

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

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

**CRI-2025-004-000259
[2026] NZHC 2563**

THE KING

v

HAO FENG

Hearing: 26 August 2026

Appearances: C P Paterson and F I Ganchi for the Crown
W J S Mohammed for the Offender

Judgment: 26 August 2026

SENTENCING NOTES OF NATALIE WALKER J

Solicitors:
Meredith Connell, Crown Solicitor, Auckland
R M Mansfield KC, Auckland
W J S Mohammed, Auckland

[1] Feng Hao, you appear for sentence today having pleaded guilty to the manslaughter of your partner, Wang Xiaoyang.¹

[2] You killed her by manual strangulation, on 10 January 2025, at her home. You handed yourself in to the police the next morning and were soon after charged with her murder.

[3] You were due to stand trial in May this year. Three days prior to trial, on 22 May, you pleaded guilty to an amended charge of manslaughter. The basis for the lesser charge was that while you accept you caused Ms Wang's death by the unlawful act of strangulation, there was insufficient evidence that you intended or appreciated she would die from that act. The crime of strangulation requires that you intentionally or recklessly impeded Ms Wang's normal breathing, blood circulation, or both, by applying pressure to her neck. It does not require an intention to kill. The parties agreed there was a principled basis for reducing the charge from murder. There were also sound reasons for the delay in you entering your plea to manslaughter, which I will return to shortly. For now, I note that you have always accepted responsibility for causing Ms Wang's death, even if you did not intend that consequence. You also accept that I must sentence you today to a term of imprisonment. The only real issue is how long your sentence will be.

[4] In entering your guilty plea, you accepted an agreed summary of facts dated 6 May 2026. While that summary is relatively sparse in its description of the fatal act, I must still outline the agreed circumstances of the offending so that the basis on which you are to be sentenced by me is clear.

The offending

[5] The deceased, Ms Wang, was your partner. You had been in an intimate relationship for about one year. You did not have any children together and you lived at separate addresses.

¹ Crimes Act 1961, ss 171 and 177. Maximum penalty: life imprisonment.

[6] Sometime on Friday 10 January 2025, you arrived at Ms Wang's address. An argument begun, which escalated to the point where, according to the summary of facts, you placed at least one of your hands around her neck until she became unconscious and fell to the ground.

[7] You moved her onto the couch. You then went outside and smoked a cigarette. When you later checked on Ms Wang, you realised she had died. The pathologist later determined that the substantial and operative cause of Ms Wang's death was neck compression by manual strangulation.

[8] At approximately 10:00 pm that same evening, you contacted an associate and asked to meet him at his address. You then travelled to that address, where you met him and made arrangements for the care of your then 12-year-old daughter the following day.

[9] Soon after 11:00 pm, you returned to your address and began contacting other people you knew who could also assist in the arrangements for your daughter.

[10] At approximately 1:15 am the next morning, that is on 11 January 2025, you called a friend and said you thought you had killed your girlfriend. As a result of that discussion, you drove yourself to the police station. Meanwhile your friend, who spoke English, made contact with the police.

[11] With the assistance of a Mandarin speaking police officer, it was arranged that you would meet the police back at Ms Wang's address. When they arrived, you directed them to her body which was still on the couch where you had placed her earlier. You were arrested.

[12] You agreed to be interviewed by the police. To them, you said that Ms Wang was on top of you on the couch during the argument, assaulting you to the head, and that she would not get off you. You said you placed your hands around her neck, and she went unconscious and fell to the floor. You also told police that you placed her on the couch before returning to check on her a short time later, only to realise that she had died.

[13] Although your account to police does not form part of the agreed circumstances of the offending, it nevertheless informs me of what you say happened and why you took Ms Wang's life. It is, however, only one side of the story, your side. Whether or not it is actually what happened can never be known. For that reason, I am unable to place much weight on it. Although I observe it does not much matter given you accept you killed Ms Wang by manual strangulation and you do not say that you did so in self-defence or following any form of provocation by her. I will sentence you on the basis of the agreed summary of facts which says that you strangled Ms Wang during an argument, not during a physical fight.

