

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

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

**CRI-2024-044-003886
[2026] NZHC 2529**

THE KING

v

**KAIXIAO LIU &
LANYUE XIAO**

Hearing: 25 August 2026

Counsel: HDL Steele, EJ Kerr and S Meyerhoff for Crown
RM Mansfield KC for Defendant Liu
J-A Kincade KC and JJ Jackson for Defendant Xiao

Judgment: 25 August 2026

SENTENCING REMARKS OF DOWNS J

Solicitors:
Crown Solicitor, Auckland.

Introduction

[1] Kaixiao Liu and Lanyue Xiao, you are for sentence for kidnapping,¹ manslaughter,² misconduct in relation to human remains,³ and attempting to pervert the course of justice.⁴ Mr Liu, you are also for sentence in relation to failing to carry out obligations in relation to a computer search.⁵

[2] Both of you were found guilty by a jury earlier this year at a trial at which I presided. You represented yourselves at that trial, albeit with the assistance of standby counsel. Today, you are represented by senior counsel, and I am grateful for their submissions.

[3] Mr Liu, your parents were also tried and found guilty of some charges. I will sentence them later this year as they wish to place material before me that will take a little time to marshal.

Facts

[4] You lived with your children and Mr Liu's parents in Orewa. Also living with you were six women from China, all of whom remained here illegally. Shulai Wang was one of the six. She came to New Zealand in August 2023.

[5] Mr Liu, you led a religious community at the home. You were referred to as Lord or Master. You, Ms Xiao, also enjoyed special status, albeit you had lesser authority than your husband.

[6] Life at your home, which was called the Ark, was suffocatingly strict. Ms Wang struggled to comply with the rules, perhaps because of her age. She was 70. Consequently, she was frequently disciplined.

¹ Crimes Act 1961, s 209(b); maximum penalty, 14 years' imprisonment.

² Sections 160(a), (b), (c), 171 and 177(1); maximum penalty, life imprisonment.

³ Section 150(b); maximum penalty, two years' imprisonment.

⁴ Section 117(e), maximum penalty, seven years' imprisonment.

⁵ Search and Surveillance Act 2012, s 178; maximum penalty, three months' imprisonment.

[7] At approximately 10 o'clock on the morning of 6 March 2024, Ms Wang attempted to escape your home by climbing the back fence. She was caught and confined in the garage. At 1.19 that afternoon, you Mr Liu convened a meeting. As with some of the other meetings at the home, you recorded it. In so doing, you unwittingly provided the best possible evidence of your offending.

[8] Mr Liu, you directed Ms Wang's hands and feet be restrained with wire, chain, or some other form of restraint. You also directed she be given no food or water. You, Ms Xiao, were a party to those directions. Ms Wang was restrained accordingly.

[9] In the early hours of 7 March 2024, you Mr Liu convened another meeting. Ms Wang had been screaming. Consequently Mr Liu, you had directed her mouth be sealed with tape. You said at the meeting that if Ms Wang continued to make noise despite that tape, a towel was to be stuffed in her mouth, and she was to be put into a box or suitcase.

[10] Ms Wang subsequently died during her restraint, most likely on 8 March. I say that because you met again a little before 2 o'clock on the afternoon of the 8th to discuss what should happen with Ms Wang's body. Mr Liu, you were clear her body needed to be disposed of. After seeking others' views, you concluded it should be dumped at sea where "the creatures on the seafloor [would] quickly breakdown and eat her". At your direction, Ms Wang's body was taped in the foetal position with stones between her thighs and chest and placed in five layers of rubbish bags.

[11] Mr Liu, you, your father, some of the women living at the home, and some of the children, took the body to a tidal creek near Gulf Harbour Marina, and there dumped it. Mr Liu, you wanted the children present as camouflage.

[12] Fortunately, on 12 March 2024, the body was recovered by a fisherman. It had already begun to decompose, which made the postmortem examination more difficult. Ms Wang had suffered bruising to her face and head, and to her wrists; the latter consistent with restraint.

[13] On 30 June 2024, you were both arrested and charged with interfering with her remains. You were bailed.

