

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

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

**CRI-2022-088-002774
[2026] NZHC 2828**

THE KING

v

L

Hearing: 17 September 2026

Counsel: R B Annandale and E R O'Connor for Crown
C S Taylor for Defendant

Judgment: 17 September 2026

SENTENCING REMARKS OF DOWNS J

Solicitors:
Crown Solicitor, Whangārei.

Introduction

[1] Mr L, you are for sentence for 34 offences:

- (a) Sexual violation by unlawful sexual connection (x 2).¹
- (b) Attempted sexual violation by unlawful sexual connection (x 2).²
- (c) Indecent act on a child under 12 years of age (x 5).³
- (d) Strangulation.⁴
- (e) Injuring with intent to injure (x 7).⁵
- (f) Threaten to kill (x 11).⁶
- (g) Assault with a weapon (x 4).⁷
- (h) Threaten to do grievous bodily harm.⁸
- (i) Indecent act on young person aged 12–16 years.⁹

[2] As you know, you were found guilty by a jury.¹⁰ Your five victims are, or were, members of your whānau. Two are sons, a third is your daughter. Another is a stepson. The remaining victim was your then partner.

¹ Crimes Act 1961, s 128(1)(b); maximum penalty, 20 years' imprisonment.

² Section 129(1); maximum penalty, 10 years' imprisonment.

³ Section 132(3); maximum penalty, 10 years' imprisonment.

⁴ Section 189A; maximum penalty, seven years' imprisonment.

⁵ Section 189(2); maximum penalty, five years' imprisonment.

⁶ Section 306(1)(a); maximum penalty, seven years' imprisonment.

⁷ Section 202C(1)(a); maximum penalty, five years' imprisonment.

⁸ Section 306(1)(a); maximum penalty, seven years' imprisonment.

⁹ Section 134(3); maximum penalty, seven years' imprisonment.

¹⁰ The trial was in the District Court.

[3] It is common ground your sentence will be a substantial term of imprisonment. It is also common ground a minimum period of imprisonment is called for. What is not common ground is preventive detention, which is sought by the Crown.¹¹

[4] As will have been explained to you Mr L, preventive detention is an indefinite sentence of imprisonment. You argue preventive detention is not warranted. On your behalf, Mr Taylor contends your ultimate sentence should lie between 15 and 17 years' imprisonment, with a minimum period of between eight and 10 years' imprisonment.

Facts

[5] I begin with the facts of your offending, as established at trial.¹² These are most easily explained victim by victim. I start with your offending in relation to one of your sons, whom I call R.

Offending against R

[6] R lived with his siblings and mother in Australia until the age of eight years. He then lived with you in New Zealand, initially in Tauranga, and later in Hamilton. While he lived with you in Hamilton, R was aged between 10 and 11 years.

Sexual violation: charge 1

[7] When R was approximately 11 years of age, you touched his bottom, told him to remove his clothes, and masturbated yourself. You then penetrated R's anus with your penis. R felt a shooting pain and screamed. You put a hand over his mouth. R tried to make you stop; you told him to "shut the fuck up" and said you would kill him. He continued to scream. You then let him go.

[8] R said his bottom hurt afterwards.

¹¹ Sentencing was transferred to the High Court for this reason.

¹² The Crown filed a summary of facts, based on the evidence at trial. Mr Taylor accepts the summary accurately reflects that evidence.

Attempted sexual violation: charge 2

[9] You attempted like offending on another occasion. R was lying at the end of his bed. You told him to remove his clothes and grabbed him from behind. You rubbed your penis against the skin of his lower back. He kicked you in the testicles, screamed, ran to the bathroom, and locked the door. Fortunately, nothing further happened.

[10] I turn to your offences of indecent assault.

Indecent acts on a child: charges 4–8

[11] You woke R at midnight on a school night. You grabbed and slapped his bottom and made what are described as “sick jokes”. You masturbated yourself. You told R to remove his clothes. You made him remove your clothes. You then grabbed and slapped R’s bottom. R did not move as he was very scared. You played with R’s penis.

[12] During this offending, you masturbated and laughed.

[13] You committed like offending on other occasions. You would wake R, make what is again described as sick jokes, and touch his bottom and penis. You would masturbate yourself.

[14] In one instance, you made R sit on your lap after slapping his bottom. The summary of facts, which was prepared by the Crown to record the evidence at trial, says you verbally degraded him on this occasion.

