

**IN THE DISTRICT COURT  
AT AUCKLAND**

**CRI-2015-004-011856  
[2016] NZDC 3598**

**NEW ZEALAND POLICE**  
Prosecutor

v

**KARL JOHN WILD**  
Defendant

Hearing: 2 March 2016  
Appearances: S Ball for the Prosecutor  
G English for the Defendant  
Judgment: 2 March 2016

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**NOTES OF JUDGE R J COLLINS ON SENTENCING**

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[1] Mr Wild, you are for sentence having pleaded guilty to two charges, one of injuring Liam Patrick Noble with intent to injure him and one of, seven days later, threatening to kill him.

[2] The facts on which I am required to sentence you are as follows. You and your victim were known to each other, having previously lived in the same boarding house. He described you as a friend prior to this incident.

[3] At about 11.30 pm on Wednesday 11 November 2015 you were drinking with two other friends in the grounds of Saint Peter's Anglican Church, situated at the Onehunga Mall in Onehunga. At this time the victim arrived and he began drinking with you. A short time after this you and the victim went back to your residence, which is a nearby boarding house.

[4] At the boarding house you conversed briefly with a mutual friend. The two of you walked back to the church grounds, where you had been drinking. Upon arrival there you found that your two other friends had taken a bottle of whisky and departed. You briefly looked for these two but could not locate them. Enraged, you grabbed the victim and pushed him up against the railing of the church entrance ramp. You then produced a knife and held it against the victim's throat, telling the victim that you would kill him if you wanted.

[5] You then punched the victim in the face, or in the head and I accept from counsel who tells me he has seen the CCTV footage that it was in fact one blow, but that one blow caused the victim to bleed profusely. It must have been a massive blow, Mr Wild, because that blow broke the victim's jaw on both sides and he was operated on and a plate and wire were inserted into his jaw. He also lost a number of teeth and reconstructive dental surgery is required. I have no update information as to that.

[6] You released the victim and the victim returned to the nearby boarding house and began cleaning himself up in another friend's room. You went to this room and again threatened the victim with a knife and told him that, if the victim told anyone about the assault, you would kill him.

[7] On Wednesday 18 November you went to the victim's address at a boarding lodge. Staff at the lodge were aware of the above assault so hid the victim inside the lodge. A staff member approached you and told you to leave. You refused, stating, "I don't have to leave, I've come to finish what I started, I've come to kill Liam," and you were eventually persuaded to leave the lodge. This morning, Mr Wild, Mr English on your behalf has pointed out to me wider circumstances which he submits are mitigating of that offending and I have taken those factors into account.

[8] The next matter I turn to is your criminal history and I have rarely seen one which contains so many convictions for violence. I am not going to read them all out but from 1999 onwards, when you were convicted for the same offence of injuring with intent to injure, you have been convicted and sentenced on multiple occasions for acts of violence and you represent a very substantial threat to the safety

of the public, because of a complete inability to be able to control yourself. And finally, before moving on, I observe that in relation to this charge, you have been fortunate that you were simply charged with injuring with intent to injure.

[9] On the summary of facts which I have just referred to, you could easily have been charged with wounding with intent to injure and even, in fact, with causing grievous bodily harm. There were those that would readily come to the view that breaking this man's jaw in the way that it represents really serious harm. But the charge which you have been charged with injuring with intent to injure and it is on that basis that you will be sentenced. You are not going to be sentenced on the basis that a more serious charge could have been laid. I just simply make that observation, Mr Wild, should you start to feel sorry for yourself. [No I did it, I did it. I'm sorry that I did it] Yes, I accept that there is some remorse.

[10] I have to have regard to the pre-sentence report but that, realistically, makes the only recommendation that can be made and that is a term of imprisonment. Taking into account the principles and purposes of sentencing, I can say that they are all operative today but particularly the need to protect the public.

[11] I am required to set a starting point for this offending and then to follow a process. There is a tariff case which governs this offending and that is a case called *Nuku v R* [2013] 2 NZLR 39 (CA). You were clearly in band 2. Mr English has also referred me to a High Court decision and I have taken that into account but I regard the offending here as more serious. While, like in that case, there has been one massive blow to the head, in your case it has been accompanied with the threats with the knife. In my view, taking the tariff case into account and the other matters that I have referred to, the appropriate starting point for the injuring charge is one of two years' imprisonment.

[12] An uplift is required to take account of the threat to kill which came a week later, and in my view the uplift for that offending is one of six months and that uplift is on a totality basis.

[13] The most difficult part of today's sentencing exercise is to assess the appropriate uplift for the multiple previous convictions for violence. There is a clear danger that they not be double counted and that you are not punished in a sense twice, but the Sentencing Act 2002 makes it clear it is a factor to be taken into account and also particularly when one has to have regard to the safety of the public. In my view, the minimum uplift required here is one of six months for those multiple previous convictions for violence. That takes me to a point of three years.

[14] Given that this matter was captured, I am told on CCTV there would have been no meaningful way in which it could have been defended. The Supreme Court in *Hessell v R* [2011] 1 NZLR 607 has said that the discount for guilty plea is one which represents the true worth of the plea and the timing of the plea is but one factor. In this case, in my view the appropriate discount for your pleas is one of six months, which takes me to an end point of two and a half years' imprisonment.

[15] I have discussed with your counsel today the issue of a minimum period of imprisonment. In my view a strong argument could be made out for it. The police have not sought it and having heard from Mr English, I do not propose to apply it. The principal reason I do not do that is that, in my view, that gives regard to the matters, the personal matters about you and your health that counsel have raised and therefore those matters then can be best left for the Parole Board to consider, when you are eligible for parole and when the board makes its decision as to what sort of risk you still represent to the community.

[16] So on the charge of injuring with intent to injure, you are sentenced to imprisonment for two years and six months and on the charge of threatening to kill, a term of imprisonment of six months. Both those terms of imprisonment are concurrent. The total term of imprisonment is two years six months. [How come nothing was said about me (inaudible 11:35:53?) That's why I had the knife there].

R J Collins  
District Court Judge