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

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

**CRI-2025-092-005254**
**[2026] NZHC 285**

**THE KING**

v

**KOPELANI TALAUTA**

| | |
|---|---|
| Charges: | Murder; Assault with a weapon; Driving while forbidden |
| Plea: | Not Guilty |
| Counsel: | H A M Watts and G F T Witana for Crown<br>I Jayanandan and B A Harris for Defendant |
| Sentenced: | 24 November 2026 |

---

**SENTENCING NOTES OF ARTHUR J**

---

Solicitors/Counsel:
Kayes Fletcher Walker (Manukau) for Crown
Iswari Jayanandan (Auckland) for Defendant

[1] Kopelani Talauta, you have been found guilty by a jury of murdering Iu Toalua and assaulting Faanuuali Tulei with a weapon. At the start of your trial, you also pleaded guilty to driving while forbidden. I have already convicted you on all three charges. I must now sentence you on them.

[2] I will approach this sentencing in a number of stages. First, I want to say a few words about the victim impact statements we have heard. Second, I will set out the facts of your offending. I will also identify the aggravating and mitigating features, of both your offending and your personal circumstances, that should inform the sentence. Third, I will consider whether a finite sentence is appropriate rather than life imprisonment. Fourth, I will consider a minimum period of imprisonment (or MPI). Finally, I must give you a warning under the three strikes law.

[3] This will take some time, but it is important that I set out my reasons for your sentence. That is so the community can understand why I am imposing this sentence. That includes the family of Mr Toalua, Ms Tulei, her family and you and your family.

**Victim impact statements**

[4] I start by acknowledging Mr Iu Toalua's family. Thank you for the words that we heard from some of you when your statements were read by the Crown lawyer earlier. It is not easy to prepare or give those statements or to listen to them being read on your behalf. Thank you for helping the Court to understand your loss.

[5] In those statements Mr Toalua's parents, Matua Toalua and Palepa Faalili, explained the deep grief they continue to experience and the continual reminders they have of their beloved son. Susana Sanonu, Mr Toalua's former wife, has told the Court of the pain and loss suffered by their four children and the grief she feels for his absence as they grow, develop and experience important milestones in their lives.

[6] The Court also heard from Mr Toalua's aunt, Eni Naniseni. When Mr Toalua came to New Zealand, initially due to rugby, he lived with his aunt, his uncle and their family. They remained close and supported him since then. Ms Naniseni told the Court about the lengths to which Mr Toalua went in assisting his parents in Samoa.

Her statement explained the enormous and widely felt grief caused by your actions, Mr Talauta.

[7] It is striking, and to the family's credit, that the statements we heard contained no animosity towards you, Mr Talauta. Rather, they spoke of deep pain and loss.

[8] I have also received and heard a victim impact statement from Ms Tulei. In addition, I observed Ms Tulei give evidence in this trial. These events have had an enormous and tragic impact on her. She is truly heartbroken that Mr Toalua lost his life. She is also very aware and very pained by the impact on her and your family, Mr Talauta. Ms Tulei regrets her own actions and understands that her relationship with Mr Toalua itself caused hurt, pain and distress.

[9] It is important, however, that you Mr Talauta, as well as Ms Tulei and everyone else affected, realise and accept that Ms Tulei did not cause Mr Toaloa's death. Responsibility for that, Mr Talauta, rests entirely with you. You caused his death; no-one else did.

**The offending**

[10] Mr Talauta, I will now describe your offending.

[11] You and Ms Tulei had been in a relationship for over 30 years. You had been together since Ms Tulei was 15. You were never married but were regarded as husband and wife. You had nine children together.

[12] A year or two prior to your offending, Ms Tulei had considered the relationship to be finished. Initially she did not directly communicate that to you. By March 2025, however, you knew that there were problems. By that time, you suspected that she was seeing another man. You challenged her about that at that time.

