IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKAURAU ROHE

CRI-2025-092-006602
[2026] NZHC 3558

THE KING

v

PHILLIP ALAN BEALE

Charge:	Murder
Plea:	Guilty
Counsel:	S E Arnerich for Crown K-A Stoikoff and T J B Blackwell for Defendant
Sentenced:	17 November 2026

SENTENCING NOTES OF ARTHUR J

Solicitors:
Kayes Fletcher Walker (Manukau) for Crown
Public Defence Service (Manukau) for Defendant

[1] Mr Beale, you have pleaded guilty to, and have been convicted of, the charge of murder. You accept that you murdered your mother, Mrs Joan Beale. You pleaded guilty during your trial. That occurred after the Crown's evidence had been completed and after you yourself had given evidence. No other defence witness was due to be called. I therefore had the benefit of hearing all of the evidence that was intended to be called in the trial. I will sentence you today on the basis of the facts as I have found them, based on that evidence.

[2] First, I acknowledge again the presence today of Ms Helen McLellan, Mrs Beale's daughter, who gave evidence at the trial and attended most if not all of it. I understand she is watching these proceedings, together with her husband, Mr Wayne McLellan. I also acknowledge the presence in the Court of Mr Ricky Blackmore, Mrs Beale's son, who has also provided a victim impact statement, which was read to the Court by his daughter, Ms Rachel Blackmore. It is not easy to write, provide or to read out those statements, and I thank you all for having the strength to do so. I also acknowledge the presence of friends of Mrs Beale and other family members here today.

[3] Mr Beale, I will return to the impact of your actions on Ms McLellan, Mr Blackmore and the wider family later.

[4] Murder carries a penalty of life imprisonment, unless such a sentence would be manifestly unjust. There is no suggestion that life imprisonment would be unjust in your case, so that is the sentence I will be imposing today. That means you will remain in prison for the rest of your life unless you can satisfy the Parole Board you should be granted parole. The main question for the Court this morning is the length of time you will be required to serve in prison before you become eligible for the Parole Board to consider you for parole. That is called the minimum period of imprisonment, or MPI.

[5] I will explain the reasons for your sentence in some detail. That is so the community, including Mrs Beale's family and loved ones, understand why I am imposing this sentence. It is also so that you can understand the reasons for the sentence.

[6] I will approach the sentencing in four main stages. First, I will outline your offending. Second, I will consider whether any of the special factors in s 104 of the Sentencing Act apply. If they apply, then the Court will be required to set at least a 17-year minimum period of imprisonment. Third, with the details of the offending in mind, I will set a minimum period of imprisonment appropriate to that offending and in light of your personal background. In doing so, I will consider whether it would be manifestly unjust to impose any 17-year minimum period required under the Act. Fourth, I will give you the warning required under the three-strikes rules.

[7] In considering the appropriate sentence, I have heard the relatively brief oral submissions from your lawyers and from the Crown's lawyers today. I have also been assisted by more detailed written submissions from them, and I have reviewed the various other information they have provided to me, including the report to the Court from Dr Goodwin. He was the consultant psychiatrist who examined you in December 2025 and reviewed your medical records. Also, as I mentioned, as trial Judge, I heard the evidence supporting the charge, including your own explanation of events.

The offending

[8] Your mother died as a result of your assault on her in the evening of Thursday 7 August 2025. At that time, you lived with your mother in her house at Ashlynne Avenue, Papatoetoe. No-one else lived at that address with the two of you.

[9] In your evidence, you described the week of 7 August 2025 as not being unusual or different in any way. You met up with an associate you often smoked methamphetamine with, and another person, and smoked methamphetamine with them on the Tuesday. Several of your neighbours gave evidence however, and they described you acting unusually. On Wednesday evening, various neighbours heard you shouting or yelling on Ashlynne Avenue, shaking the gate of a house across the road, and taking off your shirt.

