist concluded that you present a “very high” risk of committing further sexual offending and a “high” risk of further violent offending within five years of release to the community.

Dr Peter Dean

[52] Dr Dean also found that you most likely pose a risk of committing further sexual offending. In his report Dr Dean recorded that you had experienced childhood trauma, including physical and sexual abuse, but provided no further details as to the nature and extent of this trauma.

[53] You reported significant memory loss for the period during which your offending occurred, which you attributed to heavy methamphetamine use. You denied your offending against B and C to Dr Dean. You explained you had pleaded guilty on the advice of your lawyer, in light of the evidence against you including Ms [K]’s statements as a witness. You acknowledged your prior conviction for rape, which you said was also associated with methamphetamine use.

[54] Dr Dean utilised the Sexual Violence Risk-20, a structured clinical judgement tool to identify treatment need and areas for risk mitigation. He identified factors of:

- (a) sexually deviant behaviour;
- (b) experiences of sexual abuse in childhood;
- (c) personality disorder, with you demonstrating features consistent with antisocial personality disorder;

²³ As the Common Risk Language classifications are intended to describe relative risk, any reference to absolute risk probabilities should be interpreted with caution because of variability between samples.

²⁴ The base rate for all sex offenders in the normative sample was 11.9 per cent after five years, and 18.2 per cent after 10 years.

- (d) substance use problems, with a history of cannabis, methamphetamine and other substance use since adolescence, and previous alcohol consumption;
- (e) relationship problems, with you engaging in multiple casual relationships, showing little regard for your children, and your most recent partner being involved in your offending;
- (f) employment problems;
- (g) past non-violent offending;
- (h) high-density and multiple sex offences;
- (i) physical harm to victims of sex offences;
- (j) use of weapons or threats of death in sex offences; and
- (k) extreme minimisation or denial of sex offences.

[55] Conversely, Dr Dean noted that you have in part accepted that your sexual offending was wrong and have expressed a willingness to have treatment for sexual offending and to have therapy for past trauma to better understand your behaviour. You have also demonstrated understanding of the need to abstain from methamphetamine and have a safety plan when you are eventually released from custody.

What are appropriate finite sentences for the charges?

Starting point

[56] As mentioned earlier, you have pleaded guilty to four counts of sexual violation by rape,²⁵ and eight counts of sexual violation by unlawful sexual connection for your offending against B, C and D.²⁶ The maximum penalty for that offending is 20 years' imprisonment. You have committed further sexual offending against B of committing

²⁵ Crimes Act, s 128(1)(a). Maximum penalty: 20 years' imprisonment. The charge in respect of D was representative.

²⁶ Section 128(1)(b). Maximum penalty: 20 years' imprisonment. One of the charges in respect of D was representative.

an indecent act with intent to insult or offend,²⁷ and in respect of D, attempting to do an indecent act,²⁸ and a representative charge of sexual conduct with a young person under 16.²⁹ You have also pleaded guilty to one charge of strangulation against C,³⁰ two counts of threatening to kill against C and B,³¹ two representative counts of supplying methamphetamine³² and one count of supplying cannabis.³³ It is appropriate that I adopt a global starting point for all of this offending, on the basis that your threats to kill, provision of methamphetamine and cannabis in order to facilitate your sexual offending and use of physical violence against a number of your victims, are best addressed as aggravating features of the sexual offending.

[57] In doing so, in no way do I intend to overlook the trauma, pain and damage suffered by B, C and D individually, and their own personal and particular experiences. However, the circumstances and scale of your offending means that, regrettably, adopting a more global approach is the only effective way to approach the sentencing exercise.

[58] In addition is your offending 10 years prior against A. You pleaded guilty to indecent assault³⁴ and threatening to kill.³⁵ Your counsel submitted that although your offending against A happened 10 years prior, it is nonetheless sexual offending [redacted], and under the methodology set out in the guideline judgment *R v AM (CA27/2009)*,³⁶ offending against all victims should be considered together when deciding a starting point. However, I consider it is appropriate to apply a discrete uplift for this offending. As the Court of Appeal explained in *R v AM*, the risk of failing to give adequate recognition to the harm caused to each victim can be addressed through the operation of cumulative sentences and the totality principle.³⁷ I consider the offending against A is sufficiently disconnected in time, and of a sufficiently distinct character, that a discrete uplift is warranted in respect to that offending.

²⁷ Section 126. Maximum penalty: two years' imprisonment.

²⁸ Sections 134(3) and 72. Maximum penalty: three years and six months' imprisonment.

²⁹ Section 134(3). Maximum penalty: seven years' imprisonment.

³⁰ Section 189A(b). Maximum penalty: seven years' imprisonment.

³¹ Section 306(1)(a). Maximum penalty: seven years' imprisonment.

³² Misuse of Drugs Act, s 6(1)(c). Maximum penalty: life imprisonment.

³³ Section 7. Maximum penalty: three months' imprisonment.

³⁴ Crimes Act, s 135. Maximum penalty: seven years' imprisonment.

³⁵ Section 306(1)(a). Maximum penalty: seven years' imprisonment.

³⁶ *R v AM (CA 27-2009)* [2010] NZCA 114, [2010] 2 NZLR 750.

³⁷ At [48].