[13] Ms Tulei stayed living in the family home until just before 18 May 2025. She did not return from work one night, so you went looking for her the following day. You eventually went to her workplace — a bar in Ōtāhuhu. Your behaviour at that venue caused the Police to be called. One of the two attending officers gave evidence

that you were verbally abusive to Ms Tulei when she arrived. You told the officers that you were there to confront her about her cheating. The Police issued you with a Police Safety Order, requiring you not to have contact with Ms Tulei for two days.

[14] Around the same time, and possibly the same day, a discussion your counsel described as a meeting occurred at your home. You, Ms Tulei and a number of your children were there. You asked Ms Tulei if she was seeing another man. She acknowledged that she had made a mistake and that she needed to be away from you for some time.

[15] You said in your evidence that it was at this time that you "really" found out that Ms Tulei was seeing another man.

[16] That was about six weeks before the murder. Ms Tulei did not return to live at the family home in that time. Instead, she stayed with her cousin in Manurewa. Over those weeks you became obsessive and aggressive. At times, you would call her persistently. In some periods, you made dozens of calls and sent multiple texts. Some of the texts were threatening. Some accused her of "cheating". Some were vulgar and insulting. You tried again to find Ms Tulei at her workplace and tried (unsuccessfully) to set your phone up to track her location. You confronted her on some occasions. I will detail some of those events further.

[17] You made two explicit threats to kill Ms Tulei and her boyfriend. On 6 June 2025, 20 days before the murder, you messaged your adult daughter:

> … if there was happen IL kill you mum and him straight away because I have a life in my truck everything I was ready for anything I didn't care if I go to jail for life what you said make me going do for real she works tonight if I see them IL kill both of them…

[18] Some days later, on 13 June 2025, you messaged Ms Tulei herself, threatening explicitly to kill her boyfriend. You may not then have known his name, but there was no mistaking the meaning of your text message.

[19] On 18 or 19 June 2025, Mr Talauta, you went to another bar in Ōtāhuhu, being a place Ms Tulei frequented after work. While Ms Tulei was outside, you arrived in

your ute. The witnesses differed on the exact nature of the events that followed, but I am satisfied that you grabbed her in some way and tried to get her to come with you. She did not want to go with you.

[20] On 20 June 2025, Ms Tulei contacted Police. Your conduct had scared her. This followed a period of about two to three days in which, in addition to the incident I have just referred to, you sent multiple and insulting and vulgar texts. The nature and content of those text messages caused you to ask the Court that they not be read aloud at trial. They included a text in which you said that you wanted revenge. You also called Ms Tulei repeatedly and persistently. Police called and spoke to you. They told you to stop your behaviour.

[21] On the night of 26 June 2025, you drove to Ōtāhuhu, looking for Ms Tulei. You should not have been driving at all, having previously been forbidden to drive by Police. You arrived in Ōtāhuhu just before 11 pm. You drove and walked around the area looking for Ms Tulei.

[22] Ms Tulei was working that evening. She finished just before midnight and then met Mr Toalua at the other bar I mentioned. At 12.04 am on 27 June 2026, Ms Tulei called 111, worried about your actions. She said in evidence that she had done so because she "had a feeling" you were watching her. I believe it was because she had seen you or had been told of your presence in the area. At about 12.11 am, CCTV shows that you saw her at the bar she was in. At about the same time, Ms Tulei messaged you to say, "cops out looking for you now". She wanted you to stay away from her.

[23] Ms Tulei's call to the Police led to her and Mr Toalua meeting with officers at the Ōtāhuhu Police Station. After that, at about 12.28 am, Police called and spoke to you to tell you to leave Ms Tulei alone that night. The officer told you that she did not want to see you. You lied to the officer, telling him that you were on your way home and that you were nearly home, but you were not.

[24] Shortly after that, Ms Tulei drove her car away from Ōtāhuhu, towards Manurewa, with Mr Toalua in the front passenger seat. She went via the motorway,

exiting to Roscommon Road. She was on her way to her cousin's house, where she had been staying. The movement of her and your vehicles from that point was captured on multiple CCTV recordings, which were shown to the Court at trial.