Victim impact statements

[14] I am now going to say something about Ms Wang and the impact her death has had on those who loved her very much. I have taken this information from the victim impacts statements provided from Ms Wang's mother, Zang [REDACTED]; Ms Wang's close cousin, Chen [REDACTED]; and from seven medical professionals at the Department of Paediatric Anaesthesia at Starship Children's Hospital in Auckland, where Ms Wang worked. To her hospital colleagues Ms Wang was known as Cherry.

Her mother

[15] Ms Wang was 40 when she died. She was an only child. Her mother described her with great pride as "a daughter, a friend, a caring person and the most important [person in her] life". Ms Wang qualified as a registered nurse, a career choice which her mother believed reflected the person she was — someone who cared about others and wanted to make a positive difference to their lives. Ms Wang's sudden and premature death was a double blow to her mother, whose husband had died only one year earlier. Following her daughter's death, Ms Zang says she has lost her emotional support and her connection to the future. She has no one to visit her or care for her when she is unwell. She has lost her companion, her support, her friend. She struggles with grief and pain and she cannot sleep. She thinks of her daughter constantly. She has had to receive professional counselling and support in an attempt to alleviate the severe emotional and psychological suffering she now experiences daily.

Ms Wang's cousin

[16] Ms Wang's first cousin, Chen [REDACTED], lost someone she was so close to, who she regarded as a younger sister. They were both only children, who grew up together and became dependent on one another. Ms Wang was one of the most important people in her cousin's life. Although they were separated by distance, they stayed in regular contact by video calls. Ms Chen described Ms Wang as someone who truly loved life. She cooked, travelled, grew flowers and plants, and cared for her cat and dog as if they were her family. She lived her life with kindness and care. Following her death, Ms Chen had to help her aunt with the funeral arrangements and sort out Ms Wang's belongings. Ms Wang's family are grief-stricken by her death.

Work colleagues

[17] Prior to her death, Ms Wang worked at Starship Hospital. I have received statements from doctors and nurses who worked very closely with her for more than a decade. There are 30 paediatric anaesthetists at Starship Hospital, all of whom worked with her at some point. She is described by them as a skilled recovery room nurse who cared for children immediately after surgery, including some of the most medically complex and critically unwell children. Hers was a demanding and specialised role which required extensive training and experience, sound clinical judgement, and the ability to recognise and respond rapidly when a child's condition changes. It also required compassion, patience and emotional intelligence. The medical staff from Starship Hospital convey to the Court what an exceptional colleague Ms Wang was, adding that her death has had a profound impact on them, on their department, on the hospital and on the tamariki and whānau they care for so well. She was a valued and beloved team member and friend whose loss is still keenly felt 18 months later. Her many years of specialised paediatric nursing cannot be simply or quickly replaced.

[18] Some of Ms Wang's nursing colleagues describe feeling anxious and unsafe after her sudden death, as well as exhausted from grief. Some say it has changed how they see the world. All agree her life and work mattered very much and they miss her greatly. I acknowledge all those who have taken the time to provide the Court with information about Ms Wang — whether you are here today in person or watching

remotely by audiovisual link. I acknowledge you, Ms Stewart, for having read out the two statements on behalf of the family, Ms Wang's mother and cousin, which cannot have been easy for you. I acknowledge the colleagues from the Hospital who are here today. I acknowledge the work you do and how busy you are. I acknowledge your collective loss and take into account the profound impact Ms Wang's death has had on you all.

Purposes and principles of sentencing

[19] In sentencing you Mr Feng, I am required to take account of the general purposes and principles of sentencing set out in the Sentencing Act 2002.

[20] The purposes for which I will sentence you today include to denounce your conduct;² to deter you and others from committing the same or a similar offence;³ and to hold you accountable for the harm done to Ms Wang and the community more generally by your actions.⁴

[21] I will also take into account the gravity of your offending, including the degree of your culpability;⁵ the seriousness of manslaughter, as indicated by its maximum penalty of life imprisonment;⁶ and the general desirability of achieving consistency with appropriate sentencing levels in comparable cases.⁷

Manslaughter sentencing

[22] An offender who commits manslaughter is liable to imprisonment for life.⁸ However, there is not a presumption in favour of life imprisonment, as there is in cases involving murder. That is because, as I have already mentioned, the crime of manslaughter does not involve an intention to kill, or any other type of murderous intent which would justify such a presumption. Put simply, manslaughter involves causing the death of another person by an unlawful act (such as strangulation), or by

² Sentencing Act 2002, s 7(1)(e).

