



The Court has issued a Minute explaining the arrangements in place for sentencing and the directions of the Court in relation to media coverage of the hearing. These can be found [here](#).

The purpose of this document is to provide media and other interested parties with background information about the process of sentencing under New Zealand law. It is intended for general guidance only and does not represent the view of the Court.

## Sentencing details

The sentencing hearing in the case of *The Crown v Brenton Harrison Tarrant* will begin at 10:00 am on Monday 24 August 2020 in the High Court at Christchurch. The hearing has been scheduled for three days but will continue for as long as is required.

The offender (Mr Tarrant) has chosen to represent himself at his sentencing on 51 charges of murder, 40 charges of attempted murder, and a charge of having engaged in a terrorist act (Crimes Act 1961, [ss 172](#) and [173\(1\)](#); Terrorism Suppression Act 2002, [s 6A](#)).

The sentencing will take place in open court as required by law (Criminal Procedure Act 2011, [s 196](#)).

## What is a sentencing hearing?

A sentencing hearing is held to determine the sentence or punishment to be imposed on the offender (see [Sentencing Decisions](#)). There are a number of purposes for which a court may sentence an offender. These include holding the offender accountable for the crime they have committed, providing for the interests of the victims, and protection of the community (Sentencing Act 2002, [s 7](#)).

The New Zealand Parliament has enacted laws which the Court must follow when sentencing offenders for different crimes.

By law, sentences must reflect a number of considerations, some of which may conflict (Sentencing Act, [ss 7](#) and [8](#)). Some of the most important considerations are:

- the seriousness of the offending
- the effects of the offending on the victims
- consistency with appropriate sentencing levels
- the personal circumstances of the offender.

## Penalties available in New Zealand

The mandatory penalty for murder is life imprisonment (Sentencing Act, [s 102](#)) and the maximum penalty for committing a terrorist act is also life imprisonment (Terrorism Suppression Act, [s 6A](#)).

A person sentenced to life imprisonment may be kept in prison for the rest of their life, or, if they are no longer a risk to the community, they may be released on parole after serving a minimum period of imprisonment that the Court decides at sentencing. Parliament has stipulated that the minimum period of imprisonment for a person convicted of murder must be at least 10 years (Sentencing Act, [s 103\(2\)](#)), and in very serious cases at least 17 years ([s 104](#)).

The Sentencing Act provides that if the Court is satisfied that no minimum term of imprisonment would be sufficient to satisfy one or more of the purposes of the sentencing, the Court may order that a life sentence for murder be served without the possibility of release ([s 103\(2A\)](#)). Such a sentence has never been imposed in New Zealand.

## Procedure of hearing

After the introductions of counsel (lawyers representing the parties), the hearing will follow the following format:

- a) The Crown prosecutor will read the summary of facts. This is normally done when the offender enters a guilty plea. Because the guilty pleas in this case were entered when victims and the public were unable to attend because of COVID-19 restrictions, the Crown requested that the summary of facts not be read until victims and their families were able to be present in court. The Crown sought leave to file an amended summary of facts before sentencing. This amended summary of facts will be read at the sentencing hearing.
- b) Victims who wish to present their victim impact statements in person will be invited to do so.
- c) Submissions about the appropriate sentence will then be made by:
  - I. Crown counsel;
  - II. Counsel assisting the Court (*amicus curiae*);
  - III. The offender or standby counsel.
- d) The Court will deliver its sentence.

## Victim impact statements

Presently, 54 victims have advised that they wish to read their victim impact statements to the Court. It will take a number of days for all statements to be read.

Victim impact statements inform the Court of the effect of the offending on the victims (Victims' Rights Act 2002, [s 17](#)). This information can come from victims, and in some cases, other persons disadvantaged by the offending ([s 20](#)).

Statements may be written or delivered in a recording ([s 17AA](#)). An offender is entitled to be shown victim impact statements but is not permitted to retain copies ([s 23](#)).

Once the Crown has provided these statements to the Court (as required [s 21](#)), they can be read or presented in open court by the victim, a person they have nominated, or by Crown counsel ([ss 22](#) and [22A](#)).

Victims who deliver a victim impact statement can choose not to be identified, recorded, filmed or photographed.

## Counsel assisting the Court (*amicus curiae*)

The appointment of *amicus curiae* is made to give the Court assistance on the relevant sentencing law and its application to the facts of this case. The lawyer appointed to perform this role does not represent anyone: their appointment and brief is independent of the offender and the Crown.

## Standby counsel

The offender has recently elected to represent himself at his sentencing hearing. That is his right. Because of this development, the Court has appointed a lawyer as standby counsel.

A standby counsel is a lawyer appointed by the court to assist a self-represented offender. Their role is to advise the offender about the law and the court process, and to provide the offender with assistance if sought. This is to make sure the process runs smoothly and is fair. A standby counsel can take over running the offender's case if the offender wants them to. It is an offender's choice to accept the assistance of standby counsel or not.

## Media coverage

Applications have been received from media organisations wanting to cover the sentencing hearing. Permission to film record or photograph any part of the hearing is at the discretion of the court, and any coverage must comply with the [In-court Media Coverage Guidelines 2016](#) (PDF, 413 KB). Both the Crown and the defendant will be provided with copies of the media applications and may express a view to the Court as to whether any applications should be granted or refused.

## Related pages

[Sentencing decisions](#)

[Sentencing Act 2002](#)

[Victims' Rights Act 2002](#)

[Criminal Procedure Act 2011](#)