[15] On other occasions, you would attempt to make R touch your penis. He would refuse, but you would tell him if he did not masturbate you, you would hurt him. You would then become annoyed when R did masturbate you. You would yell at him, saying he was “shit at it”. You would threaten to kill him if he told anyone.

[16] I pivot to your strangulation of R.

Strangulation: charge 9

[17] On an occasion when he was not living with you, you picked him up by the throat and held him against the wall. R's feet were well off the ground. He could not breathe. He was so frightened he urinated. You told him that he had been naughty.

[18] On multiple occasions when R was living with you, you would pin him on the ground and choke him. You did so because, to borrow R's description, you would "flip over the smallest thing" you perceived he had done. For example, you put him in a choke hold when he came home from school because he had not made his bed in the way in which you wanted it made.

[19] I turn to a serious assault.

Injuring with intent: charge 10

[20] R was practising a haka. You considered he was not doing it correctly. You made him practise for three continuous hours. When R's stepmother tried to intervene, you told her to "fuck off" and called her a "stupid bitch". You called R a "fucken waste of time". You punched him all over the body for several minutes. R describes going in and out of consciousness while being hit. He was on the ground in a ball, trying to protect his head. R had a headache the next morning, bruising to his body, a black eye, and a sore nose.

A second injuring with intent: charge 11

[21] On another occasion, you punched R about the eye because he had not vacuumed the lounge. R suffered a visible bruise. As he had to go to school, you told him to say he had fallen over into the fireplace.

Threats to kill: charge 12

[22] You frequently told R you would kill him if he told anyone about the offending. You made similar threats during and after the sexual offending. You also told R you would take him to an alleyway and there beat him to death. You said no one would hear him. Unsurprisingly, R was extremely frightened of you.

Attempted sexual violation: charge 13

[23] You repeatedly attempted to perform oral sex on R. The frequency of this offending is not entirely clear, though its description in the summary of facts, again which is based on the evidence at trial, and your conviction of a representative charge reveal you attempted to do this more than once.

Assaults with a wooden spoon: charge 26

[24] You repeatedly assaulted R by hitting him on the bottom with a wooden spoon. The summary of facts says this form of assault involved really hard force.

Offending against A

[25] I turn to your offending against A, another of your sons. A lived with you as a child in Tauranga, and as a teenager here in Whangārei.

Injuring with intent: charges 27 and 33

[26] When he was approximately 11 years of age, you assaulted A. I infer you struck him to the head as the blow knocked him unconscious and split his head open. A said you were “smashing him over”. A was frightened he may die. You told A to tell his mother he fell off some equipment at the park and hurt his head that way.

[27] On another occasion in Tauranga, you again knocked A unconscious.

Other injuring as a representative charge: charge 24

[28] In both Tauranga and Whangārei, you choked and strangled A on multiple occasions. You would get atop him, and then suffocate and choke him.

[29] On an occasion in Whangārei, you threw A against a wall and then choked him.

[30] A said he felt like your puppet, if he resisted, your abuse would get worse. You would choke him, place him in arm and leg bars, and hit him.

Sexual violation, indecent act on a young person, and injuring with intent: charges 35-37

[31] This brings me to an incident when A was 14 or 15 years of age, and his mother had gone to women's refuge. A could not go with her because he was too old.

[32] Using the terms from the summary of facts you, Mr L, beat A up. You threw him around the room. You smashed him into a door. You ripped his clothes. You slammed his head into a wall. You tried to choke him. You told A when you had been in jail, you would put broomsticks up other prisoners' "arses". And I shall come to your period in jail shortly.

[33] You then jumped on top of A. You whispered in his ear that he was a "little bitch". You choked him until he could barely breathe. You squeezed his testicles. You then inserted a broomstick handle into A's anus.

[34] A felt helpless. He describes this day as being the longest of his life.

Threats to kill: charges 28, 29, 31 and 32

[35] You frequently threatened to kill A if he told anyone about the offending. You also told A you would kill the entire family. You told him the police could not do anything. You told A you would just "fuck them all up", meaning his family members.

[36] You would tell A you were his master, and you had control of him. You told him that if you wanted to kill or rape him, you would do so.

[37] When he was aged 12 years or so, you told A you would put broomsticks up his bottom and snap them inside him. I repeat you violated A in this way when he was 14 or 15 years of age, albeit you did not break the implement inside him.