[14] Mr Liu, between 1 July and 22 August 2024, you attempted to pervert the course of justice by coaching one of Ms Wang's children to say she had died of natural causes and that she wished to be buried at sea. This fabrication was repeated by the potential witness to the Chinese police on 24 August 2024. Ms Xiao, you committed that offence with your husband, though he played the leading role.

[15] On 30 August 2024, police executed a second search warrant at your home. You, Mr Liu, were repeatedly asked to provide the PIN to phones in your office. You failed to do so, saying you had a headache and were tired. Police could not access those phones because of your unlawful refusal to provide their PIN.

[16] Mr Liu, I complete the factual narrative by recording that you instructed the other women not to speak to the authorities, and to do no more than smile at them. They complied with your instruction and were ultimately deported.

[17] Mr Liu, I also record that Mr Mansfield KC promoted an alternative version of the facts in which Ms Wang suffered a fall and was detained to facilitate her recuperation. This thesis was offered to support a sentence of home detention. Mr Mansfield, who was not at the trial, emphasised the pathologist could not identify a cause of death based on the postmortem examination.

[18] I am quite sure the facts are as I have outlined them, given much of the key evidence came from your own mouth. Furthermore, whether the jury found you guilty of manslaughter because of an interference with Ms Wang's airways, or by failing to provide necessities, is inconsequential in relation to sentence because Ms Wang's detention and manslaughter are inextricably linked on either scenario. Indeed, each crime essentially mirrors the other factually because:

(a) Ms Wang was detained from approximately 10 am on 6 March.

(b) Early that afternoon, her hands and feet were restrained.

- (c) Later that day, or very early on the morning of 7 March, tape was applied to her mouth.
- (d) It is highly likely Ms Wang remained this way until her death, which as I said, was mostly likely sometime on 8 March.
- (e) Ms Wang was denied food, water, and medical treatment throughout, albeit she might have been given coffee at some point. I say that because caffeine was found in her blood.

[19] Again, given all this, whether Ms Wang died because of the interference with her airways or from lack of necessities, especially medical attention, is inconsequential.

[20] For completeness, I accept Ms Wang might not have been placed in a box, and a towel might not have been put in her mouth; the meeting at which both were discussed implies these were to occur *if* Ms Wang continued to make noise despite the tape on her mouth, albeit diary entries imply both did occur. Given this possible tension in the evidence, I give you the benefit of the doubt and assume neither occurred. But as will be apparent, the absence of these two features scarcely diminishes the enormity of what you did.

Starting point

[21] There are no profound differences of opinion in relation to the starting point on the facts as I have found them. The Crown advances a starting point of 12 years' imprisonment for you Mr Liu for the kidnap and manslaughter, with an uplift of two years for the misconduct and attempted perversion offending. It does not seek an uplift for the failure to provide the phones' PIN. Mr Mansfield advances a starting point of 10 years' imprisonment for the kidnap and manslaughter, with an uplift of 15 months for the remaining offending.

[22] Ms Xiao, the Crown seeks a starting point of 11 years' imprisonment for the kidnap and manslaughter, with an uplift of 18 months. On your behalf,

Ms Kincade KC advances a starting point of eight years' imprisonment, with an uplift of 15 months.

[23] I shall record the cases cited by the parties and those of my own research in a footnote to my written remarks.⁶

[24] Your offending has several aggravating factors. You detained Ms Wang for approximately 38 hours,⁷ but I stress that is an approximation, and you restrained her for much of that period.⁸ You taped her mouth, thereby interfering with her airways, knowing her hands (and feet) were restrained. As a 70-year-old overstayer dependent on you both, Ms Wang was vulnerable quite apart from her detention and restraint. You both knew that. As I said, you both denied her food, water, and medical attention, albeit she might have been given coffee.

[25] Mr Liu, Mr Mansfield argued your offending was mitigated somewhat by the idiosyncratic religious context. He said you did these things to Ms Wang intending she repent. Consequently, Mr Mansfield argued your offending is not as grave as that, for example, occurring in a gang context or with an organised criminal syndicate.