Offending against B, C and D

[59] Ms Hamilton submitted that a starting point of 20 years' imprisonment should be adopted to reflect the totality of the sexual offending against B, C and D. Counsel referred to *R v AM*, where the Court identified four bands of sexual violation where the lead charge was rape, penile penetration of the mouth or anus, or violation involving objects.³⁸ Ms Hamilton contended your offending falls into rape band four. The Court found that offending in band four involves two or more aggravating features present to a high degree, or more than three aggravating features present to a moderate degree, and:³⁹

[108] ... it is likely that the offending in rape band four will involve multiple offending over considerable periods of time rather than single instances of rape.

[Redacted].

[60] Offending in band four attracts a starting point between 16 and 20 years' imprisonment.⁴⁰ Your counsel accepted that your offending falls within band four.

[61] Ms Hamilton argued that the aggravating features in your offending are so significant and present to such a degree that your offending falls at the highest end of rape band four. Counsel referred to the fact your offending was against three young women all of whom you [held a position of trust], and [redacted].

[62] Ms Hamilton identified several aggravating factors, and your counsel Mr McKenna accepted that many of those features were present. Accordingly, the aggravating features of your offending can be summarised as follows:

- (a) **Planning and premeditation.** The repeated nature of your offending and the time over which it occurred indicates that your offending was premeditated. It involved a pattern of deliberate grooming, callously preying on the victims' vulnerabilities due to their age and [redacted] circumstances. You and Ms [K] acted together to persuade C and D specifically into participating. You also

³⁸ At [90].

³⁹ Footnotes omitted, [redacted].

⁴⁰ At [89].

sourced and supplied drugs to facilitate your offending, which is consistent with a clear and preconceived plan to offend.

- (b) **Breach of trust.** As the Court of Appeal has recognised, offending by [redacted] is particularly serious.⁴¹ That the offending also involved Ms [K], [redacted], underscores that breach of trust.
- (c) **Vulnerability.** The victims were all vulnerable by their ages. B was [a teenager], C [was under 18], and D [was a young person under 16] years old at the time of your offending. [Redacted] B had nowhere else to go. The vulnerability of B and C was heightened as you supplied them methamphetamine and cannabis, so they were intoxicated before you offended against them. While your counsel submitted that B was an adult so not particularly vulnerable by virtue of her age, she accepted that much of the offending occurred while she was intoxicated, and that you supported her addiction to some degree. Mr McKenna highlighted that C and D, while young and therefore vulnerable, are not as young as many comparable cases, although drug use is a unique feature.
- (d) **Scale of offending.** Your offending against B took place regularly over a period of some five months. Your offending against C continued for four months. Your offending against D lasted some 16 months. While your counsel noted that many examples of offending falling in band four take place over a longer period, the frequency of your offending over the relevant periods was high. Mr McKenna also accepted that the nature and extent of violation involved was at the highest end of the scale.
- (e) **Multiple offenders.** This feature is present because you and Ms [K] offended jointly against B, C and D. On occasions Ms [K] would sit and watch you rape C, and on one occasion Ms [K] performed oral sex on C while you restrained her. You and Ms [K] jointly offended against B. Ms [K] also encouraged D and offered her money to have sex with you. Your counsel accepted that this

⁴¹ At [50].

feature is aggravating but cautioned against double counting with the degree of planning and premeditation.

- (f) **Use of drugs.** Your counsel identified that extensive drug use in the household and its role in facilitating your sexual offending is a unique feature. Accordingly, Mr McKenna contended it is more appropriate to treat your drug offending as an aggravating feature of your sexual offending, rather than as warranting a distinct uplift.
- (g) **Level of harm to victims.** The harm to victims is inherent in this type of offending and the extent of harm committed against the young victims incalculable. That harm is both physical and psychological. Counsel referred to the victim impact statements. Your counsel accepted that your abuse [redacted] is likely to have long-lasting impacts on each of the victims' ability to trust others and to form healthy relationships. Ms Hamilton also recognised that the use of drugs is likely to have left the victims with addiction issues they now have to address.

[63] Counsel agreed there are no mitigating features to your offending.

[64] I now turn to consider cases that have previously come before the courts, which Ms Hamilton argued are similar in some ways to your offending.

[65] Ms Hamilton argued that your offending is most similar to that in a case called *R v Rose*.⁴² However, counsel acknowledged differences in the age of the victims and the volume of charges against the defendant Mr Williams. In that case, Mr Williams was sentenced on 56 charges, including eight counts of sexual violation by rape, 11 counts of sexual violation by unlawful sexual connection, 22 counts of indecencies on a child and six counts of making objectionable publications.⁴³ That offending was against seven victims from ages three to 13 years nine months.⁴⁴ The Judge took the charge of sexual violation by rape against the three-year-old victim as the lead

⁴² *R v Rose* [2021] NZHC 2110.

⁴³ At [1].

⁴⁴ At [11].

charge.⁴⁵ The Judge identified aggravating factors of planning and premeditation,⁴⁶ vulnerability,⁴⁷ the level of harm caused to victims,⁴⁸ multiple offenders,⁴⁹ the scale of the offending,⁵⁰ breaches of trust as the offending was against the daughter of a friend,⁵¹ and the degree of violation.⁵² The Judge adopted a starting point of 20 years' imprisonment.⁵³ A totality uplift of six years was adopted to reflect the other 55 charges he faced.⁵⁴ The Judge allowed a 10 per cent deduction to recognise that Mr Williams entered guilty pleas the day before trial.⁵⁵ The Judge imposed an end sentence of 23 years' imprisonment with an MPI of 40 per cent.⁵⁶ Ms Hamilton argued the offending displayed similarly aggravating gross breaches of trust and that [redacted].