Offending against X

Assault with a weapon: charge 14

[38] This brings me to your offending against your partner in or about late 2007, whom I call X. X was then pregnant with R. You and X had an argument. You had

been cutting meat with a knife. You grabbed X and pushed her to the floor while still holding the knife. You held the blade towards her neck. You blamed her for your behaviour and said she had begun the argument.

[39] Unsurprisingly, X thought you were going to stab her. A was present as was your daughter, E, and your stepson, J.

Threats to kill: charges 15–18

[40] You and X went to a motel some time between 14 July 2006 and Christmas Day 2008. You became very angry when you saw X looking at your mobile phone. The children were present. You grabbed a knife and told X to shut up. You said if the children did not shut up, you would kill all of them. You said you would kill everyone in this order: J first, then A, then X, then R, then E. You said E would be the last as she would be the hardest to kill.

[41] X was holding R when you made these threats.

Offending against J

Injuring with intent to injure: charge 19

[42] I turn to your offending against J. When he was approximately 13 years of age, you picked J up by the neck and smashed him against the bath. To be clear, I am using the language as that in the agreed summary of facts based on the evidence at the trial. You did this because J had disobeyed you. J sustained what is described as a substantial lump on his head.

Assault with a weapon and threats to kill: charges 20, 21, 22 and 24

[43] When he was the same age or perhaps a little younger, you put a big kitchen knife to J's throat. You held the knife against his skin. J was on the ground, and you were atop him. You told J you were going to kill everyone in the family, referring to each member by name.

[44] J thought you would not use the knife against him, but he took the threats against his family seriously. He ran away after that incident.

Offending against E

Assault with a weapon: charge 25

[45] This leaves the offending against E, your daughter. When E was approximately seven or eight years of age, you repeatedly hit her on the bottom with a wooden spoon. As with the wooden spoon assaults against R, these assaults against E were really hard.

Aggravating factors in relation to the sexual violations

[46] Mr L, your most serious offending comprises your sexual violations, including your attempted sexual violation, of R and A. Many things make this offending more serious:

- (a) First, your offending involved a significant breach of trust, as both victims are your sons.
- (b) Second, both were vulnerable by dint of age and circumstance. R was approximately 11 years of age and living with you. A was 14 or 15 years of age, so a little older, but he too was living with you. His mother, X, was as I have said, in women's refuge at the time. I pause to record the obvious: R and A could not escape you.
- (c) Third, this offending is aggravated by your serious violence against these victims and everyone else in the household. Your serial threats to kill likely inhibited prompt disclosure of your sexual abuse.
- (d) Fourth, you violated A with a broomstick handle; you used an object as a weapon.
- (e) Fifth, you committed a raft of other sexual offending against R, which included another form of sexual violation.

- (f) Sixth, you have caused great harm, and here I refer to the victim impact statements. I give some examples only. A says your offending broke his heart. X says she still has difficulties from your offending against her 26 years ago. X blames herself for your offending against her children. E says what happened in the home has cast a long shadow over everyone's lives. J says you have caused enormous pain. I have no victim impact statement from R, but information in the other victim impact statements suggests your offending continues to take a great toll on his life.
- (g) Seventh, an element of cruelty hangs over your sexual violation of R and A, and over some of your other offending too. I do *not* offer this perspective because sadism features in one of the psychological reports about you. I offer it for the reason it appears evident from the face of your offending. I am thinking here of your threats to kill members of the family in a particular order; of your "sick jokes" to R in conjunction with humiliating indecencies; of your threat to kill R in an alleyway where no one would hear him die; of your threat to violate A with a broomstick handle; of the violence inherent to and accompanying your anal violations of both A and R; and of your frequent interferences with various victims' ability to breathe. Mr L, you appear to have derived pleasure from hurting those around you.

[47] The Crown advances a starting point of 14 years' imprisonment for all your offending against R, and a starting point of 13 years' imprisonment for all your offending against A.¹³ It contends a global starting point — meaning, one which captures your offending in relation to everyone — of 21 years' imprisonment.

