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

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

**CRI-2016-088-003220  
[2019] NZHC 2841**

**THE QUEEN**

v

**JESSIE ARTHUR HEKE-GRAY**

Hearing: 1 November 2019  
Counsel: M B Smith and C Taylor for Crown  
A B Fairley for Defendant  
Sentence: 1 November 2019

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**[REDACTED] SENTENCING NOTES OF WHATA J**

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Solicitors: Marsden Woods Inskip Smith, Whangarei  
Thomas Wilson, Whangarei

[1] Mr Heke-Gray, you face sentence on the following charges. First, male rapes female;<sup>1</sup> second, five charges of unlawful sexual connection with a female;<sup>2</sup> third, one charge of assault with intent to injure;<sup>3</sup> fourth, three charges of threatening to kill and/or do grievous bodily harm;<sup>4</sup> fifth, one charge of conspiring to pervert the course of justice (to which you pleaded guilty);<sup>5</sup> and, sixth, one charge of unlawfully carrying a firearm and possession of a restricted weapon.<sup>6</sup>

[2] As you will know, Mr Heke-Gray, the Crown seeks preventive detention. Therefore, I will sentence you as follows. First, I will outline the facts of your offending. Second, I will describe your personal circumstances. Third, I will refer to the victim impact statement. Fourth, I will assess what finite sentence should be imposed on you; and, finally, I will assess whether you should be subject to a sentence of preventive detention.

### **Facts**

[3] I turn to the facts of your offending. This summary of facts is based on a summary provided by the Crown. I have also had the benefit of reviewing the victim's EVI and her notes of evidence. Given the verdicts, I am content to proceed on the summary provided by the Crown which broadly reflects the victim's account of what had happened.

[4] During September 2016, you and the victim in this matter met on Facebook. You made initial contact with the victim and from there you and the victim had conversations over Facebook. She subsequently arranged with you to travel from Wellington to Whangarei to meet with you.

[5] On Thursday, 13 October 2016, the victim arrived in Whangarei where she met with you. You instructed her to drive your car and gave her directions to a beach on the Whangarei Harbour. You then assaulted the victim, putting your hands all over her

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<sup>1</sup> Crimes Act 1961, s 128(1)(a) and 128B. Maximum penalty 20 years' imprisonment.

<sup>2</sup> Crimes Act 1961, s 128(1)(b) and 128B. Maximum penalty 20 years' imprisonment.

<sup>3</sup> Crimes Act 1961, s 193. Maximum penalty 3 years' imprisonment.

<sup>4</sup> Crimes Act 1961, s 306. Maximum penalty 7 years' imprisonment.

<sup>5</sup> Crimes Act 1961, s 116. Maximum penalty 7 years imprisonment.

<sup>6</sup> Arms Act 1983, s 45. Maximum penalty 4 years' imprisonment and/or fine not exceeding \$5000.

face, squeezing her face, slapping her, pulling her shirt up and biting her stomach. You then inserted your fingers inside her genitalia and her anus. You directed her into a cubicle in the public toilets and penetrated her anus with your penis. You ejaculated. The victim was fearful and she felt she had no choice throughout this episode.

[6] Later that evening, you, the victim, and an associate of yours checked into a hotel in Whangarei. You were under the influence of drugs and paranoid: you placed clothing around the vents in the hotel room because you believed you were being gassed, and you used a table and chair and the victim's suitcase to barricade the door.

[7] While the victim was sleeping, you grabbed her neck to wake her up, then grabbing her face, forced her to suck your penis. You then made her get onto her back, forced yourself on top of her, and penetrated her anus, causing her excruciating pain. She pleaded with you to stop but you ignored her. The sexual assault was so rough that at the end of the assault, the victim soiled the bed.

[8] During the time you were with the victim, you threatened her on multiple occasions with a gun. One of these involved waving it around while she was driving, which made her fear for her life and believe you were going to kill her. On another occasion, she had fallen asleep on a couch at an address you were both staying at, and you woke her up by placing a thumb into her eyes, then placed a pistol into her mouth and to the back of her throat, so far in it made her gag. You told her "if you ever cross me or if you ever dob me in to the Police I will blow the back of your head off". On a third occasion, while talking on the phone in front of the victim, you said "I'm getting rid of this bitch", put the gun to the back of her head with the safety on and pulled the trigger. You pulled the trigger again and again and said, "I'm going to blow the back of your head off, you whore".