[66] I note that counsel filed their submissions without the benefit of the Court of Appeal's recent decision setting aside the sentence of Mr Williams' co-offender, Ms Rose, and substituting her sentence.⁵⁷ As part of their decision, the Court found the Judge had erred in his evaluation of the seriousness of the lead charge, finding that the offending was less intrusive than characterised by the Judge, and instead fell within band three. Therefore, the Court considered the charge justified a starting point of no more than 13 years.⁵⁸ The Court would have adopted an uplift of five years to reflect totality, resulting in a nominal starting point of 18 years' imprisonment.⁵⁹ The Court of Appeal's findings accordingly diminish the case's helpfulness in assessing the appropriate sentence for your offending.

⁴⁵ At [82].

⁴⁶ At [66].

⁴⁷ At [67] and [84].

⁴⁸ At [68]–[69].

⁴⁹ At [70] and [87].

⁵⁰ At [71] and [88].

⁵¹ At [73] and [85]–[86].

⁵² At [74].

⁵³ At [89].

⁵⁴ At [93].

⁵⁵ At [98]. While the plea was late, this was considered against the significant consolidation of charges the week before trial.

⁵⁶ At [116].

⁵⁷ *Rose v R* [2026] NZCA 308.

⁵⁸ At [104]–[108].

⁵⁹ At [108]–[109].

[67] I also consider there are several fundamental points of difference between the offending of Mr Williams in *Rose* and your own. Most significant of those is the age of the victims of your offending.

[68] Ms Hamilton also referred to *[A] v R*.⁶⁰ In that case, the Court of Appeal upheld a starting point of 16 years' imprisonment.⁶¹ The defendant was found guilty of seven charges of serious sexual offending [redacted].⁶² That included three counts of rape, four counts of sexual violation by unlawful sexual connection and one charge of threatening to kill.⁶³ The sentencing Judge identified aggravating features of the duration and scale of the offending, additional violence over and above that inherent in the charges, premeditation, vulnerability, breach of trust and the harm caused.⁶⁴ The offending occurred on a regular and frequent basis (more than weekly in all likelihood) for a period of 18 months, [redacted].⁶⁵ The complainant suffered incalculable harm, [redacted].⁶⁶ The Court of Appeal observed that this was a paradigm band four case, and a starting point at the bottom of the band was the least restrictive outcome reasonably available in all the circumstances.⁶⁷

[69] The key difference between the offending in that case and yours is that you offended against multiple victims. As the Court observed in *R v AM*:⁶⁸

[48] Offending against multiple victims is another aspect which increases the culpability of the offender. ... this aspect can be addressed ... by the recognition that prolonged offending involving multiple victims, particularly in the familial context, warrants higher starting points in rape band four ...

[49] On the other hand, a realistic view is to be taken where a number of offences are committed as part and parcel of what is, in substance, a single incident ... What is required is a common sense approach to overall culpability.

⁶⁰ *[A] v R* [2023] NZCA 43.

⁶¹ At [25].

⁶² At [2].

⁶³ At [2].

⁶⁴ At [21].

⁶⁵ At [21].

⁶⁶ At [21].

⁶⁷ At [25].

⁶⁸ *R v AM*, above n 36 (footnotes omitted).

[70] I have also considered the case of *Q v R*, a recent case that was not referred to me by counsel.⁶⁹ However, I note that the unique circumstances of your offending means that analogies with other cases are at best imperfect. In that case, Q was convicted of seven charges of sexual misconduct against his two stepdaughters. Against one of his stepdaughters, R, who was 17 years old, the defendant offended repeatedly over many years, including numerous incidents of rape.⁷⁰ The offending against his second stepdaughter S, who was 24 years old, comprised a single incident of rape.⁷¹ I need not detail the offending in that case, but observe that the offending was in many ways similarly intrusive.

[71] However, arguably the offending was accompanied by more extensive physical assaults.⁷² The sentencing Judge identified aggravating factors of the scale and length of the offending, that the appellant had used violence and threats to coerce R, that she was young and still vulnerable at the time of the offending, that there had been a breach of trust as Q was her stepfather, and the offending was premeditated.⁷³ The Court of Appeal upheld a starting point of 18 years' imprisonment, and an end sentence of 18 years', with an MPI of eight years and six months'.⁷⁴

[72] Notably, Q's offending was absent four factors aggravating your offending. First, [redacted]. Second, the victims of your offending were younger: B was [a teenager], C [was under 18], and D [was a young person under 16] years old. Third, you supplied methamphetamine to the victims so that they were more vulnerable. Fourth, you offended with Ms [K]. In light of those factors, I consider a starting point above that imposed in *Q v R* is justified.

[73] Finally, Ms Hamilton submitted that the Court should seek to achieve parity with the sentence imposed for your co-offender, Ms [K]. She was sentenced for her offending against B, C and D. The sentencing Judge adopted a starting point of 17 years' imprisonment for the sexual offending.⁷⁵ The Judge found that Ms [K]'s

⁶⁹ *Q v R* [2025] NZCA 367.

⁷⁰ At [1] and [9].

⁷¹ At [1] and [15].

⁷² At [9]–[14].

⁷³ At [91].

⁷⁴ At [2] and [99].