[10] On the morning of 7 August 2025, you said in your evidence that you were feeling normal. You went for a walk into Papatoetoe and back, which you say you do every day. By contrast, you told Dr Goodwin that you had been bingeing

methamphetamine that week and had been up, without sleep, for the three nights before 7 August.

[11] You say you did not smoke methamphetamine that day. I accept that. The toxicologist's evidence that 0.08 milligrams per litre of methamphetamine was found in a sample of your blood taken on 8 August 2025 is consistent with you last having consumed it on Tuesday 5 August 2025.

[12] On 7 August you tried to obtain some more methamphetamine. At 5.04 pm you sent a text to your associate seeking to obtain some methamphetamine from him. Six minutes later you used your mother's bankcard to withdraw $600 from an ATM in Papatoetoe. You intended to use at least some of those funds to purchase methamphetamine. It is unclear whether your mother gave you permission to access those funds and it is unclear whether she knew of the withdrawal or its intended purpose. You returned home. You did not meet up with your associate, and he did not provide you with any methamphetamine that day.

[13] That evening, you were walking around Ashlynne Avenue, yelling angrily from around 7 pm. At some point you broke off from their bases the mailboxes of both 45A and 45B Ashlynne Avenue.

[14] You have described yourself as being frustrated that you could not obtain any methamphetamine. You also accepted that, during the evening, you were angry.

[15] Your mother's computer was last accessed at 8.08 pm that evening. You told the Court you did not use the computer. I am satisfied it was your mother who accessed the computer. At 9.18 pm that evening, you can be seen on Spring Street, Papatoetoe, which is the street one walks into on leaving Ashlynne Avenue when heading towards Papatoetoe. Other CCTV footage shows that you did not return to your home that evening after being seen on Spring Street at that time.

[16] During that period between 8.08 pm and 9.18 pm, Mr Beale, you inflicted serious injuries on your mother, causing her death. In multiple statements to medical staff and police officers on 9 and 10 August 2025, you admitted to hitting your mother.

You also accepted that in the evidence you gave in Court. You could not explain in your evidence why you hit her. You told Dr Goodwin however that you thought the gangs were going to kill you and that "mum was part of it".

[17] In your earlier statements and in parts of your evidence you claimed to have hit your mother only once. Clearly that was incorrect. Under cross-examination you accepted that you must have inflicted multiple blows, although you said you did not remember doing that.

[18] The amount of bruising, lacerations, bleeding and skin tears suffered by your mother is quite inconsistent with you delivering a single blow to her. You say the single blow was to the left of her head, using your left hand. It is not at all credible that the injuries to the other parts of her body occurred as a result of her falling, stumbling or otherwise moving as a result of such a blow to the left of her head.

[19] I accept the pathologist's evidence that the cause of your mother's death was multiple blows to the left of her head, her mouth, to the right of her head and to her right ear respectively. The pathologist says the cause of death was at least three or four blows to those parts of your mother's body. The blows you administered to your mother's head caused laceration and bruising to her mouth and lips, bruising to the left side of her scalp and to the left of her eyebrow, laceration and bruising around her right ear and an extensive wound about the right scalp. Your blows caused extensive bleeding around her brain.

[20] I am also satisfied that there were further blows inflicted by you on her, including to her arms as she sought to defend herself, and to her legs while she was on the floor. She suffered extensive bruising, cuts and skin tears to her torso, thighs, knees, shins and feet.

[21] The Court heard evidence that a blood stain was found on the base of the 1.1 kg porcelain rabbit which could have been from Mrs Beale. There was "extremely strong support" for the blood on the rabbit to have been from Mrs Beale. There was "strong support" that the blood found on the other surfaces of the rabbit came from you. I am

sure that you did use the porcelain rabbit as a weapon to inflict injury on Mrs Beale at some point in your attack in addition to hitting her with your hands.