[9] Also, during her time with you the victim was tattooed with your nickname, which at your direction was placed on her face above her eyebrow. You told her that if she ever left you or did anything, you would cut the tattoo out with a machete.

[10] The final episode of violence took place on 25 October 2016. You were inside your room with the victim and wanted to have sex with her, but she said no because

she had thrush. You responded by wanting to have anal sex with the victim, but she again told you no. You ignored her, forced yourself on top of her, removed her underwear and inserted your penis inside her vagina. She was crying and trying to push you off, pleading with you to stop, but you overpowered her and ignored her requests. During the sexual assault you placed a pillow over her head to prevent her from screaming.

[11] The victim then visited a sexual health clinic with you that day, where she managed to make her escape from you.

### *Perverting the course of justice*

[12] You have also pleaded guilty to one charge of conspiring to pervert the course of justice. This involved you, on 28 March 2018, making a telephone call to a Ms P from Manawatu Prison. You colluded with Ms P to find a witness to help you with your court case. You told her, in effect that you needed someone to lie for you and you asked her to call the victim and offer her money not to turn up. Ms P agreed. I also note that you were on release conditions and breached those conditions at the time you offended against the victim.

### **Personal circumstances**

[13] I turn now to your personal circumstances. I have the benefit of a PAC report, a s 27 report by Ms Shelley Turner and two mental health reports. I also have a letter from you handed to me today. The reports and your letter provide an important insight into you and your background.

[14] Mr Heke-Gray, you are from Nga Puhi and Ngati Wai o Aotearoa. You are 34 years old. You had a very difficult, indeed traumatic, upbringing. Your father was absent for most of your childhood as he was imprisoned for a wide range of offending, including drug supply, serious violence and armed robberies. Your mother also went to prison for possession of heroin when you were a teenager. You also report having witnessed your father physically abuse your mother.

[15] In 1992, when you were eight, you were taken away from your mother by Child Youth and Family Services with the assistance of Police, because she had a drinking problem. You were taken to stay with your paternal grandmother but then placed into State care at the age of 13 or 14. You were “kicked out” of several homes, for bullying and inappropriate behaviour, and in one home for holding up people up with knives. You report being abused while in State care, [suppressed].

[16] Your education was just as, at best, fragmented. You were “kicked out” of several schools and exited the education system without any formal education. You lasted just one year in High School. You started smoking methamphetamine at 17, and smoked it for approximately seven years, stopping only when you were imprisoned. You were a member of the “South Side Crips” in your late teenage years and engaged in burglaries and petty crime. You report that you resorted to crime to support your methamphetamine habit.

[17] You have, in your own words, a “massive” loving family. But your connection to your whānau is not strong because you have spent so much time in prison. Furthermore, while you identify with your culture, your connection to your culture has been limited. You do not speak Māori and you do not have a strong understanding of tikanga. You have had limited opportunities throughout your life to immerse yourself in cultural activities.

[18] Having said this, you identified to Ms Turner goals directed to your rehabilitation, including attending drug and alcohol counselling and a non-violence programme, one on one counselling directed to your [suppressed] childhood experiences, and the strengthening of your cultural identity.

[19] In the first psychiatric report, Dr Olivera Djokovich also refers to your background. She notes that Northland Health assessed you as having ADHD when you were eight, for which Ritalin was prescribed. She notes that you started drinking alcohol when you were very young and started using cannabis at the age of 13 and then, on a more regular basis, at the age of 17. She also notes that you have used methamphetamine every now and then. She refers to your previous convictions and parole hearing notes which state that you had not completed treatment directed to your

offending over the eight years of your sentence. She refers to comments by you stating that you had “too much attention from females” and that, in relation to the present offending, your partner “never told me that she didn’t like what we were doing and I’m not sure how I should know that I was hurting her if she never told me that”.

[20] In terms of your mental state, Dr Djokovich observes that you showed limited regret regarding any past actions and she was unable to elicit any symptoms of psychosis or a major mental illness. She finds that your early onset offending has been sustained to this time and you have a sustained pattern of substance abuse in relation to your violent offending. She says you lack the capacity to understand inter-personal relationships and you ascribe a strong sense of entitlement to use violence when you deem it necessary.