⁷⁵ *R v [K]* [2026] NZDC [redacted].

offending fell within band four, although not at the top of the band given the nature of her particular acts.⁷⁶ Counsel contended that the majority of your offending against B, C and D was a joint enterprise, that you are properly viewed as the lead offender, and that your culpability was higher, facing additional charges. In light of those considerations, I adopt a nominal starting point of 19 years' imprisonment.

Offending against A

[74] Ms Hamilton argued a totality uplift of two years' imprisonment should be adopted to reflect your offending against A, indecent assault and threatening to kill, together with the various drug charges and charges relating to threats made to the other victims.

[75] Mr McKenna submitted that a global starting point of 20 years' imprisonment was appropriate to reflect all of your offending. Your counsel contended that your offending against A differed from that against B, C and D because it was purely opportunistic. However, your counsel accepted that A was vulnerable at the time of the offending by virtue of her level of intoxication. Mr McKenna also argued that an overall starting point of 20 years' is consistent with that imposed for your co-offender Ms [K]. The Judge at sentencing adopted a starting point for her offending of 17 years'.⁷⁷ Counsel submitted that your level of culpability is above Ms [K]'s and correspondingly the starting point for your offending should be slightly higher.

[76] Because I have already taken into consideration your drug offending and threats to kill when setting a starting point for your offending against B, C and D, and taking account of totality, I consider an uplift of one year is appropriate. As I have said earlier, in no way does that sentence intend to diminish the individual suffering experienced by A. However, the principle of totality requires that I consider all of your offending in the round. This results in a global starting point of 20 years' imprisonment.

⁷⁶ Ms [K] pleaded guilty to charges of rape as a party; sexual violation by unlawful sexual connection; a representative charge of doing indecent act on a child under 16; a representative charge of supplying methamphetamine; and a representative charge of threatening to kill; committed over an approximately 12-month period.

⁷⁷ *R v [K]*, above n 75, at [2].

Personal aggravating factors

[77] Ms Hamilton sought a further uplift in the vicinity of 18 months to two years' imprisonment for your prior offending history, including prior sexual offending, and to recognise that your offending against B, C and D was committed while you were on parole and subject to oversight on the Child Sex Offender Register. Counsel referred to your offending against a young person in 2015, and your conviction for failing to comply with your reporting obligations under the Child Sex Offender Register. Ms Hamilton contended that such a history, particularly having regard to your previous convictions for similar offending, justify a further uplift to the starting point.

[78] Your counsel argued that rather than setting an uplift for your prior convictions, that this factor is more appropriately recognised when imposing an MPI. However, if the Court considers a distinct uplift is appropriate, counsel argued it should not amount to an additional punishment for previous offending. Therefore, Mr McKenna submitted an uplift of five per cent is sufficient, having regard to the sentence already imposed for your prior offending. Having considered counsel's submissions, I consider an uplift of 18 months' is justified for your personal aggravating factors.

Personal mitigating factors

[79] Your counsel contended that a 15 per cent deduction should be allowed for your guilty plea. Ms Hamilton agreed that such a deduction was appropriate. While counsel acknowledged that some credit is warranted, Ms Hamilton argued it cannot be said that you entered guilty pleas at an early stage of the proceedings.⁷⁸ The case had progressed beyond trial callover and counsel contended that the evidence against you was compelling. You had made admissions, and it was open to the Crown to call Ms [K], who had entered guilty pleas. Counsel did accept, however, that the victims of your offending were not required to go through the traumatic experience of giving evidence about your offending. Ms Hamilton submitted that no further discounts were available. Accordingly, I allow a 15 per cent deduction for guilty plea.

⁷⁸ *Hessell v R* [2010] NZSC 135.

End finite sentence

[80] Taking a starting point of 20 years' imprisonment, adding an uplift of 18 months' for personal aggravating factors, and applying a discount of 15 per cent for personal mitigating factors, arrives at an end sentence of 18 years and six months' imprisonment.

Minimum period of imprisonment

[81] Ms Hamilton seeks an order for you to serve a minimum period of imprisonment (MPI) of 60 per cent of your end sentence, up to a maximum of 10 years.⁷⁹ An MPI can be imposed for the purposes of:

- (a) holding the offender accountable for the harm done to the victim and the community by the offending;
- (b) denouncing the conduct in which the offender was involved;
- (c) deterring the offender or other persons from committing the same or a similar offence;
- (d) protecting the community from the offender.

[82] The Court of Appeal has observed that in imposing an MPI:⁸⁰

... the Judge must consider whether the offending itself is sufficiently serious so that for the offender to serve only the ordinary minimum period of one-third of the length of the sentence would not be enough to punish, deter and denounce the offending. If that is so the Judge may fix a minimum non parole period at a level ... which does sufficiently punish, deter and denounce the offending.

[83] Ms Hamilton contended that you are a recidivist offender, and that accountability, denunciation, personal deterrence and protection of the community all require the imposition of an MPI.

[84] Your counsel, Mr McKenna, takes no issue with the imposition of an MPI. Mr McKenna agrees that the multiple and vulnerable victims of your offending, and the serious actual and potential harm caused justify imposing an MPI. He accepts that the fact that your sexual offending has escalated despite your prior sentence for rape

⁷⁹ Sentencing Act, s 86(4).

⁸⁰ *R v Brown* [2002] 3 NZLR 670 (CA) at [35].

and indecent assault in 2017, and the rehabilitative interventions you have received, will be a key factor for the Court when setting an MPI.