[25] Ms Tulei turned right onto Robert Ross Place. A minute or two later you drove onto that street. Moments later, Ms Tulei drove out of that street the way she had come. She drove along Roscommon Road clearly trying to get away from you. She drove into Sharland Avenue and then into Sealord Place. You followed her at speed.

[26] Sealord Place is a small cul-de-sac. Ms Tulei drove to the end, parked, and turned off her lights. Clearly, she was trying to avoid you. You followed, driving straight towards them before slowing to a momentary stop. As you did, Ms Tulei started to drive away. You reacted by driving your ute directly into the right rear door of Ms Tulei's car. In your evidence and in your counsel's submissions today, you blame her for that collision but I do not accept that. The CCTV footage captures the incident from two separate cameras. I am satisfied that you drove intentionally into her car.

[27] You said that you only wanted to talk to them. You may have wanted to talk to Ms Tulei, but I also consider that you wanted to stop her and Mr Toalua, with force if necessary. At that point, you were prepared to use your vehicle to inflict damage and to intimidate them.

[28] Ms Tulei left Sealord Place and you followed, chasing her car. From Sharland Avenue she turned back onto Roscommon Road, heading north. As you followed, your driving became fast and somewhat out of control. Your ute mounted the curb on the far side of Roscommon Road. You were following very closely behind Ms Tulei's much smaller car.

[29] At this point, a marked police car was travelling north on Roscommon Road. You were directly in front of it — there were no other vehicles between you and the police car. The two officers in the car said in evidence that they believed they saw your ute twice collide with Ms Tulei's car before you reached the intersection with Burundi Avenue. However, I consider there is a reasonable doubt as to whether that

occurred. I will proceed instead on the basis that your vehicle was extremely close Ms Tulei's car through that stretch of road, and that at times you were accelerating towards it. CCTV shows that, at times, your vehicle was within about one metre of Ms Tulei's car.

[30] Importantly, the officers turned on their lights and siren soon after seeing you. That occurred in sufficient time for you to have slowed. You had time to do that before you reached the Burundi Avenue lights. You acknowledged in your evidence that you heard the siren and saw the police car lights. You said in your evidence that you knew the Police wanted you to stop. You did not stop.

[31] You were driving at about 65 kilometres per hour around that time. The speed limit was 60 kilometres per hour and the road was wet. It was dark, of course. By this time, it was about 1 am.

[32] You reached the Burundi Avenue traffic lights. There was no CCTV showing events after that intersection. From the footage of the vehicles in the intersection, it is clear that the two vehicles were extremely close and travelling at speed. Other CCTV captured audio of the collision. The police officers saw it happen.

[33] You rammed Ms Tulei's car just after the Burundi Avenue lights. The police officers describe it as a "pushing". That impact caused Ms Tulei's car to collide, sideways, with a large tree in the middle of the median strip, about 110 metres away.

[34] The full impact on the tree was met by the part of the car in which Mr Toalua was sitting. The whole side of the car caved in on him.

[35] You continued driving for a short distance with the officers following. You then did a U-turn and stopped close to the tree.

[36] The officers from the patrol car, and then further emergency services, tried to help Mr Toalua. He was extracted from the car but was pronounced dead at the scene. The force of the collision broke his neck. The immediate injury was fatal.

[37] Ms Tulei suffered serious injuries including fractures to her spine and ribs. She spent 12 days in hospital.

[38] You made a number of comments to Police and ambulance officers at the scene. They included that you had "hit the back" of Ms Tulei's car. You said that she "deserved it", because she was "cheating" on you. When you got to the hospital, you were told that Mr Toalua had died and that Ms Tulei had been seriously injured and might die. It was then that you became upset, saying "oh no, what have I done? I didn't mean to do it".

[39] Nevertheless, in your evidence at trial, you deflected the blame for the crash. You said that you were trying to stop; that the collision was accidental. The jury rejected that.