[21] Dr Djokovich concludes that you meet the diagnostic criteria for an antisocial personality disorder. As to risk, she assesses you as a moderate to high risk of reoffending. She says that your denial of any violent intent increases the risk of you continuing to behave in such a manner. She says there is an inherent risk of reoffending in the future but that this does not account for changes that may occur in your behaviour if recommended therapeutic interventions are followed. She noted, however, that you expressed an unwillingness to participate in treatment programmes. Nonetheless, she did observe that you appear to have good support from extended family in times of need.

[22] Jim van Rensberg is a registered clinical psychologist and has also provided a report about you. He refers to your substance abuse, noting that psychological reports about you refer to substance abuse as a primary contributor to your sexual offending. He suggests that your early exposure to substance abuse would have been both a way of coping with emotional and physical distress and a means of enabling you to gratify your sexual and aggressive needs, particularly against women. He refers to the fact that you related with pride that you had been sleeping with many women prior to and after your sentence of eight years’ imprisonment. He notes that while you were able to acknowledge that the victim of your previous sexual offence was severely physically abused by you during the offending, you held firmly to the belief that she wanted to engage in sexual intercourse with you, and suggested that the victim wanted

to withdraw the charges against you, but the Police continued the case. In relation to the present offending, he says you admitted the sexual activities took place but maintained that they were all consensual.

[23] Mr van Rensberg refers to your background, noting that you had a very unstable childhood, marked by conflict, poor role modelling by your father who was reportedly suffering from mental illness and by your mother who was an alcoholic. He notes that you were placed in State care and had a poor educational background from the age of 13. He says that you developed from a young age a sense of hostility against women, degrading and objectifying them. You dispute that you said this.

[24] Mr van Rensberg also refers to the fact you were earmarked to attend the Special Treatment Rehabilitation Programme (STRP) but you refused to sign off on your segregated status. You dispute this as well. He refers to your having attended one-on-one psychotherapy for a period while in prison, and that you acknowledge that substance abuse played a major role in your offending.

[25] Overall, Mr van Rensberg considers that you should be considered at high risk of sexual reoffending, noting that you do not believe you have done anything to your victims and your experience in terms of treatments shows you are not suitable for treatment options offered by the Department of Corrections. He also notes that you have shown disregard for a variety of previous sanctions, and that there are no obvious protective factors in your favour. He concludes that it is possible that an indeterminate sentence, with a relatively short parole period, may motivate you to display pro-social behaviour from the outset and seek treatment for your problem.

### **Disputed fact hearing**

[26] It is appropriate for me to refer to a disputed fact hearing about the two expert assessments. You challenged the two expert assessments on the basis that they were full of inaccurate attributions to you, falsehoods and other erroneous assumptions and corresponding flawed conclusions. A hearing was convened to enable you to challenge the experts about these matters. The two experts were questioned by Mr Fairley, on your behalf, and Mr Smith for the Crown.

[27] As recorded in my minute of 14 August 2019 following the hearing, Mr Fairley focused on those matters that might be material to the risk in the preventive detention assessment and about the information that suggested you may suffer from ADHD and FASD. I also sought clarification of their opinion on various points relating to the risk presented by you and the potential for mitigation of that risk, assuming for that purpose, the presence of ADHD and FASD.

[28] The outcome, as summarised in my minute, is as follows:

- (a) None of the background factual matters or falsehoods raised by you caused the experts to alter their assessments of your risk.
- (b) Dr Djokovich did not accept there was sufficient information to make a diagnosis of either ADHD or FASD (though she accepted that there was information that you may have received Ritalin for ADHD up to 2006 and your grandmother believed you suffered from FASD).
- (c) Mr van Rensberg was prepared to accept you may have ADHD and he could not discount the possibility of FASD.
- (d) Even if you were diagnosed with ADHD and/or FASD, they would not change their assessment of risk, given the full picture you present including, significantly, the nature of the sexual offending, the fact you offended shortly after release from an eight-year prison sentence, and their impressions of your attitude towards women and the victims.

[29] In my minute, I did not offer a concluded view about the expert reports. I reserved my decision on that, pending the opportunity to consider all available information. I concluded, however, that the expert reports, supplemented by oral evidence, are sufficiently reliable and cogent to be considered for the purposes of sentencing. I also found that there was sufficient information relating to the ADHD and FASD to justify a short adjournment to enable the defence to seek an expert report about those matters. I also noted that any findings of fact, whether aggravating or mitigating, and corresponding valuation should be left to the sentencing process.