[85] Mr Manhire, I am going to impose an MPI of 10 years. I am imposing this MPI mainly for reasons of ensuring the community is protected from your offending for at least this period of time. You have offended repeatedly, involving violation to a high degree, and against multiple, vulnerable victims.

Should you be sentenced to preventive detention?

Legal principles

[86] Preventive detention falls under s 87 of the Sentencing Act. It can be imposed on a person who is convicted of a qualifying sexual or violent offence where the offender was over the age of 18 when the offence was committed and the court is satisfied that the person is likely to commit another qualifying sexual or violent offence if they are released at their sentence expiry date.⁸¹ The purpose of preventive detention is to protect the community from those who pose a significant and ongoing risk to the safety of the public.⁸² Importantly, it is not intended to be punitive.⁸³

[87] The imposition of preventive detention must be carefully considered.⁸⁴ Even if the s 87 conditions are fulfilled, this does not mandate a sentence of preventive detention. The Court has ultimate discretion.⁸⁵

[88] Section 87(4) sets out the factors the Court must consider when deciding whether to impose a sentence of preventive detention:

- (a) any pattern of serious offending disclosed by the offender's history; and
- (b) the seriousness of the harm to the community caused by the offending; and
- (c) information indicating a tendency to commit serious offences in future; and

⁸¹ Sentencing Act, s 87(2).

⁸² Section 87(1).

⁸³ *R v Johnson* [2004] 3 NZLR 29 (CA).

⁸⁴ Geoff Hall *Hall's Sentencing* (online ed, LexisNexis) at [SA87.1].

⁸⁵ *R v Leitch* [1998] 1 NZLR 420 (CA) at 429.

- (d) the absence of, or failure of, efforts by the offender to address the cause or causes of the offending; and
- (e) the principle that a lengthy determinate sentence is preferable if this provides adequate protection for society.

[89] The Court of Appeal in *R v Parahi* provided helpful commentary on the purpose and nature of preventive detention.⁸⁶ Another useful case is *R v Batchelor*.⁸⁷ The Court of Appeal upheld a decision of this Court declining to impose preventive detention. Mr Batchelor had committed rape within three months of completing a sentence of imprisonment for a previous rape. There, a lengthy finite sentence, further treatment and the availability of an ESO at the end of Mr Batchelor's sentence were held to be adequate to protect the community.⁸⁸ This was despite health assessors not being optimistic about the prospect of successful treatment.

[90] Then there is the Court of Appeal decision *Cooper v R* where an appeal was allowed quashing a preventive detention sentence for charges of wounding or injuring with intent to cause grievous bodily harm.⁸⁹ In relation to the principle in s 87(4)(e), that a lengthy determinate sentence is preferable where it adequately protects society, the Court emphasised that the availability of an ESO might assist at the conclusion of a finite sentence, and in fact a court must consider the possibility of an ESO when determining whether a finite sentence will provide adequate protection to the community.⁹⁰ In *Cooper*, the Court held that the community would be safer if Mr Cooper was motivated to reform.⁹¹

[91] The possibility of an ESO is relevant to the assessment of preventive detention. If a finite sentence, combined with an ESO would provide adequate protection to the public, then this is to be preferred to preventive detention.⁹² If I find that a sentence

⁸⁶ *R v Parahi* [2005] 3 NZLR 356 (CA) at [84]–[86].

⁸⁷ *R v Batchelor* [2021] NZCA 160.

⁸⁸ At [25].

⁸⁹ *Cooper v R* [2020] NZCA 683.

⁹⁰ At [26].

⁹¹ At [27].

⁹² *R v Mist* [2005] 2 NZLR 791 at [96]–[97].

of preventive detention is appropriate, then I must also order that you serve a minimum period of imprisonment (MPI) of at least five years.⁹³

Crown submissions

[92] In summary, Ms Hamilton argued that a sentence of preventive detention is required to protect the community, in light of the ongoing risk you present of committing a further qualifying sexual offence. In considering the risk, Ms Hamilton submitted that you are a repeat sexual offender. Counsel relied on the reports of Ms Gilchrist and Dr Dean. Ms Hamilton contended that those reports support the imposition of a sentence of preventive detention. In respect of the pattern of serious offending disclosed in your history, Ms Hamilton referred to your prior convictions for sexual offending, including for sexual violation by rape and indecent assault. Counsel referred to the observation of Ms Gilcrest that:

9. Mr Manhire has been subject to increasingly restrictive sanctions including fines and reparation, driving disqualification, community work, community supervision, and periods of imprisonment of up to six years, eight months (for sexual offending). Overall, a pattern of early onset, initially driving-related but increasingly dishonesty and antisocial behaviour-related offending is evident. A consistent pattern of disregarding societal obligations and expectations is apparent.

[93] Ms Hamilton also referred to the opinion of Ms Gilcrest I outlined earlier that you have continued to minimise and rationalise your offending, rather than taking accountability and demonstrating remorse. She went on to observe that:

37. Mr Manhire's offending evidence an exploitative pattern of repeatedly breaching the trust of vulnerable victims, engaging in purposeful grooming/intoxicating/isolating victims, forceful violent sexual assault despite victim distress, and the use of bribery/threats to actively prevent victims [from] seeking assistance or reporting his behaviour ... He engaged in such behaviour across a prolonged period (and with multiple victims simultaneously). Offending occurred after having completed group and individual treatment target[ed at] his sexual offending behaviours and substance use. Mr Manhire's current convictions are considered to reflect an escalation in the seriousness and frequency of his sexual and violent offending behaviour. There is [no] evidence of help-seeking behaviour or any internal motivation to cease his sexual or violent offending behaviour.

