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

**I TE KŌTI MATUA O AOTEAROA
NGĀMOTU ROHE**

**CRI-2024-043-1144
[2026] NZHC 544**

THE KING

v

RAKAI JACOB THOMPSON

Hearing: 10 March 2026
Appearances: P M Lange and J Woodcock for Crown
P M Keegan KC and N P Bourke for Defendant
Date: 10 March 2026

SENTENCING NOTES OF McHERRON J

[1] Rakai Thompson, you appear for sentence after a jury found you guilty of the manslaughter of Te Omeka Akariri-Buckley. You stood trial for murder but the jury acquitted you on that charge.

[2] I acknowledge the presence of members of your whānau and Te Omeka's whānau in this courtroom and in the courtroom next door. I thank you again for your quiet dignity throughout the trial and again today.

[3] I have read and listened to your powerful expressions of grief for Te Omeka and thank you for your courage in preparing and presenting those.

[4] From your words it is clear that the impact of the loss of your beloved Te Omeka is profound.

[5] Donna Akariri: you spoke of your boy's passion, love and heart; his life full of promise and aroha. Te Omeka loved his whānau and friends and was loved so deeply in return. You honour him each day and carry him with you in everything that you do. Kei roto tonu ia i ō koutou ngākau.

[6] []: every single day you wish you could change what happened that night. Te Omeka's death has left a huge gap in your heart. He was always there for you and you will always wonder what your lives could have been together. You also acknowledge the impact that the loss of Te Omeka has had on your brother and your mother, for whom Te Omeka brought laughter, love and joy into your lives.

[7] Wiki Te Pou: you applied the whakataukī “He kokonga whare e kitea, he kokonga ngākau e kore e kitea” — a corner of a house can be seen; a corner of the heart cannot be seen. You described the emotions that cannot always be seen, but which you are living with every day because your hearts ache for Te Omeka — who remains within the hearts and the memories of all his nieces and nephews.

[8] I have also read the victim impact statements of Te Omeka's father, Sean Buckley, and Shareece Walker, the mother of Te Omeka's best friend Maui.

[9] Mr Buckley writes of his own immense emotional pain, and watching Te Omeka's elder brothers Ben and Don struggling with his death. He wants Rakai to know how severely his senseless act has changed you all, because he took your son away from you and your family.

[10] Donna Akariri spoke of Maui's and Te Omeka's deep and unbreakable bond. And Shareece Walker wrote of her and her son's immense grief, and the impact of Te Omeka's absence, a sense of loss that will never leave you.

[11] I want you all to know that I have had full regard to the statements that you have all made, both in Court today and in writing. What you ask of me is that the seriousness of what has been taken from you be reflected in the decision that I have to make today.

The offending

[12] Mr Thompson, you, Te Omeka and his brother Don Akariri-Buckley had been very close, like family, for a number of years. On the evening of 30 July 2024, the three of you and another man had been out attempting, unsuccessfully, to rustle sheep.

[13] The night did not go well. Things went wrong a few times and there were some arguments. You tried to get away but they came and picked you up and you all drove back to Don and Te Omeka's house. They were getting at you and you went to leave but couldn't find your car keys, which made you frustrated, and you began yelling. Te Omeka told you to be quiet, as their parents were home and would be asleep. Eventually you found your keys and left. Te Omeka kicked your car as you left, which also made you angry.

[14] Once you got home, you decided you would end your friendship with Te Omeka and Don.

[15] You had been borrowing Te Omeka's motorbike. You left it on your driveway and told them to come and collect it.

[16] You made a sandwich from a leftover cottage pie, using a boning knife to cut up the chunks of beef.

[17] When Te Omeka and Don arrived, Te Omeka walked towards the shed and opened the door to get his helmet.

[18] You began yelling at Te Omeka not to go into your shed and called him a thief. Te Omeka advanced on you and punched you solidly, more than three times. These punches resulted in you being at least partially knocked over. As you got to your feet, Te Omeka came forward again and continued punching you. It was at that time you stabbed him with the knife in your hand. Te Omeka received two fatal stab wounds from you: one of them penetrated the upper left side of his chest, entering his heart; the other penetrated the left side of his abdomen and punctured his kidney. You also inflicted some less serious wounds.

[19] Te Omeka ran away and then returned and collapsed next to Don's vehicle. Despite first aid, including from yourself, and later medical intervention in hospital, he died from those wounds.

[20] The jury found you not guilty of murder. This means that they rejected the Crown's submission that you either:

- (a) intended to kill Te Omeka; or
- (b) intended to cause him bodily injury that was more than minor in nature, knew your actions were likely to cause him death, and consciously ran that risk.