[30] It transpires that you were unable to instruct a further expert in relation to your claims about ADHD and FASD. But reference is made to information provided by a Dr Roger Tuck, a paediatrician at Whangarei Hospital. Correspondence from Dr Tuck to a Dr Hillary Wyatt refers to your ADHD.

[31] I have now had the opportunity to consider all the information, including the s 27 report. I am prepared to proceed on the following basis:

- (a) You suffer from symptoms indicative of ADHD and FASD and these symptoms may affect the way that you interact with others.
- (b) You have identified what you say are numerous errors in the reports, including factual inaccuracies and untruths. Save in one respect, the various matters that you identify are not material to my assessment or the conclusions reached by the experts. Most of them relate to matters of minor detail only. One aspect upon which I think you should, however, be given the benefit of doubt relates to the availability or completion of the STRP programme. You note in your affidavit that you were not earmarked to attend STRP and that you were not able to attend due to your ROC Roi, being only .4. I therefore proceed on the basis that you have not had an opportunity to complete the STRP course.

[32] Having said that, I acknowledge the opinion of Mr van Rensberg, that while you continue to deny your offending, the scope for rehabilitation is very limited. Indeed, I observe that you do not deny the observations by Mr van Rensberg that you consider the offending was consensual and you do not deny the observation made that you held firmly to the belief that the victim of your previous offending wanted to engage in sexual intercourse with you.

[33] All of this provides the background to your historical and present offending. Your historical offending includes a rape, unlawful sexual connection and injuring with intent in 2008, for which you received a sentence of eight years. The facts of that

offending are like the present case in terms of the type and scale of abuse. You were also on remand for the sexual violation charges at the time of the present offending.

### **Victim impact statement**

[34] I turn now to the victim impact statement. The victim of your offending describes the “major trauma” she has suffered because of the offending. She notes that during the time she was with you, she felt extreme fear for her life, and thought she was going to die. She now frequently experiences nightmares and flashbacks which trigger panic attacks. She has been diagnosed with PTSD. She had to take time off work due to the experience and had to get the tattoo above her eyebrow removed because of the trauma it triggered.

[35] The victim advises she is still worried about you contacting her through social media. She also states she suffers from incontinence because of the offending, which she finds humiliating, and her family have endured extreme stress and anxiety for the last two years while supporting her through this process. She also fears retribution from you and from your family.

### **Finite Sentence**

[36] I now examine a finite sentence for your offending. I must be guided by the purposes and principles of sentencing. I must hold you accountable for the harm you have done. I must provide for the interests of the victim and I must denounce your conduct, deter you and others from repeating such offending and I must protect the community. I must also assist in your rehabilitation and reintegration into society. I must carefully assess the gravity of your offending, but also consider your personal circumstances and your background with a rehabilitative purpose.

[37] In fixing a finite sentence, I will take three steps. I will, first, fix a starting point for a term of imprisonment. In doing this I am assessing the gravity and severity of your offending. This will involve identifying aggravating factors of your offending and then comparing your offending to other offending of similar kind. This is important because whatever starting point I adopt must be broadly consistent with the starting point adopted in similar cases. I will then identify any factors of the offending

or personal factors that should mean that the starting point may be reduced. Finally, I will fix the sentence.

*Starting point*

[38] Mr Smith for the Crown submits that the lead offences are the sexual violation by rape and the unlawful sexual connection. He suggests a starting point based on the totality of the sexual violence that falls at the top end of Band 3 of *R v AM*.<sup>7</sup> This would fix the start point in the range of 12 to 18 years. Your counsel agrees the offending qualifies as Band 3 offending, but at the lower end.

[39] I agree with Mr Smith that it is appropriate to take an overall approach to what were connected acts of sexual and violent offending. I also agree that your offending sits at the mid to upper end of Band 3 because it involved serious violence and violation of a victim who was in a vulnerable, isolated position, on multiple occasions. It involved very serious, indeed, terrifying threats of violence with a weapon. The emotional and physical harm to her was also very significant. But I am unable to accept Mr Smith's submission that there was premeditation or breach of trust, other than that ordinarily associated with offending of this kind. I note also in this regard that you were not charged with kidnapping or accused of abduction. This, I think, is a fair reflection of the facts as told by the victim and on my review of the evidence. I am satisfied therefore that a starting point of 16 years for the sexual and physical violence and threat to kill offending is appropriate.