⁹³ Sentencing Act, s 89(1).

[94] Overall, Ms Hamilton argued you exhibit a history of similar, serious, and predatory offending, and a failure to take accountability for that offending.

Mr Manhire's submissions

[95] Mr McKenna submitted that a sentence of preventive detention should not be imposed. Your counsel argued that it is very difficult at this stage to meaningfully assess what risk you will present at the end of your sentence. At that point, you will be much older and you will have undergone a series of intensive treatment programmes while in custody. While Mr McKenna acknowledged that you clearly present risk, he contended that there is a clearly defined treatment pathway, and hope remains for your successful rehabilitation and reintegration into the community at the conclusion of your sentence. Further, Mr McKenna argued that your eventual reintegration may be on strictly controlled terms either dictated by the Parole Board through parole conditions, or through an ESO.

[96] Mr McKenna referred to the findings of our Court of Appeal that preventive detention has an “extreme, rights breaching, nature”, and the finding of the United Nations Human Rights Committee in *Miller v New Zealand* that New Zealand’s preventive detention law breached the protection against arbitrary detention under the International Covenant on Civil and Political Rights.⁹⁴ Mr McKenna also referred to Te Aka Matua o te Ture | the Law Commission’s 2025 report, which recommended the repeal of the preventive detention provisions in preference of post-sentence orders.⁹⁵

Discussion

[97] I have been assisted greatly by the health assessor reports provided to the Court. However, from the outset I acknowledge the observation of Dr Jones that:

... assessment of risk is an inexact science and prediction of risk is unreliable. Risk is assessed using static and dynamic factors, and it is not clear what dynamic factors may be present in the future. The best predictor of future risk is past behaviour.

⁹⁴ *Miller v New Zealand* Communication No 2502/2014, 7 November 2017 (Human Rights Committee). See also *Moore v R* [2023] NZCA 286.

⁹⁵ Te Aka Matua o te Ture | Law Commission *Here ora | Preventive measures in a reformed law* (NZLC R149, 2025) at [1.6(b)].

A pattern of serious offending

[98] Regarding that past behaviour, your history discloses proven offending against five victims, commencing when you were 27 years old. Your counsel submitted that your criminal history does not disclose a clear pattern of sexual offending. Rather, Mr McKenna characterised this as three separate periods of sexual offending during your adult life: the isolated and opportunistic offending against A in 2013; an isolated incident of offending in 2015 against a young person; and your offending against B, C and D, which Mr McKenna described as a series of ongoing offending.

[99] Despite the submissions of your counsel, taken as a whole, I consider your history discloses a pattern of serious offending. Your offending against a 14-year-old girl in 2015 was serious, attracting a sentence of six years and eight months'. In 2020, you were recalled to prison for breaching your release conditions, you breached those conditions again in 2022, and you were also convicted for a family violence offence in 2024, and for failing to comply with your reporting obligations under the Child Sex Offender Register. Placed in that context, since 2015 you have not been free from incarceration or external supervision for large periods where you did not offend. Your offending against B, C and D commenced in January 2023, approximately three years after your release from prison. That offending cannot be characterised as anything but serious. Accordingly, I am satisfied that your history discloses a pattern of serious offending.⁹⁶

Seriousness of the harm to the community

[100] As to the seriousness of harm caused to the community, this is self-evident. Across the present and your previous offending, you have harmed five victims who were all teenagers or young women. The Court has received statements from the victims detailing the harm they have suffered.

A tendency to commit serious offences in future

[101] As to predicting whether you display a tendency to commit serious offences in future, I rely on the reports of Ms Gilchrist and Dr Dean. Ms Hamilton referred to

⁹⁶ Sentencing Act, s 87(4)(a).

Ms Gilchrist's finding that you present a high level of risk of further sexual offending and a high risk of further violent offending. Dr Dean also assessed you as most likely posing a risk of further sexual and violent offending, specifically against female adolescents. Counsel contended that when those reports are taken together, the Court can be satisfied that upon expiry of a finite sentence, you are highly likely to commit sexual offences, particularly against vulnerable young females.

[102] However, your counsel drew attention to the observation of Ms Gilchrist that:

60. Based on [your] current level of risk and need, if suitably motivated to openly participate, [your] risk of further offending may be modified by an intensive programme of sexual offence treatment, at the conclusion of which [your] propensity for violent offending should be reassessed with an appropriate violent intervention programme offered.

[103] Ms Gilchrist noted that individuals who display your level of risk in similar circumstances are expected to require extensive correctional interventions over a period of years to reduce their risk of further offending. She also noted that you would likely benefit from intensive substance use intervention, including residential intervention upon your release, as well as engagement in specialised sexual trauma counselling.

[104] Relevantly, Dr Dean also observed:

75. ... Although risk assessment cannot predict future conduct with certainty, the pattern, persistence, and seriousness of the identified factors indicate a continuing need for close supervision, structured treatment, and careful risk management. Any reduction in risk would be expected to depend upon sustained engagement in offence-focused treatment, effective management of substance misuse, psychological intervention targeting underlying behavioural drivers, and the establishment of stable prosocial supports.