[48] Mr Taylor offers a different approach. He commends a starting point of 15 years' imprisonment for all your offending against R and A, with a two-year uplift

¹³ Citing *R v AM (CA27/2009)* [2010] NZCA 114, [2010] 2 NZLR 750; and *Nuku v R* [2012] NZCA 584, [2013] 2 NZLR 39.

for the balance of your offending, hence a global starting point of 17 years' imprisonment.¹⁴

[49] For reasons that will become apparent, it is not necessary to dwell on methodology at this juncture. For now, it is sufficient to observe your offending against R and A lies, in terms of an important guideline sentencing judgment, either towards the upper end of band three or towards the lower end of band four, and hence would attract a starting point somewhere between 16 and 18 years' imprisonment.¹⁵

[50] Your remaining offending, meaning your offending against the other three victims, is serious in its own right. Consequently, a global starting point — again, meaning for all your offending — would lie somewhere between 18 and 20 years' imprisonment, should your sentence involve a finite term.

[51] I would adopt 19 and a half years, six months less than the maximum penalty for a single offence of sexual violation, if a finite term is imposed.

Previous offending

[52] This brings me to your offending 26 years ago, when you were aged 25. You were in a relationship with X. You believed X had been associating with another man while you were overseas. On 3 January 2000, you threw her onto the bed and pulled her hair. You were charged and granted bail on condition you not contact her.

[53] In the early hours of 9 January 2000, you went to X's home, broke in, punched her, dragged her to the ground, and then pulled her by the hair to her feet. You took her outside, where you threatened to kill her. You took her back inside. There, you forced her to perform oral sex on you and threatened to penetrate her anally. When X tried to escape, you grabbed her by the hair, threatened to kill her again, and when she slumped to the ground, you threatened to slit her throat. You dragged her across the road by the hair and put your fingers into her vagina and anus. The presence of onlookers appears to have brought your offending to an end.

¹⁴ *R v AM*, above n 13, *R v Opetaia* [2021] NZHC 1505; *N (CA200/2016) v R* [2017] NZCA 165; *D (CA95/2014) v R* [2015] NZCA 171, *R v Taylor* [2022] NZHC 1471.

¹⁵ *R v AM*, above n 13.

[54] You promptly pleaded guilty to charges of burglary, assaults on a female, and two of sexual violation. You received a sentence of 10 years' imprisonment.¹⁶

[55] A report to the Parole Board in relation to that offending says you completed at least six rehabilitative courses while you were in prison. You were granted parole in 2006 on the basis you had made significant rehabilitative progress, and presumably, no longer posed a danger to the public. However, as is now known, you began committing the offending for sentence today while you were still on parole. The information before me does not permit precision on this issue, but it is clear you committed at least some of the violent offending against X, J, and A while you were on parole for the sexual violation of X and related violence against her.

[56] All this would require an uplift of one year to the starting point in the event of a finite sentence.

Background and mitigating circumstances

[57] Mr L, you are now 51 years of age.

[58] You have described your early childhood as a "good life" in that your material needs were met by your parents, likewise emotional stability. Your relationship with your mother appears to have been good. That with your father is said to have been mixed, in that he could be loving and supportive, but also temperamental and violent, in part fuelled by alcohol. It is said he was sometimes violent to your mother, albeit she is described as a strong individual who would not back down. Discipline within the home might have transgressed to abuse while you were growing up, though I note your brother says discipline was not beyond what was fair at that time. In any event, nothing in the reports suggests anyone treated you with deliberate cruelty, a point to which I return. There is no suggestion you were the victim of sexual abuse.

[59] You spent time in Australia with your family, and there worked in hospitality. You returned to New Zealand in 1999 and as I have explained, in 2000, you committed the offending against X that resulted in a 10-year term of imprisonment.

¹⁶ *R v [L]*, T000328, HC Whangārei, 23 June 2000.

[60] As I said a little before, you were granted parole in 2006. At or about that time, you began employment with a trust that provided rehabilitative programmes to prisoners. I gather you held that role until 2018 or thereabouts. It follows you are capable of duplicity: you extolled the virtue of rehabilitation in public while brutalising your whānau in private.

[61] I return to your personal circumstances. I am told you developed a methamphetamine habit in or about 2011 but are no longer using the drug. I am also told you ceased alcohol in 2013.

[62] You were arrested for the offending in late 2022. You later spent 16 months on electronically monitored bail, without incident. A determinate sentence would warrant an eight-month deduction for this aspect, and not more than 10 percent for your background. Nothing in it explains the element of cruelty that runs through some of your offending, nor your commission of any sexual offence.

Preventive detention?