[21] But the jury also rejected your claim that you were acting in self-defence.

[22] However, I accept Mr Keegan KC's submission that the jury believed that you were acting to defend yourself, but that the force you used was unreasonable.

[23] I also accept Mr Keegan's submission that the evidence did not show you resorting to any violence when physically provoked by Don, and that you did not initiate any physical contact with Te Omeka until after you had been punched repeatedly in the head with sufficient force to knock you over.

Starting point

[24] In order to determine your sentence I first need to establish a starting point which is based on the nature and seriousness of your offending, adjusted for aggravating and mitigating factors relating to the offending.

[25] I will then apply any mitigating factors personal to you, and acknowledge your willingness to plead guilty to manslaughter.

[26] The maximum sentence for manslaughter is life imprisonment.¹ This reflects the seriousness of offending that involves the taking of another person's life.

[27] I consider that the relevant aggravating factors are:

- (a) First, your use of a weapon — the knife. Though I accept this happened to be the knife you were using to cut up meat for your dinner. I also accept your lawyer's submission that the evidence supports, but does not extend beyond, your consciously choosing to take the knife outside to dissuade Don and Te Omeka from engaging in any violence towards you.
- (b) Secondly, the seriousness of injury — that this was ultimately a fatal attack in which Te Omeka was killed.

[28] Ms Lange has suggested that the extreme violence and the extent of harm should be considered as aggravating factors. However, I am wary of duplicating aggravating factors.² I consider these elements are reflected in the seriousness of the injury to Te Omeka, which was present to the highest degree. I do not accept the submission that the violence was gratuitous in a way which would aggravate the offending. Although Te Omeka received several wounds, you inflicted these in a matter of seconds.

¹ Crimes Act 1961, s 177.

² The Court of Appeal warned against doing so in a manslaughter case: *Hohua v R* [2022] NZCA 550, at [17].

[29] I also do not accept the Crown's submission that premeditation is an aggravating feature here. The Crown submits that you knew that Don and Te Omeka were coming to the house and nevertheless waited on the deck with a knife. They suggest that your shout of "I've got a fucking knife, don't fuck with me" after the stabbing is evidence of forethought. I do not find that your presence outside on the deck, waiting with a knife, with the intention to use it as a weapon, was proven beyond reasonable doubt.³ Your shouting, after the fact, is consistent with a finding of unreasonable and excessive self-defence, rather than evidence of forethought and premeditation. However, I do find that your offending occurred in anger; you were enraged at the disrespect shown to you and your property by Don and Te Omeka, and the force that you used was clearly excessive.

[30] I do not accept the Crown's submissions that abuse of trust is an aggravating factor in this offending. While you and Te Omeka had a close, family-like relationship, I do not think you were abusing a position of trust or authority in relation to him to the extent that it could be described as an aggravating factor.⁴

[31] I accept the Crown's submission that other options were available to you than going out and confronting Don and Te Omeka, including calling the police. However, by the time you stabbed Te Omeka you had been shoulder-charged and additionally punched in the head several times. I accept that your actions involved an element of protecting yourself in the moment from those blows, even if your intent also involved an intention to injure Te Omeka. The fact that you inflicted multiple wounds rather than just one is an aggravating feature although the period of time in which the actual stabbing occurred was very short.

[32] The Crown has provided me with several cases that it considers to be comparable to the circumstances of your case.⁵ These cases had starting points of between seven and a half years and nine years. The Crown submits a starting point range of eight to nine years is warranted.

³ Section 24(2)(c).

⁴ Section 9(f).

⁵ *R v Harris* [2023] NZCA 462; *R v Skeen* [2016] NZHC 1904; *R v Olley* [2012] NZHC 40.

[33] Your counsel, Mr Keegan, has provided me with other cases that he says support a starting point of six to seven years.⁶

[34] I have also referred to the cases of *Hohua v R*⁷ and *R v Smith*.⁸ Starting points of seven years and three months and eight years were respectively adopted in those cases.⁹

[35] All of these cases have different facts from each other and different facts from your own, but I have found them helpful to varying degrees.

[36] As in *R v W*, the root cause of your offending is the fact that you were carrying a knife with you and that you used it as a first resort, in anger, because you felt your property was being interfered with and you were being attacked. Your violence was spontaneous and reactionary. I do not find it was premeditated. But if you had not been carrying a knife, and if you had not consciously and deliberately used it to stab Te Omeke he would still be alive and you would not be in this position.