[105] Mr McKenna argued that your history indicates that you experience deviant sexual urges which makes you prone to committing sexual offences, and that those urges typically express themselves in circumstances of substance of abuse and when you have access to vulnerable female victims. However, he submitted you do not present with an ongoing pattern of sexual offending throughout your adult life. Counsel contended this suggests therefore that when the factors that lead you to offend are managed, your risk of reoffending may be reduced.

[106] Mr McKenna argued that both reports suggest you are motivated to engage in rehabilitative interventions. He also drew attention to Dr Dean's finding that you understood the need to abstain from methamphetamine and to have a safety plan when you are eventually released from custody. Counsel submitted that imposing a lengthy finite sentence would give you time to engage in the required rehabilitative programmes.

[107] Importantly, your level of remorse and understanding can indicate your tendency to commit serious offences in future. Your counsel contended that you had not entirely denied that you had sexually offended, although you did minimise your offending. However, Ms Gilchrist and Dr Dean observed that in your interviews with them you continued to deny large parts of your offending, to victim blame, and to imply that the sexual contact you did engage in, especially against D, the youngest victim of your offending, [redacted], was consensual.

The absence of, or failure of, efforts to address the causes of your offending

[108] Your previous efforts towards rehabilitation present quite a mixed picture of your predicted risk. Ms Gilchrist outlined that you have previously participated in the following treatments:

- (a) In December 2017 you completed a 10-hour Alcohol and Other Drug intervention.
- (b) Between June and August 2018, you participated in a low intensity, short intervention, group programme for men who have sexually offended against children at Rolleston Prison. Ms Gilchrist noted reports that during the programme you were defensive, engaged in victim blaming, and were readily emotionally reactive in group settings, which impacted your participation. However, after receiving feedback you made attempts to moderate your tendency to mistrust others and to participate in group discussions. At the end of the treatment, you were noted as having ongoing difficulty in recognising warning signs in some areas of your life that you did not view as problematic. It was recommended that you needed to focus on internal strategies to manage risk and that you complete an intensive substance use course.

- (c) Between February and May 2019, you completed a six-month, medium intensity, group-based Drug Treatment Programme.
- (d) In 2021, following your recall to prison for breaching your release conditions you participated in four, one-hour individual treatment sessions with a Departmental psychologist. At the conclusion of that treatment, you were noted as having “developed insight into the factors contributing to [your] recall and [having] strengthened [your] safety plan. However, the treating psychologist noted that risk mitigation could be improved by the addition of internal (cognitive) coping strategies.”

[109] Ms Gilchrist recorded that you say you cannot recall much of that treatment, and that you acknowledged your offending could have been prevented if you had asked for help.

[110] Ms Hamilton argued that your present offending is evidence that previous efforts at treatment have failed, and that you have previously demonstrated a lack of motivation to be treated. Counsel submitted that there is substantial rehabilitative work that needs to be done before your risk of sexual violence might reduce. Furthermore, Ms Hamilton contended that the observations made by treating psychologists and other professionals during your treatments reveal that you have previously been able to feign insight and satisfy professionals of your commitment to a safety plan, before almost immediately acting in contravention of the strictions upon you in order to engage in serious sexual offending against multiple victims.

[111] Mr McKenna, on the other hand, described that you had found your three-month programme in 2018 useful, and that you experienced a period of stability after your release from prison, but that this broke down when you began a relationship and returned to methamphetamine use. Counsel also argued that your prior convictions for four burglaries in 2008, and lack of subsequent reoffending of that type, shows that you have been responsive to past rehabilitative interventions. Mr McKenna submitted that most of the identified drivers of your offending have not been addressed in the past. While you have received some treatment for sexual offending, that fell short of the intensive programmes Ms Gilchrist recommended. You also have not accessed

treatment for violent offending, substance use, psychological treatment nor specialised sexual trauma counselling as recommended.

Preference of a lengthy determinate sentence if this provides adequate protection for society

[112] Finally, I turn to the principle that a lengthy determinate sentence is preferable where that sentence provides adequate protection for society. Ms Hamilton contended that a finite sentence cannot adequately protect the community in your circumstances. Counsel highlighted that you have continued to offend against the most vulnerable members of the community, including those you are [redacted] in frequent contact with, and you have done so despite prior involvement in rehabilitative programmes and with the oversight of the Child Sex Offender Register.

[113] Ms Hamilton also referred to your ongoing attempts to minimise your offending, your tendency to blame the victims, and your lack of insight, which she contended suggests you would not be motivated to comply with release conditions, including monitoring through an ESO. Accordingly, counsel argued that a sentence of preventive detention is the only appropriate one in the circumstances. That sentence, she submitted, will ensure that you will not be released from prison until you successfully engage in programmes designed to facilitate your rehabilitation and to mitigate your risk to the community.

[114] On the other hand, your counsel referred to the observation of Ms Gilchrist that mitigation of your risk is contingent on you being “motivated to openly participate” in treatment. Mr McKenna submitted that a finite sentence is most likely to foster your motivation to participate. Counsel also referred to the Court of Appeal’s observation that likelihood of sexual reoffending drops markedly at around the age of 60.⁹⁷ By the time of the lapse of your MPI, you will be 48 years old. At your sentence expiry date, you will be 57 years old.