[40] I have cross-checked this outcome against an alternative accumulative or totality approach, commencing with the rape as the lead charge. The facts of that offending by itself would attract a start point of nine years or the bottom of Band 2. The two episodes of sexual violation by unlawful sexual connection would attract sentences of four years and nine years respectively. The threaten to kill and harm offending would then warrant a further two to three years. The cumulative outcome would be 25 years. A sentence of that length would be manifestly excessive and needs to be adjusted considering the totality principle. All of this confirms that a 16-year start point for this offending is within range for the sexual and associated violent

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<sup>7</sup> *R v AM (CA 27-2009)* [2010] NZCA 114, [2010] 2 NZLR 750.

offending. It might be said to be generous to you. But in setting the 16 years, I have had regard to decisions involving comparably serious sexual and violence offending such as the case of *R v Tipene*.<sup>8</sup> I am also satisfied the start point of 16 is overall appropriate.

[41] I think, however, there should be a discrete uplift of twelve months for the conspiring to pervert the course of justice.<sup>9</sup> That is separate offending. That offending is only connected to the other offending insofar as it was designed to avoid culpability for it. You pleaded guilty to this, so I will discount this uplift by three months. This results in a cumulative start point of 16 years and nine months.

[42] I do not provide an uplift for your prior convictions. I prefer to factor that into my assessment of any minimum period of imprisonment.

[43] Save for what I now have to say about the nexus between your offending and your traumatic upbringing, there are no mitigating factors to the offending, so I turn then to your personal mitigating factors.

[44] The Court of Appeal in *Zhang* affirmed that ingrained, systemic poverty resulting from loss of land, language, culture, rangatiratanga, mana and dignity are matters that may be regarded or considered in a proper case to have impaired choice and diminished moral culpability where the offender shows that this poverty is causatively linked to the offending.<sup>10</sup> Similarly, social, economic and cultural deprivation that has a demonstrative nexus with the offending may be presented in mitigation.

[45] In this regard, I am satisfied that there is a demonstrative nexus between your traumatic upbringing, systemic and social deprivation and your offending. Those factors, in combination with what appears to be symptoms of ADHD and FASD and substance abuse are, in my view, the genesis of your antisocial and violent tendencies and now your apparent lack of insight.

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<sup>8</sup> *R v Tipene* [2009] NZCA 343..

<sup>9</sup> See *Gunn v Police* [2014] NZHC 356.

<sup>10</sup> *Zhang v R* [2019] NZCA 507 at [159]

[46] To varying degrees the linkages are drawn also by Dr Djokovich and Mr van Rensburg and, as Ms Turner notes in your s 27 report, family violence, [suppressed], parental neglect and abandonment, problem drinking and substance misuse, parental mental health issues and parental imprisonment, are factors that must have had a lasting and significant impact on you. She also explains, applying a Māori conceptualisation of wellbeing, that for you, all four corners of wellbeing - taha tinana (physical), taha wairua (spiritual), taha hinengaro (mental) and taha whānau (family) - are damaged which, in turn, has affected your decision making.

[47] I also agree with Ms Turner that your cultural disconnectedness is an indication of the disadvantage and social deprivation experienced by many Māori living in impoverished circumstances. These factors are relevant because, as Ms Turner also states, reconnecting with your whānau and strengthening your cultural identity will be “critical” for your future.

[48] I therefore consider that it is appropriate to afford you a discount to account for the effects of this childhood trauma and deprivation because it can be linked to your offending and therefore bears on your moral culpability. Your capacity to reconnect with your whānau and your culture are also factors that go to your rehabilitation.

[49] I must, however, moderate my approach to any personal circumstances discount because it is not clear to me that you are at all ready to rehabilitate. Indeed, I remain concerned about your ongoing denial of the offending and of the previous offending, in the sense of the harm that you caused. That is a significant factor in any rehabilitation. So, while the deep-rooted causes of your offending reduce your moral culpability, I cannot be naïve about the fact that, on the information available to me, you continue to maintain the victim consented to the abuse. This is also important in cases of serious sexual violence because deterrence and denunciation may need to prevail. Your failure to acknowledge your wrongdoing brings this into consideration.

[50] Accordingly, I am prepared to provide a 10 per cent discount for the evident, systemic and social deprivation in your early life. But I do not think I can reasonably afford you an additional discount for your capacity to rehabilitate, given your

apparently entrenched view of the victim's consent. Nor is a discount for remorse available to you.