[22] The Court heard evidence of testing throughout the house for blood stains and traces. Based on that evidence, I am satisfied that you moved your mother after she had fallen to the floor as a result of your attack on her. Various blood stains indicated that she was alive during that time. She appears to have reached out to items and surfaces close to the floor.

[23] All of those matters persuade me that the assault was sustained and violent.

[24] By your plea, and also in your evidence, you have accepted that you were aware of a risk of death as a result of your actions but that you continued with those actions regardless of that risk. You said that you neither wanted nor intended to kill your mother. I am satisfied that you assaulted her and, in the course of doing so you realised that she could die as a result of the injuries you were inflicting on her. You continued to assault her, knowing that she could die.

[25] You are physically much larger and stronger than your mother. She was 158 cm tall, weighed 48 kilograms and was 84 years old at the time. You told the Court that you encouraged her to use her walking stick and her walker because she needed them. While she did not always use them, you acknowledge that when she was out of the house she would need to stop and rest from time to time. You obviously knew your mother very well, having lived with her your entire life. You were aware of her physical condition and her vulnerability in that regard.

[26] You said in evidence that you only knew for certain that she had died when the police officer who took you to the Police Station from the hospital, Detective Constable Isaia, told you. I do not accept that. It is inconsistent with your actions and your statements. I find that you realised, before you left the house, that you had killed your mother. I reach that conclusion for the following reasons:

(a) Mrs Beale was eventually found on Saturday 9 August 2025. A welfare check was made on her following disclosures by you at the hospital that day that you thought you had killed your mother.

(b) Immediately after the attack you took no steps whatsoever to seek help for your mother. You did not call an ambulance. You did not take her to any place where she might obtain help. You did not ask any neighbour or friend or any other person for any assistance at all. When taken into custody later that night you did not mention your mother at all, and you did not then ask that someone go to help her. The reason you did none of these things is because you knew they would be futile. You knew she was already dead.

(c) When your mother was eventually found, a petrol container was found on her bed. It was found on the part of the bed furthest from the door to her bedroom. You told the Court that you had put it there. You said in evidence you poured petrol on yourself, while in your mother's bedroom, intending to set yourself on fire. You told the Court you did not want to burn down the house and you did not intend to incinerate your mother. You said you wanted to commit suicide because of what you had done. I accept you wanted to kill yourself because of what you had done. I also consider that you wanted to burn the house with your mother in it. Indeed, you told one of the officers that you wanted to burn the house down. In your evidence you explained that you came back to the house, having obtained the petrol container from the garage, in order to find a lighter. I do not accept that explanation. The scene photographs show at least two lighters in the garage from which you obtained the petrol container. Of course, you regularly smoked methamphetamine there. Had you wanted to burn yourself but not your mother, you would not have poured the petrol in her room and nor would you have tried to ignite the petrol in her room.

[27] For those reasons, I believe that you realised, before you left the house, that you had killed your mother.

[28] When you left the property, you walked to the Papatoetoe railway overbridge at Station Road. You jumped from that bridge onto the railway tracks, in an effort to end your life. You landed, apparently without injury, and walked further into Papatoetoe. After a short while you were apprehended by the Police who had been notified by a witness who saw you jumping from the bridge. You were taken into custody under the Mental Health Act. From there you were taken to the Manukau Police Station and to Middlemore Hospital. As I have already said, you made no disclosures about your mother. You did not ask anyone to check on her or provide her with any assistance.

[29] It was only on Saturday 9 August, two days after the assault, that you disclosed anything about your mother. Your statements that day, including that you had "beat her half to death", led to the welfare check in which her body was discovered.

