

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

**I TE KŌTI MATUA O AOTEAROA  
WHANGĀREI-TERENGA-PARĀOA ROHE**

**CRI-2024-088-002474  
[2026] NZHC 2667**

**THE KING**

**v**

**AUGUST LEMON**

Hearing: 3 September 2026

Counsel: B O'Connor for Crown  
A B Fairley and S A Pilkington for Defendant

Judgment: 3 September 2026

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**SENTENCING REMARKS OF DOWNS J**

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Solicitors:  
Crown Solicitor, Whangārei.  
Thomson Wilson, Whangārei.

## **The facts**

[1] August Lemon, you are for sentence for manslaughter.<sup>1</sup>

[2] Your offending occurred in the early hours of 29 April 2024. At approximately 2.30 that morning, you arrived at the home of the victim, John (or Hoani) Reuben. You had cycled there. You lit a fire. You cycled away.

[3] Neighbours awoke and called 111. Firefighters attended. By the time they arrived, Mr Reuben's car and the carport were fully engulfed in fire; and the fire was spreading to the home itself. Firefighters went inside. They found Mr Reuben kneeling over a couch. He was unresponsive. They and ambulance officers attempted to save his life but could not.

[4] Investigators believed the fire was lit inside the carport or inside the car.

[5] On 19 August 2024, you told police officers you had lit the fire. You said you had done so in the car, and you did not mean to kill Mr Reuben. You had previously told police you had not lit the fire. You were arrested 19 August, following your admissions that day.

[6] You were remanded in custody. While in custody, you told your former partner and your daughter you lit the fire and you said inside the car.

[7] The fire investigator reviewed the closed-circuit television footage. That review leaves open the possibility you lit the fire in the car as against the carport. But whether it was inside the car or inside the carport is, to my mind, unimportant.

[8] You were initially charged with murder. You challenged the admissibility of the statements I have referred to. That challenge required a three-day hearing in March this year. Another Judge concluded your admissions could be received as evidence, but those in a formal police interview could not. He made that determination in early April 2026.

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<sup>1</sup> Crimes Act 1961, ss 160(2) and 171.

[9] On 14 May 2026, your lawyer, Mr Fairley, wrote to the Crown saying you would plead guilty to manslaughter. The Solicitor-General agreed to that course, and for no evidence to be offered on the charge of arson, or for the arson charge to be withdrawn. On 8 July this year, you pleaded guilty to manslaughter.

[10] I assume the Solicitor-General's decision to accept a charge of manslaughter reflects your extremely low range of cognitive functioning and your history of emotional dysregulation, which mean you have limited capacity to anticipate the potential consequences of your actions. Put simply, because of your intellectual shortcomings, it is likely you did not appreciate a risk of death when you lit the fire in the car or carport.

[11] I pivot to say something about the victim, Mr Rueben, and victim impact.

[12] Mr Rueben was 61 years of age. He has been described this morning as the "heart of the whānau", as "a proud Māori man who lived with strength, mana, kindness, and aroha". His daughter, Kataraina, whose victim impact statement was read aloud this morning, also said Mr Rueben carried his culture with pride and taught others about "the importance of whānau, respect, and standing by one another." He was clearly much admired and much loved.

[13] Mr Lemon, I return to you, and why you lit the fire. Nothing in the agreed summary of facts explains that. However, you told the probation officer who prepared your pre-sentence report you were searching for drugs in the car and when you did not find any, you became frustrated and lit the fire. The Crown and Mr Fairley agree I may consider what you said to the probation officer in determining your sentence, though they disagree about the significance of your apparent motive.

[14] For now, the short point is this: you lit the fire, and the fire killed Mr Rueben. It follows you are responsible for taking his life, and responsible for the great suffering of many by doing so.

## Starting point

[15] Manslaughter carries a maximum penalty of life imprisonment. That said, sentencing outcomes for the crime of manslaughter vary greatly. The maximum penalty is reserved for the very worst cases and is imposed infrequently. Equally exceptional are those offenders who escape imprisonment for manslaughter. Moreover, no sentence passed by a Court can ever measure the value of human life.