[51] In the result, I would fix a finite sentence at 181 months or 15 years and one month, comprised of a starting point of 16 years nine months, less a discount of 20 months.

[52] I turn then to consider what MPI I would impose in the event I impose a finite sentence. This is your second set of very serious sexual violence offences. It was effectively separated in time by your term of imprisonment for the first set of offending. You remain in denial about your offending. I am therefore satisfied that an MPI of 50 per cent or seven years six months is necessary to hold you accountable for the harm to the victim, to denounce your conduct and to deter you and others from committing the same offence and to protect the community.

### **Preventive detention**

[53] Turning then to preventive detention. Mr Heke-Gray, I may impose a sentence of preventive detention if:<sup>11</sup>

- (a) your conviction history discloses a pattern of serious offending;
- (b) your offending has caused serious harm;
- (c) there is information indicating a tendency to commit serious offences;
- (d) you have not sought out rehabilitative treatment; and
- (e) the principle that a lengthy determinate sentence is preferable is not engaged.

[54] I am satisfied that all of the factors are engaged to varying degrees. It is clearly aggravating that you were on release conditions when you offended against the victim. Dealing with the issue of treatment, which has been raised by your counsel and which

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<sup>11</sup> Sentencing Act 2002, s 87.

I accept there is some dispute about, while not clear-cut, I am satisfied that there were problems with you gaining your access to STRP. That being the case, it cannot be said that you failed to seek out that treatment. Balanced against this, your level of cooperation in terms of rehabilitative treatment was clearly poor. Furthermore, your ongoing denial suggests that you are not genuinely open to rehabilitative treatment at this time. This favours a cautious approach and close examination of whether a lengthy sentence is preferable.

[55] Coming then to that assessment. With an end sentence of 15 years and one month, you will be in prison for a lengthy period, particularly if you continue to deny your offending. You are also eligible to be considered for an extended supervision order at the end of your sentence. These are mitigating factors, as the Court of Appeal noted in *Parahi*.<sup>12</sup> Furthermore, given what appears to me to be a clear link between your traumatic upbringing and substance abuse and your violent tendencies, there is clear scope for rehabilitation directed to those underlying causes, including via reconnection to your whānau and to your culture. But, regrettably, I have come to the view that given what appears to be an entrenched denial of your offending, I consider I am obliged to impose a sentence of preventive detention.

[56] The minimum period of imprisonment is the period I would otherwise have imposed had I imposed a finite sentence.

### **Outcome**

[57] Mr Heke-Gray, please stand. On the charge of male rapes female, I impose a sentence of preventive detention with a minimum non-parole period of imprisonment of seven years and six months.

[58] On the each of the five charges of unlawful sexual connection with a female, I impose a sentence of 4 years' imprisonment, each to be served concurrently with the sentence on the rape charge.

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<sup>12</sup> See *R v Parahi* [2005] 3 NZLR 356 (CA) at [90].

[59] On the charge of assault with intent to injure, I impose a sentence of two years' imprisonment, to be served concurrently with the sentence for the charge of rape.

[60] On each of the three charges involving threatening to kill or to do grievous bodily harm, I impose a sentence of one year of imprisonment, each to be served concurrently with the sentence for the charge of rape.

[61] On the charge of conspiring to pervert the course of justice (to which you pleaded guilty), I impose a sentence of nine months' imprisonment to be served concurrently with the sentence for the charge of rape.

[62] On the charge of unlawfully carrying a firearm and possession of a restricted weapon, I impose a sentence of three months' imprisonment to be served concurrently with the sentence for the charge of rape.

### **Strike warning**

[63] Given your convictions for sexual violation, you are now subject to the three-strikes law. I am now going to give you a warning of the consequences of another serious violence conviction. You will also be given a written notice outlining these consequences, which lists the 'serious violent offences'.

[64] If you are convicted of any serious violence offences other than murder committed after this warning and if the Judge imposes a sentence of imprisonment, then you will serve that sentence without parole or early release.

[65] If you are convicted of murder committed after this warning, then you must be sentenced to life imprisonment. That will be served without parole unless it would be manifestly unjust. In that event, the Judge must sentence you to a minimum term of imprisonment.

[66] Mr Heke-Gray, please stand down.

## **Addendum**

[67] I have suppressed a portion of paras [15], [18] and [46] of the sentencing notes.