[40] By their verdict, the jury found either that you intended to kill either or both of Mr Toalua and Ms Tulei, or that you were reckless. Reckless means you intended to injure one or both of them, knowing that your actions could cause death and you continued anyway. The jurors may or may not have all agreed on which of those applied, but all of them were sure that you killed Mr Toalua with the necessary intentional or reckless state of mind. As the trial Judge, it is now for me to decide what the evidenced proved.

[41] The Crown submits that I should find that you intentionally killed Mr Toalua. The Crown points to your behaviour in the prior weeks, your threatening texts, the fact that the murder occurred just after you had seen Ms Tulei and Mr Toalua together, your manner of driving, your determination to continue despite the sirens and lights, the nature of the collision, and your demeanour and statements immediately afterwards.

[42] I am sure that all of those matters show that you intentionally rammed Ms Tulei's car, and that you intended to cause her and/or Mr Toalua physical injury. I consider there is some doubt, however, that you intended to kill them. I will instead proceed on the basis that you were reckless. You meant to hurt them, you knew your actions could kill them, and you did not care if you killed them. You were driving a much larger and more powerful vehicle. It had bull bars on the front. It was higher

than their car. You were angry, you were hurt, and you wanted to inflict injury. You told the Court you were accelerating at the time of the final impact. Your foot was on the accelerator, not the brake. I consider it was there intentionally.

**Features of the offending**

[43] The lawyers for the Crown point to several aspects of your offending which they say I need to consider.

[44] *There were two victims*: Crown counsel notes, correctly, that the harm to Ms Tulei is a distinct harm. She was seriously injured, and she is also suffering from the loss of Mr Toalua and the damage done to her and your family. Counsel reminds me that the end sentence must reflect the totality of the offending.

[45] *This was family violence*: Crown counsel submits the offending is the result of continued coercive and controlling behaviour over about six weeks following the end of a relationship. I agree with that submission. First, this is family violence as that term is defined.[1] Second, it is part of a pattern of coercive behaviour in which you endeavoured to control Ms Tulei's behaviour.

[46] *You failed to heed interventions*: I agree with the Crown that your failure, indeed refusal, to take heed of a number of interventions is a materially aggravating factor:

(a) First, Police had forbidden you to drive. You should not have been driving that night. You ignored that.

(b) Second, on 20 June 2025, Police called you and warned you not to continue with your threatening conduct towards Ms Tulei. That did not stop you.

---

1 Family Violence Act 2018, s 9.

(c) Third, at about 12.11 am on 27 June 2025, less than an hour before the murder, Ms Tulei messaged you in a warning that Police were looking for you. That did not cause you to return home.

(d) Fourth, about 30 minutes prior to the murder at 12.28 am, a police officer told you to leave Ms Tulei alone that night. He told you that she did not want to see you. You ignored that direction and instead lied to the officer as to your location and intentions.

(e) Fifth, as you drove between Sharland Avenue and Burundi Avenue, the police car activated its lights and siren in a clear signal to you that you should slow and pull over. You did neither.

[47] Crown counsel make the point that each of these represents an opportunity at which you could have taken a different course. Had you done so, Mr Toalua would still be alive today.

[48] *There was premeditation*: The Crown submits there was "a short period of premeditation", based on its case that you formed an intention to kill after Sealord Place. I have found that you did not intend to kill Mr Toalua, but rather that you were reckless as to whether either he, or Ms Tulei, died. I agree with Crown counsel, however, that, between Sealord Place and the Burundi intersection, you formed an intention to ram Ms Tulei's vehicle and injure its occupants because, you considered, "she deserved it".

[49] *You used a weapon and caused public danger*: Crown counsel says the manner of your driving also had the potential to endanger other members of the public and cause damage to their property. I agree.

[50] On your behalf, Ms Jayanandan says that I should be careful in assessing these factors, because some of them are taken from the same facts. She urges me not to double count any of these factors. I am conscious of that need, but I consider the same facts may assist in establishing multiple and different aggravating factors, without leading to double counting as such.