³ Section 7(1)(f).

⁴ Section 7(1)(a).

⁵ Section 8(1)(a).

⁶ Section 8(1)(b).

⁷ Section 8(1)(e).

⁸ Crimes Act, s 177.

an omission (a failure to act), but in either case, without any intention to bring about death. Given this important difference, sentences for manslaughter are seldom, if ever, comparable to those for murder. I mention this because for those who have lost a loved one, the lesser sentences typically imposed in manslaughter cases can sometimes be hard to understand. I acknowledge that no sentence can adequately compensate for the loss of a loved one.

[23] The circumstances in which manslaughter can occur vary greatly. So too the sentences. In determining your sentence, I will first identify a starting point for the offending, taking into account its key aggravating features, and with reference to comparable cases. The parties agree there are no mitigating features of it. I will then adjust that starting point down to give you credit for your guilty plea and any other relevant mitigating features personal to you which mean it should be reduced. Again, the parties agree that there are no aggravating features personal to you which would justify increasing the starting point. These are orthodox sentencing principles followed in all cases.

Starting point

Aggravating features of your offending

[24] In the leading case on non-fatal strangulation, *Shramka v R*, the Court of Appeal outlined a number of aggravating features relevant to the sentencing exercise.⁹ They include matters such as premeditation, a history of very serious family harm, home invasion and breach of a protection order.¹⁰ None of these factors are present in your case. However, sentencing is an evaluative exercise. It is important not to focus on the number of factors, but rather to assess the gravity of the offending with reference to the combination and intensity of factors that are present.

Serious injuries

[25] The Crown submits you must have intended to cause Ms Wang harm when you applied pressure to her neck to a point at which she became unconscious. They say

⁹ *Shramka v R* [2022] NZCA 299, [2022] 3 NZLR 348.

¹⁰ At [42].

that death by neck compression is in itself a serious injury. In response, your lawyer submits this is not an aggravating feature — the serious injury is the cause of Ms Wang’s death for which you are being sentenced, and no other injuries were found. Your lawyer is not wrong. The agreed summary of facts does not include reference to any injuries caused to Ms Wang other than the neck compression which caused her death. However, as the Law Commission observed in its 2016 report *Strangulation: The Case for a New Offence*, strangulation “characteristically leaves few marks or signs, sometimes even when it [is] life threatening”.¹¹ Whatever the degree of force you used, and however long you held Ms Wang’s neck for, you caused her death. In my view the lack of evidence of other serious injuries, such as a fractured hyoid bone or thyroid cartilages, is neutral.

The harm caused to others

[26] Although there is always harm caused to others when a loved one is killed, the ripple effect from Ms Wang’s death has been widespread. In this case I consider the unique losses caused to her mother (the death of her only child), and to Starship Hospital and its staff (the sudden departure of a talented, experienced paediatric nurse who will be hard to replace), do aggravate your offending to an extent.

The vulnerability of the neck

[27] The neck is a highly sensitive and vulnerable part of the human body. It has been said that an attack to it is designed to inflict fear and intimidation.¹² As the Law Commission also observed in its 2016 report, an abuser who strangles a victim may not be intending to kill, but is demonstrating that they can.¹³ They added “[i]t is the terror that results from strangulation that is at the heart of this kind of criminal conduct”.¹⁴ In *Shramka*, Kós J observed that “strangulation ... is potentially lethal; undertaking it typically involves both coercive control and the knowing assumption of risk of really serious harm”.¹⁵ I infer that you will have caused Ms Wang to be terrified

¹¹ Law Commission *Strangulation: The Case for a New Offence* (NZLC R138, 2016) at [1.3].

¹² *Gardner v Police* [2020] NZHC 2169 at [24(c)].

¹³ Law Commission, above n 11, at [1.2].

¹⁴ At [5.44].