[63] This brings me to the possible sentence of preventive detention, the purpose of which is to protect the community from those who pose a significant, and ongoing risk to its safety.¹⁷

[64] It is common ground you have been convicted of qualifying offences and were over 18 years of age when you did so.¹⁸ The final prerequisite is that the Court must be satisfied the offender is likely to commit another qualifying sexual or violent offence if the person is released at their sentence expiry date.¹⁹ The Court must consider several matters, including the principle a lengthy determinate sentence is preferable if it would provide adequate protection for the community.²⁰

¹⁷ Sentencing Act 2002, s 87(1).

¹⁸ Section 87(2)(a) and (b).

¹⁹ Section 87(2)(c).

²⁰ Section 87(4)(e).

[65] The first consideration is any pattern of serious offending disclosed by your history.²¹ This pattern is not confined to qualifying offences, it includes any pattern of serious offending.

[66] You have a considerable history of sexual and violent offending from 2000 until late 2019 (or thereabouts). Mr Taylor says there are “notable gaps” in your offending. Plainly, your incarceration between 2000 and 2006 comprises a gap, but that is because you were not able to commit offences against the public. There is another apparent gap between 2015 and April 2018, but you committed a raft of serious offending between April 2018 and the end of 2019. At some point thereafter, police would have become involved. I do not have the information before me that tells me exactly when. All of which is to say, your offending comprises a broad arc from 2000 until late 2019, albeit with one or more apparent periods of inactivity.

[67] The seriousness of the harm you have caused is the next consideration. Here I simply record again that you have caused great harm to a suite of victims.²²

[68] I now turn to whether you have a tendency to commit serious offences in the future.²³ This consideration is directed at risk of serious offences, a phrase undefined by the statute, and is not limited to the risk of commission of qualifying sexual or violent offences.

[69] Dr Anne Huddleston is a clinical psychologist and neuropsychologist. Dr Huddleston considers you present an above average risk of sexual re-offending. She says you present a medium risk of violent re-offending. Dr Huddleston says any re-offending is most likely to occur in the context of an intimate relationship.

[70] Angela Nelmes is a registered psychologist with the Department of Corrections. Ms Nelmes considers you are at well above average risk, or at high risk, of sexual offending. Ms Nelmes considers you pose a high risk of further violent offending.

²¹ Sentencing Act, s 87(4)(a).

²² Section 87(4)(b).

²³ Section 87(4)(c).

[71] Ms Nelmes says risk in relation to both violent and sexual offending is “likely to endure in the longer term”. Dr Huddleston says you need “significant and lengthy treatment” to address risk.

[72] Mr Taylor notes, correctly, that both experts administered one of the same tests and reached different results three months apart.²⁴ Mr Taylor also contends Ms Nelmes’ report identifies different results in relation to two validated risk tools.²⁵ Mr Taylor, therefore, argues the reports of both experts should be treated with circumspection.

[73] I am not persuaded these points are significant because:

- (a) There is no profound difference of opinion between the experts. Both Dr Huddleston and Ms Nelmes consider you pose a material risk of re-offending, sexual and violent.
- (b) Your pattern of offending also speaks somewhat for itself in terms of risk, particularly as you committed some of the offending while you were on parole, hence subject to potential recall to prison.

[74] This leaves a point I raised with everyone this morning. In her summary, Ms Nelmes says your offending for sentence involves 24 qualifying offences. It does not. Your sexual offending constitutes qualifying sexual offending, but none of your violent offending for sentence constitutes a qualifying violent offence. For example, your offending of injuring with intent to injure is captured by s 189(2) of the Crimes Act 1961, whereas the relevant qualifying offence for injuring requires an intention to inflict grievous bodily harm under s 189(1) of the Crimes Act. Assault with a weapon and strangulation are unquestionably serious offences, but they are not qualifying violent offences.

[75] In my view, the apparent misapprehension on Ms Nelmes part does not compromise her risk assessment because:

²⁴ The Violence Risk Scale, 2nd Edition.

²⁵ The ASRS-R placed Mr L at average risk, whereas the VRS-SP placed him at well above average.

- (a) It is primarily directed at your risk of commission of serious offences, not the risk of commission of qualifying sexual or violent offences.²⁶
- (b) In any event, all your sexual offending for sentence constitutes qualifying sexual offending, as does your sexual offending in 2000.

[76] I note Mr Taylor agreed with the correctness of this part of my analysis during our discussion this morning.

[77] The next issue concerns the absence of, or failure of, efforts by the offender to address the cause of their offending.²⁷ You completed courses in prison and were released on the basis you appeared to have reformed. But you had not.