[51] Ms Jayanandan also responds to the Crown's submission that this is family violence by noting that the family relationship was only ever with Ms Tulei, and that you did not know Mr Toalua. I consider this offending was driven by a loss of self-control associated with the end of a close relationship. That factor is at the heart of the whole course of conduct which ended with Mr Toalua's death. You knew that the person in the passenger seat was your wife's boyfriend. The fact you did not otherwise know him is not in my view a mitigating feature of your offending.

[52] Of greatest significance, were your repeated decisions not to stop. It was clear that you had lost control, but your actions are not able to be characterised as a momentary lapse of judgement. Rather, this was a sustained chase which would have been terrifying for both Mr Toalua and Ms Tulei. It was a prolonged and dangerous loss of control on your part. You lacked any ability to recompose yourself despite interventions.

**Features personal to you**

[53] I turn to features that are personal to you, rather than features of the offending.

*Criminal history*

[54] First, I have looked at your criminal history. Your last violence conviction was for a charge of assault with intent to injure committed on 21 March 2010. The Crown accepts that your previous convictions do not warrant an additionally deterrent sentence. I accept that. I also note that although your record is far from clean, you have never been sentenced to imprisonment before.

*Family circumstances*

[55] Next, I consider your family circumstances. You have nine children. Your two youngest are aged 12 and 14. It is clear that the relationship between Ms Tulei and her children has been severely damaged. That has resulted in the two younger daughters being cared for by your eldest children since you were taken into custody. This is important background which I keep in mind, although, as your own counsel

acknowledges, there is no scope to achieve a sentence that will result in your release before your youngest children are adults.

[56] I have received letters from your mother, your sister, your daughter-in-law and your daughter-in-law's father. They speak of your hard work, your loyalty and your dedication to your family. They speak of your caring nature and the love you have had for your family, including your wife, all of your children and their spouses. I am sure that you have indeed been very important in all of their lives. That importance is demonstrated in the letter I have received from your eldest daughter, who now has responsibility for her two youngest siblings. The new arrangements caused by your offending and the breakdown in your relationship have been very difficult for them.

[57] The letters I have received also speak of your calm, respectful and peaceful nature. They tell me of the steady values your family sees you as having. Balanced against that the Crown provides me with a summary of nine Family Harm Police callouts between 2007 and 2020 in which you behaved aggressively towards Ms Tulei and some others. There are also the violence convictions I spoke about earlier. All of that information shows that you are capable both of aggressive behaviour as well as kind and caring supportive behaviour.

*Remorse*

[58] The last factor I consider is remorse. You have provided a letter to the Court in which you express remorse for the loss of Mr Toalua's life. The Crown challenges your statement of remorse. I consider the evidence you gave, your comments to the pre-sentence report writer, and some of the submissions today are inconsistent with remorse of a nature that would permit any material reduction. You did not in evidence, and you still do not, take responsibility for the events that led to Mr Toalua's death. I do, however, accept that you have genuine regret for the fact that Mr Toalua died and that your wife was injured.

**Should the Court impose a determinate sentence?**

[59] I turn to the third part of my decision, namely whether I should impose a life sentence or a finite sentence. That is, a sentence whereby you remain in prison for the

remainder of your life until the Parole Board considers you can be released, or a sentence for a fixed number of years.

[60] The starting point on a murder charge is life imprisonment.[2] That is a very strong presumption which will be displaced only in exceptional cases that meet a threshold of "manifest injustice".[3] That position reflects the sanctity of human life and the sentencing principles of accountability, denunciation and deterrence.

[61] If I impose a life sentence, I must also impose a minimum period of imprisonment of at least 10 years.[4]

[62] Crown counsel submits that life imprisonment is the appropriate sentence in your case. They say there is nothing about your offending, or your circumstances, that would make life imprisonment unjust.

[63] Your lawyer says that the appropriate starting point is a finite sentence of 10 years' imprisonment. She has made several points in support of that submission.