¹⁵ *Shramka*, above n 9, at [41].

when you held her neck and applied sufficient, prolonged pressure that prevented her from being able to breath.

Breach of trust and vulnerability within intimate partner relationship

[28] Ms Wang was inherently vulnerable. She was in an intimate relationship with you, and the offending occurred in the sanctity of her home where she was entitled to feel and be safe.¹⁶

Failure to seek medical assistance

[29] After you moved Ms Wang onto the couch, you did not attempt to obtain medical assistance, instead leaving to smoke a cigarette. On finding her deceased, you made arrangements for your daughter's care. The Crown submits this demonstrates callous indifference and substantially aggravates your offending. Your lawyer strongly disagrees. After finding Ms Wang unexpectedly deceased, he submits you immediately sought to ensure your daughter was accounted for, knowing that you would be imminently taken into custody, and after making the necessary arrangements, you promptly alerted the authorities via a friend who spoke both Mandarin and English, and fully cooperated with the police including taking the police to the victim's body. While I accept that you speak very little, if any, English, which may have prevented you from calling 111 to seek medical assistance, I do find it confounding that the first thing you did was to smoke a cigarette. You could have called your English-speaking friend then, asking them to call for medical help. I find this failure somewhat aggravates your offending but also accept that you turned yourself in to the authorities promptly.

Starting point

[30] As the circumstances in which manslaughter can occur vary so much, there is not a guideline decision. So, Judges look to other comparable cases for guidance. The lawyers have referred me to several cases.

¹⁶ See *Solicitor-General v Hutchinson* [2018] NZCA 162, [2018] 3 NZLR 420 at [27]; and *R v Taueki* [2005] 3 NZLR 372 (CA) at [31(j)] and [33(a)].

[31] The Court of Appeal’s decision in *R v Taueki*,¹⁷ assessed culpability in cases involving serious violent offending which did not result in death. It is sometimes referred to in cases involving homicide by unlawful acts, as a cross-reference, noting that an adjustment must be made for the fact that death ensued.

[32] The Crown submits that your offending sits at the lower end of band two of *Taueki* which attracts a starting point of between five and 10 years’ imprisonment including for cases involving family harm that are premeditated and involve the infliction of serious harm.¹⁸ Had death not resulted, the Crown submits your offending would have attracted a starting point of five years’ imprisonment with reference to *Taueki*. Similarly, the Crown submits that a starting point of four years’ imprisonment, had death not occurred, would have been appropriate with reference to *Shramka*, where the maximum penalty for non-fatal strangulation is seven years’ imprisonment.¹⁹ After adjusting for the fact that death resulted, the Crown submits a starting point of between six and a half to seven years’ imprisonment is appropriate.

[33] The Crown has also referred me to three cases: *Taunga*;²⁰ *Curran*;²¹ and *Fernyhough*.²² While they are not completely on par, they each involved neck compression causing death and the defendant’s failure to obtain medical assistance. The Crown submits these authorities further support a starting point of between six and a half and seven years’ imprisonment. Your lawyers submit that properly analysed, these cases only support a starting point of between five and a half to six years’ imprisonment.

[34] The lawyers’ research demonstrates there are very few cases involving the charge of manslaughter where the death of an intimate partner has occurred by strangulation. Of all the cases referred to, I find *Curran* the most helpful.²³ It is the

¹⁷ *Taueki*, above n 16.

¹⁸ *Taueki*, above n 16, at [34].

¹⁹ *Shramka*, above n 9, at [50] and [53].

²⁰ *R v Taunga* [2017] NZHC 1680.

²¹ *R v Curran* HC Tauranga CRI-2005-70-765, 30 June 2006.

²² *R v Fernyhough* [2014] NZHC 2298.