Section 104 of the Sentencing Act

[30] Section 104 of the Sentencing Act 2002 applies if, among other things, I find "the deceased was particularly vulnerable because of their age, health, or any other factor",[1] or if I find "the murder was committed with a high level of brutality, cruelty, depravity or callousness".[2] If the section applies, I must impose a minimum period of imprisonment of at least 17 years unless that would be manifestly unjust.[3]

[31] If I find that 17 years would be manifestly unjust, I must sentence you to life imprisonment with an MPI of at least 10 years.[4]

[32] The Crown says that s 104 applies because of Mrs Beale's age and physical condition. She was 84 years old and used a walking stick, as I have said. She could not walk very far without taking a break. When you gave evidence during the trial, you accepted that she was frail and she was substantially smaller than you. She was in her own home. Your counsel agrees that s 104(1A)(h) applies because of Mrs Beale's age and vulnerability. I agree that it applies.

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1 Sentencing Act 2002, s 104(1A)(h).
2 Section 104(1A)(e).
3 Section 104(1).
4 Section 103.

[33] The Crown raised the possibility that the section also applies on the basis that the killing was committed with a high level of brutality or callousness.

[34] In my view the murder was brutal and callous. It was brutal because it involved a sustained attack on an older, vulnerable person who was not in any position to defend herself against you. It involved blows and injuries to many different parts of her body, including when she was on the floor. It included her being dragged by you. It involved a weapon.

[35] It was callous because, for more than 50 years, she had housed you, fed you, and provided for you. Despite your age, you never maintained employment to provide for yourself. You relied on her benevolence and then killed her in the house that she provided. You later attempted to burn down that house. Importantly, you did not stop after the initial blow, or when you realised the danger you were causing. You did not endeavour to help your mother in any way, even after the attack had finished. You took two days to even mention your mother to anyone.

[36] I consider your offending to be similar to another case in this Court, called *R v Armon*.[5] Using that comparison, and taking all of the wider circumstances into account, I consider your attack on your mother to have been callous and brutal at the level anticipated by s 104(1A)(e).

[37] Section 104 therefore applies. Accordingly, I am required to impose a minimum period of imprisonment of at least 17 years, unless that would be manifestly unjust.

Minimum period of imprisonment

[38] I turn to the third part of my decision today. I am obliged to set a minimum period of imprisonment. In your case, as I have said, it must be at least 17 years, unless that would be manifestly unjust.

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5 *R v Armon* [2025] NZHC 1480.

[39] The minimum term must be a period long enough to hold you accountable for the harm you have done to your mother, your family and the community. It must be long enough to denounce your conduct, and to deter you and others from similar offending. It must be enough to protect the community from you. The sentence must be the least restrictive appropriate, consistent with those purposes.

The offending

[40] First, I consider the aggravating and mitigating features of the offending itself.

[41] There are four key aggravating features. I have already set out the details, but in summary:

(a) One — the attack was brutal, sustained and violent. It involved multiple blows to almost every area of your mother's body. You used a weapon. You continued despite your mother trying to defend herself and despite you realising the risk and danger you were causing. That included when she was on the ground.

(b) Two — Mrs Beale was vulnerable, both due to her age, relative size and frailty, and due to the fact that she was in her own home.

(c) Three — the attack was a betrayal of the trust she had in you to respect, assist and care for her, just as she had done for you for more than five decades.

(d) Four — your conduct after the attack was callous. You did not seek to help your mother at any time. Instead, you tried to burn her and her house (as well as yourself). When you were taken into custody you did not mention the situation in which you had left your mother. You did not mention her at all.

[42] It is important to also note the immense impact of Mrs Beale's death on her family. Not only have her children and wider family lost a loved mother, they have the knowledge that she died in vicious and traumatic circumstances, at the hand of

someone she had spent most of her life caring and providing for. Joan Beale was a quiet, kind and caring woman. She had a group of friends who respected and valued her. Her daughter, Ms McLellan, has told the Court that she is angry, heartbroken and in complete shock. She had long feared for her mother's safety in light of your drug addiction and now her worst fears have been realised. Her son, Mr Blackmore, has explained that he had lost contact with her and now grieves the inability to reconnect with her. All of that grief and loss is profound.

[43] I turn to consider whether there is any mitigating feature of the offending.