[78] You continue to deny every offence for which you were tried; you protest your complete innocence. You have made it clear you will not engage in any rehabilitation in relation to sexual offending as you do not accept you are a sexual offender. You have said you are prepared to engage in rehabilitation for violence, so Mr Taylor is right to observe there is no “wholesale refusal of rehabilitation” on your part. However, because you do not accept you have committed any violent offence, this point is not significant.

[79] Unsurprisingly, both experts consider your stance problematic in terms of rehabilitation and risk. Dr Huddleston says without intensive and specialised treatment, you will remain at above average risk of sexual re-offending and at risk of violent re-offending. Indeed, Dr Huddleston says a lengthy determinate sentence is not likely to be sufficient to protect the public. Ms Nelmes says, essentially, the same thing.

[80] I pause to record you have placed two reports before the Court: an alcohol and drug report, and what is described as a psychological evaluation report. While these reports provide some general helpful background, neither really grapples with the issues at hand.

²⁶ Sentencing Act, s 87(4)(c).

²⁷ Section 87(4)(d).

[81] This leads me to the very important principle a lengthy determinate sentence is preferable if it would provide adequate protection for society.²⁸ Mr Taylor contends a long finite sentence would. He says a sentence in the region of 15 to 17 years' imprisonment with a minimum period in the region of eight to 10 years would adequately protect the public, in part because you would be 59 years of age before you were eligible for parole, and therefore at or above an age at which offending frequently abates.

[82] The methodology I have identified would produce a sentence of 17 years and 11 months' imprisonment. Relatedly, I would impose a minimum period of eight years' imprisonment. It follows there is force in Mr Taylor's point.

[83] However, there is nothing before me to suggest you have changed, or that you will truly engage in rehabilitation — by which I mean engage in rehabilitation with an acknowledgement that you *are* a recidivist sexual and violent offender who needs help — in circumstances in which the experts and your record imply evident and enduring future risk. Relatedly, and for similar reasons, I am satisfied you are likely to commit another qualifying sexual offence at your sentence expiry date.²⁹

[84] Mr L, you will note I have confined my determination to your commission of qualifying sexual offending, as against qualifying violent offending. This is because as bad as your violent offending is, your offences for violence do not constitute qualifying offences in terms of the statute. Indeed, you have no conviction for any qualifying violent offence.

[85] To be clear, your violent offending does form part of a pattern of serious offending contemplated by the statute,³⁰ and as I have tried to explain, risk is directed at serious offending, qualifying or otherwise.³¹ However, the point I am making is that the prerequisite you are likely to commit another qualifying sexual or violence offence at your sentence expiry date is necessarily confined to your sexual offending, because only it qualifies in terms of the definition.

²⁸ Sentencing Act, s 87(4)(e).

²⁹ Section 87(2)(c).

³⁰ Section 87(4)(a).

³¹ Section 87(4)(c).

[86] A final important consideration is whether an extended supervision order may address your risk.³² I am not persuaded it would for two reasons. First, serious offending against intimate partners and children can be difficult to guard against with conditions because the offending occurs in the home, and against victims who are often reluctant to come forward. Second, you began committing today's offending while you were on parole and subject to recall. Parole conditions — even risk of further incarceration — do not appear to have affected your conduct. It is not obvious why an extended supervision order would produce a different outcome.

[87] Mr L, as will be apparent, I am satisfied the exceptional sentence of preventive detention is necessary to protect the public from your enduring risk of serious offending, especially your likely commission of a qualifying sexual offence at what would otherwise be your sentence expiry date.

[88] This leaves the question of the length of a minimum period, which under the statute, must be at least five years.³³ I adopt an eight-year term in this context also. That term recognises the gravity of your offending, including the troubling aspect of cruelty I have mentioned, your capacity for duplicity in relation to rehabilitation, which is relevant to risk, and to your age at the end of the minimum period, which will be 59 years or thereabouts.

Sentence

[89] Mr L, please stand.

[90] On every sexual offence, I impose a sentence of preventive detention with a minimum period of eight years' imprisonment. For every other offence, I impose a concurrent sentence of three years' imprisonment.

[91] Stand down.

³² *R v Mist* [2005] 2 NZLR 791 (CA).

³³ Sentencing Act, s 89 and see *Ellmers* [2013] NZCA 676.

Addendum

[92] Mr L, I apologise for bringing you back. I overlooked the Crown's application for a protection order against all five victims under s 123B of the Sentencing Act 2002. I am satisfied an order is appropriate and I make it.

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Downs J