[37] I have decided that a starting point of seven and a half years' imprisonment is appropriate reflecting your use, in anger, of a lethal weapon resulting in the loss of Te Omeke's life.

Personal factors

[38] I now must consider the personal features to you, Mr Thompson, which may require adjustments to that starting point.

[39] You have only one previous conviction for violence which was at a low level. This does not require an uplift to your sentence.

⁶ *R v W* [2025] NZHC 176; *R v Pene* [2021] NZHC 3327; *R v Davies* [2020] NZHC 903; *R v Hepi* [2015] NZHC 1449; and *R v Emery* HC Auckland CRI-2008-092-1285, 13 February 2009.

⁷ *Hohua v R*, above n 2.

⁸ *R v Smith* [2014] NZHC 2091.

⁹ At [35] and [36] respectively.

[40] Prior to your second appearance in Court, your counsel offered on your behalf to plead guilty to a charge of manslaughter, which was declined by the Crown. Rightly, Ms Lange agrees that, applying *R v Hessel*, you should receive the maximum reduction available for your willingness to plead guilty to manslaughter.¹⁰ I will give a reduction of 25 per cent.

[41] I have also considered whether and how I should acknowledge your remorse. Ms Lange has submitted that this should not exceed five per cent. Mr Keegan has also accepted that a reduction of five per cent may be appropriate.

[42] In determining that a five per cent reduction for remorse is appropriate, I have had regard to your actions immediately after the stabbing, including not fleeing, giving first aid and offering to drive to the hospital rather than waiting for an ambulance. I have also considered your willingness to attend a restorative justice conference, although ultimately this could not occur. Finally, I have read the comments made to your pre-sentence report writer, including that you knew the pain and grief associated with losing a loved one and that you were one hundred per cent sorry for what you have done. I find that your remorse for the loss of Te Omeka's life is genuine. Wiki Te Pou is right — mā te whakamā e patu — your guilt and shame for your actions will punish you for the rest of your life — well beyond any sentence this Court imposes.

[43] Finally, I have considered whether to further acknowledge the impact of your imprisonment on your child. Acknowledgments of this nature were considered by the Supreme Court in *Philip v R*.¹¹ In that case, despite the fact that the child's mother would remain the primary caregiver, a discrete reduction was available as the appellant was an important presence in his young child's life. The Court stated that what was required is a "consideration of all of the relevant circumstances which must include the child's interests."¹²

¹⁰ *R v Hessel* [2009] NZCA 450, [2010] 2 NZLR 298 at [41].

¹¹ *Philip v R* [2022] NZSC 149, [2022] 1 NZLR 571.

¹² At [56].

[44] I have evidence before me of your strong attachment to your daughter from the pre-sentence report. I also have heard from your lawyers that the journey from Waitara to prison is a long one which will make it difficult for your family to come to visit you. I have no doubt that your daughter has a strong relationship with you and that undoubtedly she will be affected by your absence. In considering all of these relevant circumstances I am persuaded that you should receive a separate three per cent reduction for the effect on her that your imprisonment will have.

[45] Your total credits for mitigating factors amount to 33 per cent, being 25 per cent for the offer to plead guilty to manslaughter, five per cent for your remorse and three per cent for the impact on your child. That brings your final sentence to five years' imprisonment. However I must also consider whether you require a minimum period of imprisonment (MPI).

Minimum Period of Imprisonment (MPI)

[46] An MPI is the time you must serve before you can be considered for release on parole. A defendant would normally be first eligible to be considered for parole having served one third of the sentence imposed by the Court (the non-parole period).¹³ To impose an MPI, I must be satisfied that the non-parole period would be insufficient to achieve the purposes and principles of sentencing. Namely, to hold you accountable for the harm you have done to the victim and the community; to denounce your conduct; and to deter you or other persons from committing the same or similar offences; or to protect the community from you.¹⁴

[47] Ms Lange has submitted that a minimum period of half the end sentence is required. Mr Keegan has submitted that an MPI is not required, especially given there is a limited need to deter you from future offending. And I note that your pre-sentence report assesses your risk of re-offending as being at a low level.

¹³ Parole Act 2002, s 84(1).

¹⁴ Sentencing Act 2002, s 86.

[48] I am satisfied that the non-parole period would be sufficient to achieve the purposes and principles of sentencing. When you are released will then be for the Parole Board to determine.

Outcome

[49] Mr Thompson, please stand.

[50] On the charge of manslaughter I sentence you to five years' imprisonment.

[51] You may stand down.

McHerron J

Solicitors:
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