[44] One feature that stands out is the impact your methamphetamine use had on you that day. Your condition that day can be understood from a variety of sources. Your neighbours observed you behaving erratically and aggressively, both that day and the day before. You told Dr Goodwin that you had not slept for three days and that you had consumed methamphetamine on the Tuesday. You had the drug in your system, albeit at a relatively low level. Your behaviour after being arrested remained aggressive and you made some strange statements to the police officers you dealt with. You did not present as a clear-headed person.

[45] Dr Goodwin concluded that you suffered from transient methamphetamine-associated psychosis symptoms due to your methamphetamine use. Your medical history shows that your use of drugs makes you paranoid and aggressive. You recover from those symptoms after you stop using methamphetamine. Dr Goodwin's opinion is that, at the time of your arrest, you were suffering from some residual psychotic symptoms, caused by your use of methamphetamine. I accept that opinion, which must mean that you were suffering from those symptoms at the time of your offending.

[46] Importantly, Dr Goodwin further concludes that you do not and did not suffer from any underlying or primary psychotic disorder.

[47] In considering whether, at the time of your offending, you had any diminished intellectual capacity or understanding, s 9(3) of the Sentencing Act prevents me from taking into account the fact that you were affected by the voluntary use of illicit drugs.

[48] I therefore accept the Crown's submission that your state of mind at the time of the offending is not a mitigating factor.

[49] There is no other mitigating factor inherent in the offending itself. I therefore now consider aggravating and mitigating factors that are personal to you.

Personal factors

[50] Your past offending is an aggravating factor. You have 121 prior convictions. Many are for dishonesty offences that appear to have been connected with your need to obtain drugs. That form of offending seems to have come to an end in about 2006, and I do not see it as relevant today. More relevant are the 13 convictions since 2010 for violence, disorderly behaviour and similar. They include two convictions in 2023 for assault with a blunt instrument. I consider those violence and disorder convictions to moderately aggravate this offending.

[51] A factor in your favour is that you pleaded guilty to the charge. That plea came after you had heard all of the Crown evidence, and after you had given evidence. You had from the outset of the trial accepted that you had been physically responsible for your mother's death, but you had denied that you had the intent necessary to make you legally responsible. You clearly changed that position after the evidence.

[52] A reduction in sentence for a guilty plea is usually available. The usual purpose, at least in part, is to recognise the value to the victims, the witnesses and the community (including the jury members) in avoiding the need for a trial. That did not occur here. Nevertheless, your plea signals that you have accepted responsibility, and that is meaningful and important. I consider your late guilty plea to be a moderately mitigating factor.

[53] In your evidence, you told the Court something of your background and upbringing. I also have the benefit of Dr Goodwin's report. You were 50 years old at the time of your mother's murder. You had lived your whole life to that point with your mother, apart from periods in prison. You told the Court that you left school at 13. You could not get a job. You first used drugs, namely marijuana, at that age.

[54] Since then, you have remained living at home with your mother. You struggle with reading and writing. You described yourself as illiterate. At the time of the offending, you were on a sickness benefit. You did not pay board or rent to your mother. You mowed the lawns and kept the yard tidy, and she otherwise looked after you by doing your washing and the like.

[55] You explained that you have a son from a relationship that lasted two years. During that time, you and your then partner were living in the same house as your mother. You have no ongoing relationship with either your partner from that time or your son, who you explained is in State care.

[56] In your evidence, you described your relationship with your mother as close. You said you loved her.

[57] You told the Court you started using methamphetamine at about age 27. It appears you have used it fairly consistently since then. Your methamphetamine use has caused you a great deal of harm. Around 11 years ago it started causing you psychotic symptoms, including paranoia. Your medical history shows several hospital admissions caused by the mental health effects of either methamphetamine or cannabinoids, most recently in December 2022 and April 2023.