[16] The Crown and Mr Fairley have referred me to broadly similar cases in which the offender has lit a fire, killing someone.<sup>2</sup> The Crown contends your starting point should be six and a half years' imprisonment. Mr Fairley says it should be five and a half years' imprisonment.

[17] Mr Lemon, your offending is aggravated — meaning it is made more serious — by your entry onto private property, though it is common ground you did not enter the dwelling. It is also aggravated by the fact that you did not alert anyone to what you had done, and that you were still serving a sentence of supervision imposed in 2023.

[18] This leaves what is said to be premeditation. The Crown argues there was an element of premeditation because you went to Mr Reuben's home looking for drugs, and you lit the fire when you could not find any. Mr Fairley contends there was no premeditation.

[19] I am not persuaded your offending was premeditated because you did not go to the home intending to light a fire. But, you did light the fire out of anger, frustration, or both, when you did not find any drugs, and that obviously is an aggravating factor.

[20] I adopt a starting point of six years' imprisonment. This recognises the features I have spoken of. It also recognises your intellectual shortcomings. Indeed, two of the cases referred to me involved young people who had lit fires and killed. One was only 12 years old; the other a teenager. Like you, those offenders were unsophisticated

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<sup>2</sup> *Wiseman v R* [2018] NZHC 1684; *R v King* [2025] NZHC 1259; *R v W* [2025] NZHC 1162; *Beckham v R* [2012] NZCA 290; *R v Singh* CA317/99, 7 December 1999; *R v Webster* [2014] NZHC 3091.

in terms of their ability to assess risk. I make clear that but for your intellectual shortcomings, the starting point would have been much higher.

### **Mitigating features**

[21] Mr Fairley contends your guilty plea should attract a 25 percent discount, whereas the Crown says 10 percent.

[22] Discount here requires an evaluation of all circumstances, including any benefits from a plea arrangement.<sup>3</sup> Your guilty plea has spared everyone the need for a trial and saved resources, and obviously spared the whānau the pain of a trial. However, your offer to plead guilty was not made until May this year. Your trial was to begin this week.

[23] Another matter is also significant. You were contemplating advancing a defence you did not light the fire. You would have offered that defence if all your admissions had been excluded by his Court. I know this because Mr Fairley responsibly made it clear in his written submissions on your behalf. Mr Lemon, you knew you lit the fire.

[24] Given these features and the sequence I outlined earlier when discussing the facts, I deduct 15 percent.

[25] I am not persuaded to make an additional discount for remorse given (a) what I have just said about the potential defence you did not light the fire, (b) the full import of your pre-sentence report, which is overall something of a mixed bag, and (c) given we are concerned, ultimately, with expressions of remorse rather than anything more tangible.

[26] Mr Lemon, you are 50 years old. You have a long history of offending. I will return to that topic shortly.

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<sup>3</sup> *Hessell v R* [2010] NZSC 135, [2011] 1 NZLR 607.

[27] You come from a large whānau. Your upbringing appears to have been marred by violence and other forms of abuse. You left home at a young age, and you joined a gang. You used alcohol and drugs. You suffered a brain injury when you were a teenager. That injury likely affected your cognitive function and may explain, in part, your intellectual shortcomings.

[28] Mr Fairley argues your background is sufficiently connected to the offending to warrant a discount of 20 percent. I regard that level of discount as too high for three reasons. First, I have already provided for your intellectual functioning in adopting the six-year starting point rather than something much longer. Second, I regard the impact of your upbringing on your offending as more *diffuse* than Mr Fairley contends. Third, I consider offence-seriousness constrains the discount available. Let me speak bluntly: you killed another person. I, therefore, allow 10 percent.

[29] I come to your criminal history. As I said earlier, it is long. Relevantly, you have nine or 10 convictions for violence. While some are dated, some are more recent; the most recent being convictions for common assault in 2023 and assault with intent to injure in 2022. Overall, your history does reveal a propensity for violence which, given the nature of this offending, requires an uplift of six months' imprisonment.

[30] This produces a sentence of five years' imprisonment.

### **Sentence**

[31] Mr Lemon, please stand.

[32] For the manslaughter of John Hoani Reuben, you are sentenced to a term of five years' imprisonment.

[33] Stand down.

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**Downs J**