²³ *Curran*, above n 22. Mr Curran was convicted of manslaughter of his partner, Ms Hayden. A jogger heard a woman sobbing and screaming while running in the McLaren Falls area. When Mr Curran drove back from the area, where he had been parked with Ms Hayden, she was dead in the reclined passenger seat. She died from pressure to her neck for “at least a minute”, probably by use of a broad ligature, such as clothing. The Court accepted an unprovoked assault occurred

only one that also occurred in a family violence context. However, I accept both parties' submissions that it is more serious than your case. Mr Curran used a ligature to strangle his partner. You did not. There was evidence that Mr Curran had applied pressure to his partner's neck for several minutes. As I have already mentioned, there is a vacuum of evidence in this case about the extent of pressure applied by you. Mr Curran inflicted other physical violence on his partner. There is no evidence that you did that to Ms Wang. The Court in *Curran* adopted an eight-year starting point, increasing it to nine years' imprisonment for Mr Curran's post-offence conduct which included delaying reporting the death, and attempting to conceal it by manufacturing a false story. Other than not seeking medical assistance, I accept that you took full and early responsibility for Ms Wang's death.

[35] In your case Mr Feng, I settle on a starting point of seven years' imprisonment. I have reached this after considering the aggravating features of your offending, and comparing your case to *Curran* where a starting point of nine years was ultimately adopted for offending that I agree was worse. Stepping back, I consider seven years to be the appropriate starting point for strangulation which brought about death, even absent the other aggravating features referred to in *Shramka* (such as a breach of protection order or premeditation).

[36] I have cross-referenced this starting point to three other factors. I agree with the Crown that your case could well have attracted starting points of five and four years' imprisonment respectively, had death not occurred, applying the guidance given in the leading cases of *Taueki* and *Shramka*.

[37] I also consider that the maximum penalty of seven years' imprisonment, for the standalone offence of non-fatal strangulation is a helpful benchmark. In *Shramka*, Kós J recorded that when the Family and Whānau Violence Legislation Bill was introduced, then Minister of Justice Amy Adams stated "[i]nternational evidence tells us that the likelihood of a person being killed by their partner is significantly increased

around the same time. Mr Curran initially said he left the deceased for a while and returned to find her hanging from a pole. He later said he made this up, following medical evidence deeming it impossible. At trial, he said he caused her death accidentally during rough sex. The jury convicted him. The Court adopted an eight-year starting point and increased it to nine years' imprisonment for Mr Curran's post-offence conduct in delaying reporting the death and manufacturing a false story that was insulting of the deceased.

when they have been strangled by that partner previously. We want to send a clear message that this type of behaviour should not and will not be tolerated”.²⁴ The Fourth Annual Report of the Family Violence Death Review Committee had also considered that a specific strangulation offence would highlight the risk of fatality that accompanies strangulation, facilitate a more effective criminal justice response and highlight incidents of strangulation on the offender’s criminal record.²⁵

[38] Having reached a starting point of seven years’ imprisonment, I turn now to your personal mitigating features and what reductions I should apply.

Personal circumstances

[39] The parties agree that you are entitled to a 25 per cent reduction in total. That is comprised of 20 per cent for your guilty plea, and five per cent for the difficulty you face being imprisoned in New Zealand as a foreign national who does not speak English.

Guilty plea

[40] In relation to the guilty plea, as recorded at the start, you were originally charged with murder on 13 January 2025, but you did not plead guilty to the amended charge until some 16 months later, just before trial. However, I accept your lawyer’s submissions (as does the Crown) that the discussions between the parties about amending the charge could not occur until you had received disclosure (that is the evidence), which needed to be translated, and that you then had time to instruct your lawyer through an interpreter. That is only fair. I accept that none of the delay between charge and plea falls on you and that I should allow a 20 per cent reduction for your guilty plea.

²⁴ *Shramka*, above n 9, at [16], citing (11 April 2017) 721 NZPD 17279.

²⁵ *Shramka*, above n 9, at [19], citing Law Commission *Strangulation: The Case for a New Offence*, above n 11, at [1.7]; and Family Violence Death Review Committee *Fourth Annual Report: January 2013 to December 2013* (Health Quality & Safety Commission, 2014) at 101.

Impact of imprisonment as a foreign national

[41] Both the Crown and your lawyer also agree that a further allowance of five per cent is available to acknowledge the more onerous impact of imprisonment on you as a foreign national speaking no English. I also agree.