[115] Mr McKenna contended further that it would be possible to impose an ESO at the conclusion of your sentence under the Parole Act 2002.⁹⁸ By that time, the Court

⁹⁷ *Stanley-Hunt v R* [2025] NZCA 331 at [36].

⁹⁸ Parole Act 2002, pt 1A.

would be better placed to evaluate the ongoing risk you pose, and that an ESO of up to 10 years would be available. Counsel referred to *Stanley-Hunt v R* where the Court of Appeal considered the availability of an ESO weighed decisively in favour of imposing a determinate sentence.⁹⁹ Counsel outlined the potential conditions of an ESO, including intensive monitoring and potentially requiring you to reside at a transitional and supported residential housing facility. You would also be prohibited from associating with anyone under the age of 16, as well as the victims of your offending.¹⁰⁰ Mr McKenna argued that an ESO can adequately mitigate your risk by preventing you from returning to circumstances of substance abuse or access to potential victims, and can ensure that you continue to receive rehabilitative support.

[116] Mr McKenna submitted that along with an ESO, the Department of Corrections could also apply for a Public Protection Order (PPO) under the Public Safety (Public Protection Orders) Act 2014. A PPO may be imposed where an offender presents a very high risk of imminent serious sexual or violent offending.¹⁰¹

[117] As mentioned above, the ability to impose an ESO in addition to a finite sentence is an important consideration and may tilt the balance against imposing preventive detention.¹⁰² I also accept that the observations in the cases I mentioned, *Batchelor* and *Cooper*, are relevant here. While you have committed serious offending, caused serious harm, do not show significant remorse, and have demonstrated repeat offending, preventive detention remains a severe sentence. With the principle that a lengthy determinate sentence is preferable if this will provide adequate societal protection in mind, in combination with the availability of an ESO, I must weigh carefully the decision on whether to impose preventive detention.

[118] Mr Manhire, your offending is extremely serious. It involved numerous occasions of rape and related sexual violations on four victims, all of whom were young and with all of whom you [held a position of trust]. They were entitled to look to you for protection. Instead, to satisfy your own needs, you defiled [a position of trust] with your offending. As well as your sexual offending, you plied some of these

⁹⁹ *Stanley-Hunt v R*, above n 97, at [37]–[38].

¹⁰⁰ Parole Act, s 107JA.

¹⁰¹ Public Safety (Public Protection Orders) Act 2014, s 13(1).

¹⁰² *R v Batchelor*, above n 87, at [25]. See also *R v Leitch*, above n 85, at 430.

young people with methamphetamine. You also threatened some of the victims with violence and even death if they refused to comply. In summary, the ongoing trauma on all of your victims because of the repeated and at times brutal and depraved violations that you inflicted on defenceless children and young people must be recognised in a sentence that adequately protects society from further offending.

[119] Ultimately, I find that the seriousness of your offending is too significant, and the risk you will continue to pose too great, for a sentence other than preventive detention to be imposed. You have undergone several rounds of treatment, addressing both your sexual offending and substance abuse issues. While not the most intensive available, you have nonetheless reoffended in a way that discloses a pattern of increasing severity. Added to this pattern was your ability to convince the professionals you came across that you had developed insight into your offending and were motivated to change. Yet, you do not acknowledge much of the offending for which you are being sentenced today and show no insight or remorse. In addition, you refused to engage in an interview for the preparation of a pre-sentence report.

[120] These factors act as the clearest indication that upon your release you would continue to present an intolerable level of risk to society. Those factors led both health assessors to conclude that you likely present a risk, and in Ms Gilchrist's opinion, that this risk is very high.

[121] I do not impose preventive detention lightly. But I am satisfied it is appropriate here. The fundamental difference between a sentence of preventive detention and a finite sentence is in the discretionary element. As the Court of Appeal has observed:¹⁰³

...the offender controls his own destiny. Successful participation in a course of treatment, such that he will not pose an undue risk to the safety of the community if released, will be determinative of his final release date. The advantage of this incentive by comparison to the situation of a prisoner subject to a finite term is obvious.

[122] I implore you to take those words on board, and to access all treatment and rehabilitation that is made available to you.

¹⁰³ *R v Bryant CA236/03* 16 December 2003 at [23].

Sentence

[123] Mr Manhire, please stand. On the four charges of sexual violation by rape and eight charges of sexual violation by unlawful sexual connection I sentence you to preventive detention. I order that you must serve a minimum period of imprisonment of 10 years.

[124] I sentence you to the following concurrent sentences:

- (a) On the charge of indecent assault against A, I sentence you to four years' imprisonment.
- (b) On the charge of threatening to kill A, I sentence you to two years' imprisonment.
- (c) On the charge of doing an indecent act with intent to insult or offend against B, I sentence you to one year's imprisonment.
- (d) On the charges of threatening to kill B and C, I sentence you to two years' imprisonment.
- (e) On the charge of strangulation against C, I sentence you to three years' imprisonment.
- (f) On the charge of attempting to do an indecent act against D, I sentence you to two years' imprisonment.
- (g) On the charge of sexual conduct with a young person under 16, I sentence you to three years' imprisonment.
- (h) On the charges of supplying methamphetamine, I sentence you to three years' imprisonment.
- (i) On the charge of supplying cannabis, I sentence you to one month's imprisonment.

Please stand down.

Chambers

[125] I make an order prohibiting publication of the name or identifying particulars of Mr Manhire's co-offender Ms [K].

Harvey J