[64] First, she relies on the reckless nature of the murder. I have accepted that it was reckless, but that alone does not render a life sentence manifestly unjust. Ms Jayanandan refers to a case called *R v McCarthy*.[5] That was a reckless murder case involving a firearm. The defendant in that case was very young, but Ms Jayanandan focuses on the fact that the Court considered a reckless murder carried less culpability. I accept the submission that your culpability is lower because you caused death recklessly rather than deliberately. However, that authority does not support a departure from a sentence of life imprisonment in your case, as that case focussed substantially on the youth of the defendant. The presumption of life imprisonment applies to all murders, not just deliberate ones.

[65] Your counsel also says that this is not a case where the particularly aggravating features set out in s 104 of the Act are present. The Crown agrees that s 104 does not

---

2 Sentencing Act 2002, s 102(1); and *R v Smail* [2007] 1 NZLR 411 (CA) at [14].
3 *R v Rapira* [2003] 3 NZLR 794 (CA) at [121].
4 Sentencing Act, s 103(2). See *Wheeler v R* [2023] NZCA 563 at [36].
5 *R v McCarthy* [2025] NZHC 4039.

apply. Your lawyer says that the Court of Appeal has found that where s 104 applies, it is less likely that the Court will find the manifestly unjust threshold reached in deciding whether to set a finite sentence.[6] While I accept that submission, I do not think it is especially relevant in your case. The fact that this murder does not have those aggravating features means that I am not required to impose an MPI of 17 years. It does not itself provide a reason not to impose a life sentence with an MPI of 10 years.

[66] Ms Jayanandan submits that, based on your background and circumstances, including your criminal record, age, and family, there is no need to impose a life sentence in order to protect the community.[7] I agree with her submission that the interests of community protection would not require a sentence of life imprisonment in your case. However, the presumption of life imprisonment does not exist solely for the protection of the community. It provides for a broader view of justice in sentencing; including to respect the sanctity of life, and to provide for principles of accountability, denunciation, and deterrence.

[67] Ms Jayanandan also seeks to distinguish your case from a case the Crown relies on called *Collings v R*. In that case a sentence of life imprisonment was imposed.[8] I agree that the *Collings* case involved the deliberate use of a vehicle to strike a person who was walking on a road, and on that basis the facts are easily distinguishable. What Ms Jayanandan has not been able to provide the Court, however, is a case similar to yours where it has been found that a life sentence is not appropriate.

[68] Most cases I have reviewed that attracted determinate sentences or finite sentences involved young defendants, mercy killings, or killings where a defendant was mentally unwell.[9]

[69] A family violence case that led to a finite sentence was the recent case of *R v Stone.* In an altercation between two partners, the defendant stabbed the victim in the neck with scissors. The defendant had been subject to intimate partner violence

---

6 *Hamidzadeh v R* [2012] NZCA 550, [2013] 1 NZLR 369 at [70].
7 *Van Hemert v R* [2023] NZSC 116, [2023] 1 NZLR 412 at [81].
8 *Collings v R* [2022] NZCA 605.
9 Even cases where mental health is a significant factor do not necessarily attract determinate sentences. See *R v Smith* [2021] NZCA 318.

for many years and was suffering from its ongoing psychological effects. There was an element of self-defence to the attack, which was not premeditated. The defendant had also immediately sought help for the victim. A sentence of 12 years' imprisonment was imposed.

[70] On the other hand, a murder involving the reckless use of a vehicle led to a life sentence in *R v Shadrock.* A driver attempting to escape after committing a theft, recklessly struck and killed the victim. A sentence of life imprisonment with an MPI of 12 years was imposed.[10]

[71] I consider I must impose life imprisonment in your case. There were two victims, with profound effects for two separate families. You failed to respond to multiple interventions, including lights and a siren telling you to stop in the very moments you instead accelerated into Ms Tulei's car. Prior to these events you had made explicit threats to kill Mr Toalua and Ms Tulei.

[72] The finding of recklessness and your personal circumstances (the strongest feature of which is the age of your children), do not make life imprisonment manifestly unjust when considered alongside those aggravating features.

[73] On that basis, I must impose a sentence of life imprisonment. That means you will remain in prison until you can satisfy the Parole Board that you should be released.