Remorse

[42] That brings me to others factors personal to you. I also accept your lawyer's submission that you are genuinely remorseful for what you did. You have written me a heartfelt letter which has been translated, in which I can see the sincerity of your expression of remorse. In it you say:

Since I have been in custody, I have been deeply reflecting on my actions. I have replayed that day countless times and have asked myself over and over why I did not make a better choice. My actions not only destroyed the victim's life and the happiness of their family, but also destroyed the future I had planned for myself and everything I have worked for. My eldest daughter had just come to me to start a new life, and the goals I had been striving for were slowly becoming a reality — but I ruined it all with my own hands.

I promise the Court that I am willing to accept any sentence and take full responsibility for my actions. Whatever the outcome, I will spend the rest of my life reflecting and striving to do better. I hope that one day, through my actions, I can prove that I have truly recognised my mistakes and can become a person who is no longer a harm to others or to society.

Please allow me to once again express my deepest apologies to the victim's family, to the Court, and to society.

[43] Your lawyer also read out other parts of your letter to me in Court this morning, in which you say that you fully understand the seriousness of the offence you have committed and you know that no words can ever bring back the life that was lost, nor can they ease the pain that the victim's family has endured. You express deep sadness for that and know that no apology can undo the harm you have caused. You say you have no excuse for your actions and what you did is wrong. You take full responsibility for it. You say you could have made a different choice but acknowledge that you did not. That fact will stay with you forever and you will never forgive yourself.

[44] In your letter, you also acknowledge the harm you have caused to your family — to your elderly parents, and to your sister (who now shoulders the burden of their

care), and also the impact on your two young daughters. It is evident that you are overcome with guilt, shame and helplessness at having failed your family. Mr Feng, I make a further allowance of five per cent for your remorse. I note the Crown does not disagree with this.

Personal circumstances

[45] Mr Feng, you are 37 years' old. You were born and raised in rural China with your parents and older sister, living in very difficult circumstances. I acknowledge your family who are supporting you today by their remote attendance from China. You told the pre-sentence report writer that you have a close relationship with them.

[46] I have received three letters of support from your family in China. These are from your older sister, your ex-wife (the mother of your two children) and from your now 14-year-old daughter Feng [REDACTED]. These letters speak to your character and indicate, as your lawyer has submitted to me, that your offending came as a surprise to all who know you well. Your older sister, Feng Min, says:

In my eyes, Hao Feng is kind-hearted, gentle, and responsible by nature. He has always been introverted and never initiate conflict with other. When we were children, if he was wronged, I was often the one to mediate on his behalf.

[47] Your ex-wife also describes you as “kind-hearted and genuine”, as well as “gentle and reserved in nature”. I accept that you worked hard to provide for your family.

[48] You completed schooling up to intermediate level in China, before dropping out as your parents could not afford to send both you and your sister on to further schooling or to university. Your academic performance, you describe, was “not good”. You went on to work in restaurants where you learnt to be a chef. You travelled to Japan where you worked as a chef, realising that working overseas and sending money back home to your family was the only way you could properly support them.

[49] When you came to New Zealand in 2017, it was by yourself, also with the intention of working in the restaurant industry to earn enough money to support your family back home in China. You worked as a chef from 2017 until 2024 in

New Zealand when your eldest daughter joined you here, while your younger daughter remained in China with her mother. Upon your daughter's arrival, you could not continue working as a chef due to the late-night shifts, so became an Uber Eats delivery driver and did some gardening work. The letter from your 14-year-old daughter, Feng [REDACTED], is heart-rending. She says this:

To me, my father is the best dad in the whole world. He is kind, gentle, tender-hearted, shy, and has warm smile. He never loses his temper with my sister or me, and he always tries his best to meet our needs. He is not good with words, but he takes care of me in every way through his actions.

Because my father had to work overseas, he could not be with my sister and me all the time, but his love for us has never been any less. ... Even though my father was not around as much as I would have liked, I could always feel his love — it was never less, it was just that he did not express it often because he is a bit shy.

In 2024, after my parents divorced, I came to New Zealand with my father when I was 12. Looking back, more than six months in New Zealand are my most cherished memories. When I first arrived, everything was unfamiliar, but my father arranged everything for me. He set up a separate room for me, bought all the daily necessities and school supplies I needed, and I soon started at a new school. Even though I was a bit wilful and asked him for a new laptop and a mobile phone, he still got them for me. Later, when I understood how hard he worked, I felt somewhat guilty.