[26] I respectfully disagree. It is not clear to me there was any true religiosity in what happened at the home as against domination masquerading as religious instruction. But even if I am wrong about this — and I acknowledge I may be given the trial was not directed at your beliefs — what stands out is your callous indifference towards Ms Wang and the other women who lived with you.

⁶ *R v Walker* [2019] NZHC 1906; *Taylor v R* [2017] NZCA 574; *R v Proude* HC Auckland CRI-2008-092-1926, 25 May 2010; *Liev v R* [2019] NZCA 242; *R v Filimoehala* CA367/99, 16 December 1999; *R v Nagle* [2013] NZHC 2532; *R v Hughes* [2023] NZHC 2956; *R v Candy* [2023] NZHC 414; *R v Chourn* [2021] NZHC 1528; *R v Jennings* [2022] NZHC 746; *R v Matlobyaygazwini* HC Auckland, CRI-2008-004-6716, 18 November 2009; *R v Hamer* [2005] 2 NZLR 81 (CA); *R v Kuka* [2009] NZCA 572; *R v Li* [2021] NZHC 3354; *Cooper v R* [2014] NZCA 275; *R v Callaghan* [2012] NZHC 596; *Betteridge v R* [2019] NZCA 513; *R v Lloyd* HC Auckland, CRI-1995-088-808007, 17 June 2005; and *R v Turner* [2008] NZCA 217.

⁷ From 10 am on 6 March.

⁸ From approximately 1.19 pm on 6 March, until her death sometime on 8 March.

[27] One feature of the evidence captures the point particularly well. You, Mr Liu, said the black pushchair that had been used to dispose of Ms Wang's body and the black bed in which she had ordinarily slept, would be kept to serve as a warning to the other women that the same fate would await them if they failed to comply with the rules of the household. You noted the colour black represented death. The pushchair and bed were found by Police when they executed a search warrant on 1 July 2024. Both were inside the tent in which Ms Wang ordinarily slept, as silent warnings to the women who remained in the home.

[28] Ms Xiao, there is no evidence whatsoever you demonstrated any empathy for Ms Wang or the other women either.

[29] Mr Liu, I consider the competing starting points I mentioned earlier identify the applicable range, or something near to the range, for the offending. Given the features I have described, I adopt a starting point of 11 years' imprisonment for the kidnap and manslaughter. I add 18 months for the attempted perversion and misconduct in relation to human remains, noting you committed the former while you were on bail. That heightens the cynicism of that attempt. Moreover, your misconduct in relation to Ms Wang's remains was motivated by a desire to conceal evidence of her kidnap and manslaughter.

[30] Ms Xiao, like your husband, you are articulate and intelligent. But you are not as culpable as he is, because he made all key decisions. In short, he was the ringleader, you were not. That said, you are the next most culpable given your status within the household. I also consider you were quite content to be a party to the offending. I say this in part because I was able to observe you and Mr Liu throughout the various pre-trial processes, and during the five-week trial. I have seen you disagree with your husband. I have seen you reach decisions other than his. I have also seen him defer to you. During the trial, you were more difficult to manage than he was in some ways. If you had sought to dissuade Mr Liu from the offending, there is a very real prospect he might have been so dissuaded. And as I said, you are the next most culpable given your status within the household.

[31] Given all this, I adopt a starting point of eight and a half years' imprisonment for the kidnap and manslaughter, which I uplift by 15 months for the rest of your offending.

Personal circumstances and potential mitigating factors

[32] Mr Liu and Ms Xiao, you are 39 and 38 years old respectively. You have been together for approximately 10 years. You met in the United States of America, where you were both living at the time. In 2017, you both came to New Zealand. You have lived here since then and are permanent residents. You have five children together. I am told Ms Xiao is pregnant with your sixth child.

[33] Each of you seeks a 10 percent discount based on your background, which is captured by pre-sentence reports and cultural reports.