**What is the appropriate MPI?**

[74] I must now consider how long you should spend in prison before you can go before the Parole Board. As I noted earlier, a 10-year MPI must be imposed, as a minimum, on any life sentence.[11]

[75] Crown counsel say I should set an MPI of 12 years. She notes that the MPI must also reflect the assault with a weapon against Ms Tulei.[12] In support of her submission, Ms Watts has referred me to three cases in particular.

---

10 *R v Shadrock* HC Auckland CRI-2009-092-3881, 2 July 2010; and *R v Shadrock* [2012] NZHC 1775.

11 Section 103(2).

12 *Pukeroa v R* [2013] NZCA 305 at [40].

[76] In *Collings v R*, the case I mentioned earlier, after the victim made a threat, the defendant deliberately ran over the victim before reversing over him and driving away. The defendant in that case was suffering from depression and post-traumatic stress disorder following the death of his daughter. An MPI of 11 years was upheld by the Court of Appeal which noted it may be "generous".[13]

[77] *R v Crawford* is another case involving the intentional murder of a pedestrian by driving into them. The defendant in that case did not stop to assist the victim and showed little remorse in the events after the murder. This Court set an MPI, as a starting point, of 11 years.[14]

[78] Ms Watts has also referred me to the case of *R v McLean*. However, that case is substantially more serious than your case because it was a carefully planned and premeditated murder of one person and the attempted murder of another with a firearm, following a home invasion.[15]

[79] Ms Jayanandan, on your behalf, points to cases which involved clearly deliberate killings attracting 10-year MPIs.[16] She also makes the point that *Collings* is more serious than your case because it involved a deliberate killing of a pedestrian and the defendant leaving the scene without rendering aid to the victim.

[80] Nevertheless, I do not accept that a finding of recklessness should necessarily lead to a lower MPI. In your case there are aggravating factors which require recognition.

[81] The first of those is the separate harm caused to Ms Tulei. The overall sentence must reflect the totality of the offending. It is no answer to say that the harm to both was caused by the same act. Your actions are rendered more severe by the extent of the harm caused.

---

13 *Collings v R*, above n 8.
14 *R v Crawford* [2026] NZHC 2699.
15 *R v McLean* [2017] NZHC 3183.
16 *R v Ballantyne* [2016] NZHC 1681; and *R v Wheeler* [2022] NZHC 2151.

[82] The second factor is your repeated refusal to stop your following of Ms Tulei, your chasing her and Mr Toalua, and your attack on them, despite repeated interventions.

[83] The third is the threats you made to do harm to them.

[84] On the other hand, I take into account, in particular, the needs and situation of your family, including your two youngest children who are still at school.

[85] Having considered the various cases I have referred to, I will set a minimum period of imprisonment of 11 years.

**Other charges**

[86] I must also impose a sentence for the charge of assault with a weapon. Obviously, all of the factors and circumstances I have already explained apply to this charge as well. It carries a maximum penalty of five years' imprisonment. I consider a sentence of two and a half years' imprisonment is appropriate. That will be a concurrent sentence, meaning you will serve this sentence at the same time as your sentence for the murder charge.

[87] The charge of driving while forbidden is a fine-only offence. Both counsel agree that I should discharge you. You have already been convicted on that charge.

**Three strikes warning**

[88] Finally, I must tell you that murder is an offence included in the three-strikes system. You have no strikes on your record, so this is your first.

[89] As of today, if you commit another offence which counts under the three-strikes system, you will be required to serve that sentence without parole. You should be aware that a range of offences are included, including for violence.

[90] That is your first-strike warning. I direct that an entry be made on the permanent Court record that you have received your first strike, and that you have been warned accordingly.

**Sentence**

[91] Mr Talauta, please stand.

[92] For the murder of Iu Toalua, I sentence you to life imprisonment, with a minimum period of imprisonment of 11 years.

[93] For the assault of Faanuuali Tulei with a weapon, I sentence you to two and a half years' imprisonment, to be served concurrently.

[94] For driving while forbidden, you are discharged.

[95] You may stand down.

Arthur J