[50] Your daughter said she loved her life and studies in New Zealand and she loved being with you. She loved her teachers and friends here and she thought that would last forever. She says that after the offending happened, her family slowly told her the truth and she learned about your situation. She says:

I was shocked and heartbroken. This sudden upheaval continues to affect me even now. I often feel depressed and find it hard to be as carefree as used to be. I miss my father very much and worry about him — thinking of him still makes me cry uncontrollably.

[51] Your younger daughter is now 11. She does not yet know the truth about why you have not yet returned to China. Your family is protecting her from that. She has been diagnosed with [REDACTED]. She takes medication for this. I have read letters that she has written to you. It is evident how much both of your daughters love you and miss you. I acknowledge the impact that your offending has had on them and your wider family.

[52] When your older daughter arrived in New Zealand, it was six months into your relationship with Ms Wang, which meant you had to spend less time with Ms Wang. This caused conflict between you. You report that “occasionally” the conflict became physical, although there was usually no aggression, and that you loved her.

[53] I have before me a psychiatric report of Dr Jansen, an experienced consultant psychiatrist. Dr Jansen’s opinion is that your mental state is not easily diagnosable. However, he considers that at the time of the offending, you were likely suffering from depression and anxiety, which can manifest as violence, and were also possibly experiencing mixed personality vulnerabilities, including avoidant and emotionally unstable personality vulnerabilities (borderline personality disorder). Dr Jansen considers that you may have experienced abandonment in childhood because of what you told him about your parents’ careers, their volatile relationship, the use of alcohol in the home, physical violence, as well as bullying at school, which are often linked with the development of borderline personality disorder. This impairs a person’s capacity to deal with strong emotions, including during times of distress. There are various personal matters which you also told Dr Jansen in the report which I have read and I do not outline here. But I have taken them into account. You advised Dr Jansen that you have experienced depression for about 10 years. You told him your mood is anxious and sad. You expressed remorse for having ended your girlfriend’s life and said you did not know if you had any hope for the future. You told him “I used to think I was a good person, now I have no idea, sorry”. Dr Jansen considers there are reasons to believe you may have had a degree of diminished responsibility at the time of the offending.

[54] Your lawyer submits that an allowance of 10 per cent is available for your previous good character, and your background factors which Dr Jansen’s report considered to be potentially causative of the offending. While it is unclear to me whether your upbringing and background did cause or contribute to your offending, I acknowledge the factors referred to in Dr Jansen’s report and also those other matters that have been put before me in a comprehensive fashion by your lawyers. For 37 years, but for two additional matters I will mention shortly, you have lived an exemplary life, working hard for your family and supporting them, even though that

required you to live far away. In that context, Mr Feng, your offending is unfathomable and out of character.

[55] You do not have any previous criminal history in New Zealand or elsewhere. While the Crown accepts this, it submits no additional allowance is available to you for previous good character. Formal statements of three of Ms Wang's friends — her cousin, and two co-worker/close friends — state that Ms Wang disclosed prior to her death that she had been strangled by you on two prior occasions. The Crown does not seek to prove your alleged earlier violence against Ms Wang as an aggravating factor but submits this means an allowance for good character is not appropriate. I accept that an additional allowance for good character is not appropriate given the evidence that there may have been earlier instances of violence by you on Ms Wang, even though these were not the subject of formal charges, let alone convictions.

[56] However, stepping back, I consider you are entitled to an allowance for the otherwise blame-free life you led until just prior to Ms Wang's death. I also accept your lawyer's submission that you are entitled to an allowance for your background and personal circumstances, including the impact that your offending has had on your two young daughters. I deduct your sentence by a further 10 percent.

Total reductions

[57] These allowances combined come to 40 per cent and, after deducting that figure from the starting point of seven years, results in an end sentence of four years and two months.

Imposition of sentence

[58] Feng Hao, will you now please stand. For the manslaughter of Wang Xiaoyang, I sentence you to a term of imprisonment of four years and two months.

[59] Will you please stand down, Mr Feng.

Natalie Walker J