

**IN THE DISTRICT COURT  
AT HASTINGS**

**CRI-2017-020-002380  
[2017] NZDC 27036**

**NEW ZEALAND POLICE**  
Prosecutor

v

**[GEORGE HALLENSTEIN]**  
Defendant

Hearing: 29 November 2017

Appearances: A Riley for the Prosecutor  
S M Govender for the Defendant

Judgment: 29 November 2017

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**NOTES OF JUDGE JOHN WALKER ON SENTENCING**

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[1] Mr [Hallenstein], you appear for sentence having been convicted after a Judge alone trial which was heard before me of injuring with intent to cause grievous bodily harm. Maximum sentence for such offence is a sentence of 10 years' imprisonment. Injuring with reckless regard and breach of a protection order.

[2] I set out the reasons for finding the charge proved in my decision but I refer for the purposes of these sentencing remarks, to paragraphs 9, 10 and 11.

[3] The complainant in this case told the Court that on the afternoon of [date deleted] there had been ongoing arguments and there had been a consumption of alcohol by both of you. Into the evening the arguing continued and she says that at one point she was on the bed, which was in the lounge of the house, with you on top

of her. There was arguing, she struck out with her arm against a nearby window causing it to break. She got up and decided that she needed some space to herself and some time out and she decided to have a shower. She went into the bathroom, got undressed, got into the shower, which is a shower rose over a bath with a shower curtain. While she was in that position and with the shower running, she was attacked by you punching her through the curtain. She received a blow to the head and chest. As a result she slipped over in the bath, struck her left eye area on the edge of the bath and was lying in the bath with water running and blood running from her eye while you continued to rain blows on her.

[4] She says that once that attack stopped she partially dried herself, put on a t-shirt or singlet, decided to go outside to sit on the step and have a cigarette. While in that position you came up behind her, grabbed her around the arms and body and dragged her inside over the step and doorway causing grazing to her leg and bruising.

[5] This was all while she was protected by a protection order against you.

[6] The attack in the shower, in my assessment, was a vicious attack when she was in a most vulnerable position and the attack was directed at her head. Then continuing the assault on her when she was having time out sitting on the step obviously weighing her circumstances.

[7] You had been together for 10 years and from the criminal history record at least six of those years have been characterised by you coming to Court and being convicted of violent offending against her or breaching a protection order.

[8] There are [number deleted] children. They have been brought up in this situation. They would have learnt from that and if anything is to happen in the future by you, for them, it is to take all of the assistance which is given to you to ensure that the violence stops, so they can be brought up in a household that is full of love and care. They are entitled to it otherwise they will end up standing exactly where you are in the future because they will think that that is the way that life is. Not too late to send a different message to them so if there is nothing else you do in life, you need to fix that.

[9] In respect of the history to which I have just been referring you, you assaulted this same victim with intent to injure her in 2011. You have breached a protection order six times in relation to her including 2016 and 2017. You have two other convictions for being a male assaulting a female, same victim in 2015 and 2016.

[10] I have written submissions from your lawyer and from the police which I have considered, nothing has been added to those submissions today.

[11] I take as the lead offence, the injuring with intent to cause grievous bodily harm. I take as a starting point for that offence as a sentence of two and a half years' imprisonment. What makes that situation worse is that it was carried out in breach of a protection order and so there is also a charge of breach of a protection order and then there was the further injuring with reckless disregard.

[12] To reflect those matters I consider that the sentence should be increased to one of three years' imprisonment to take account of the other offences. You have a history of violence towards her as I have already detailed. Some uplift in the sentence is required to reflect that bad history. An uplift of a further four months is appropriate. That would take the sentence to one of three years and four months' imprisonment.

[13] There is nothing in the Probation Officer's report that provides any basis for reducing the sentence from that point. You still deny the offending and there is nothing in the Probation Officer's report which would provide a basis for any mitigation.

[14] The victim impact statement says that she is terrified of you and she is calling out for help for her. I hope that those that read the victim impact statement, including the police, will see what efforts can be made to help her. She is clearly calling for help.

[15] Mr [Hallenstein], in respect of the injuring with intent to cause grievous bodily harm you are convicted today and sentenced to three years and four months' imprisonment. You are sentenced to six months' imprisonment on each of the other offences to be served at the same time.

[16] I do not consider that this is a case where any minimum period of imprisonment is required. The end result is three years and four months' imprisonment.

John Walker  
District Court Judge