[34] I discern nothing in your backgrounds that would warrant discount. Mr Liu, that it may be part of your culture to act as the head of the household and to be seen to be so does not in any way explain why you committed the offending. You could have, for example, demonstrated compassion to Ms Wang and offered that response to your family as the relevant one for a role model. You did claim, after all, to be following Jesus.

[35] Ms Xiao, nothing in your background explains the offending either and to the extent it is said you merely deferred to Mr Liu as his wife, I have already addressed that proposition. To the extent it is relevant, it is reflected in the adjusted starting point.

[36] It is likely you will both be deported at the conclusion of your sentences. I discern no reason to make an adjustment for this factor.

[37] I am also unpersuaded to allow any discount for what is said to be cultural disconnection or cultural dislocation during your incarceration. As I have said, each of you is intelligent and articulate. You are both familiar with a Western way of life. You both speak excellent English. You have lived here for approximately nine years. You are not newcomers to New Zealand.

[38] Mr Liu, Mr Mansfield said you had been beaten in prison and this had been confirmed by prison authorities. I observe the obvious: it is incumbent on the Department of Corrections to ensure that you are safe from other prisoners.

[39] Neither of you has any convictions beyond these offences. I allow five percent for this factor despite the Crown's opposition. But I am not persuaded of the existence of any good works to potentially warrant greater discount. Offence-seriousness also constrains that available. In reaching these conclusions, I have not overlooked the handful of character references you have provided the court.

[40] This brings me to your children, who are aged between one and nine years' old. The four eldest were uplifted by Oranga Tamariki in or about September 2024. The youngest was removed following the guilty verdicts. The Crown says because none of the children are in your care, no discount should be made. Mr Mansfield describes that submission as "unprincipled". Ms Kincade offers the same rejoinder. You each seek a discount of 10 percent.

[41] I do not consider the children's removal decisive given the unusual facts of this case.⁹ However, I do consider the seriousness of the offending constrains the discount available. I, therefore, allow each of you five percent.

[42] You were on electronically monitored bail from 6 December 2024 until 29 June 2026, a period approaching 19 months. That bail was without incident. I allow 10 months in recognition of this factor.

[43] Mr Liu, this produces a sentence of 10 years and five months' imprisonment. Ms Xiao, this produces a sentence of seven years and 11 months' imprisonment.

Minimum period of imprisonment

[44] The Crown seeks a minimum period of 50 percent for each of you.

⁹ *Philip v R* [2022] NZSC 149, [2022] 1 NZLR 571.

[45] A minimum period may be imposed when parole eligibility after one-third of a sentence would be insufficient for any or all of purposes of accountability, denunciation, deterrence, and community protection.¹⁰

[46] Mr Liu, the offending is particularly serious. As I have said, you were its ringleader. You were callously indifferent to a fellow human being. Because of you, Ms Wang died a lonely, frightening death. There are no mitigating features to the offending, and those that arise by virtue of personal circumstances are modest. You display no remorse whatsoever. I am satisfied, therefore, a minimum period of 50 percent is necessary to hold you accountable, denounce your offending, and mark general deterrence. You should feel shame.

[47] Ms Xiao, I reach a different view in relation to you, ultimately because you were not the ringleader.

Sentence

[48] Mr Liu, for the kidnap and manslaughter of Shulai Wang, I impose a sentence of 10 years and five months' imprisonment for each crime, with a minimum period of 50 percent. I impose concurrent terms of 18 months' imprisonment for the attempted perversion and misconduct in relation to human remains. On the computer charge, you are convicted only.

[49] Ms Xiao, for Ms Wang's kidnap and manslaughter, I impose a sentence of seven years and 11 months' imprisonment for each crime. I impose concurrent sentences of 15 months' imprisonment for the remaining offending.

¹⁰ Sentencing Act 2002, s 86(2).

Other orders

[50] You both face a further immigration charge or charges, which were severed by consent from your trial. I direct these charges be transferred to the District Court and heard there.¹¹

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Downs J

¹¹ This order is made under s 183 of the Criminal Procedure Act 2011, as to which see *R v Rudd* [2014] NZHC 2929 and *R v Rockafella* [2026] NZHC 851, and the inherent jurisdiction of the Court.