[58] In the period leading up to the murder you were in the habit of meeting your associate in the garage sleepout of the property you shared with your mother. He would bring methamphetamine, and you would pay him for that. The two of you would smoke methamphetamine there.

[59] It is clear that your mental health difficulties have been caused by your voluntary drug use. Nevertheless, despite s 9(3), I may take into account as a mitigating factor your methamphetamine addiction.[6] It is longstanding. It has had a significant impact on your life. For some time, it has prevented you obtaining work. It has kept you away from positive influences in your life. While not an excuse or justification, it goes a long way to explain the circumstances that led to your offending. I consider it is a mitigating factor in relation to this offence.

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6 *Zhang v R* [2019] 3 NZLR 648 at [139]-[150] (CA).

Comparable cases

[60] I need to set an MPI having regard to comparable cases. Crown counsel cites *R v Brackenridge*, in which an adult defendant was suffering from drug-induced schizophrenia at the time he murdered his mother in her home, despite stopping his use of methamphetamine two months prior.[7] He then set fire to the house. Section 104 was not considered. A starting point of 13 years was adopted, with reductions for the defendant's schizophrenia and his remorse, leading to an end figure of 10 years MPI.

[61] In *R v Leona*, the defendant was labouring under a disease of the mind beyond and independent of methamphetamine-induced psychosis.[8] The defendant murdered a stranger on a bus by stabbing them. Section 104 was engaged but the mental illness meant that 17 years was manifestly unjust. A 14-year starting point was adopted, with reductions for guilty plea, remorse, addiction and effect on children, leading to an end result of 12 years.

[62] In *R v Armon*, the case I referred to earlier, s 104 was engaged where an adult son murdered his mother in her home. He used a crowbar and a knife. He voluntarily confessed shortly afterwards and pleaded guilty. It was manifestly unjust not to take the guilty plea into account. A deduction of two years from the mandatory 17-year starting point was upheld by the Court of Appeal.

Analysis

[63] The aggravating features of your offending (and lack of mitigating features of the offending), which I have already described, result in a minimum period of imprisonment of at least 17 years. I see no reason for the starting point to be any higher than that. In relation to the offending itself, of the other decisions I have referred to, your case is closest to the *Armon* case. Unlike *Brackenridge* and *Leona*, your mental state at the time cannot be taken into account due to s 9(3) of the Act.

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7 *R v Brackenridge* [2019] NZHC 1627.
8 *R v Leona* [2026] NZHC 1323.

[64] From that starting point of 17 years, I need to consider whether any adjustment should be made due to factors personal to you. Those are your prior violence convictions and, on the other hand, your guilty plea and your background of addiction.

[65] The scope for sentence reductions where s 104 applies is constrained. The Court of Appeal has made it clear that personal factors which might justify a modest reduction in cases not involving s 104 will not necessarily warrant any reduction on the grounds of manifest injustice where that section applies.[9] I also bear in mind that personal factors in general play a lesser role in sentencing in murder cases.[10] The impact of such factors will usually be modest.[11]

[66] Nevertheless, I consider your guilty plea and your addiction sufficiently material to justify a departure from the 17-year MPI required by s 104. Put another way, it would be manifestly unjust not to recognise both your guilty plea and your addiction. In doing so, I adopt the same approach used by this Court in the *Armon* and *Leona* cases respectively. I consider those factors should be recognised, to the extent necessary to avoid injustice.

[67] I will allow a 12-month reduction for addiction and a 12-month reduction for your guilty plea.

First strike warning

[68] 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.

[69] 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.

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9 *Izett v R* [2024] NZCA 64 at [78].
10 *Frost v R* [2023] NZCA 294 at [41].
11 *Izett v R*, above n 9, at [76].

[70] 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 you have been warned accordingly.

Sentence

[71] Mr Beale please stand.

[72] For the murder of Joan Beale, I sentence you to life imprisonment, with a minimum period of imprisonment of 15 years.

[73] You may stand down.

Arthur J