

**IN THE DISTRICT COURT  
AT LEVIN**

**CRI-2015-031-001578  
[2016] NZDC 4570**

**NEW ZEALAND POLICE**  
Prosecutor

v

**PIRIPI HAYWOOD**  
Defendant

Hearing: 16 March 2016  
Appearances: Sergeant S Chamberlain for the Prosecutor  
D Flinn for the Defendant  
Judgment: 16 March 2016

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**NOTES OF JUDGE S B EDWARDS ON SENTENCING**

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[1] Piripi Haywood, you appear for sentence on a number of charges from offending in November last year. The first in time was an assault on your former partner. This occurred in the presence of your three year old son.

[2] You had been out drinking and arrived home drunk. You and the victim argued. According to the summary she refused to get you some food. At some point she hit you and you responded by grabbing her by the shoulders and driving your knee into her ribs. She experienced intense pain, an ambulance was called and she was transported to hospital. It does not appear that she suffered any ongoing injuries, but I do not have a victim impact statement in front of me.

[3] The other charges all stem from the night of 22 November. You were at an address in [location and details deleted] and you had been drinking.

[4] At one stage you entered a bedroom where children were sleeping, as well as an adult woman. She was with her two children; all three of them under a blanket. Your young son was asleep elsewhere in the room. You woke her up and she told you to leave. You started talking to her about your partner and an interest she might have in your brother. You told her that everyone else had said to you that because of this it was okay for you to go and sleep with her.

[5] You knelt beside the bed and leaned over towards her. She told you to get out; repeating that several times as her children were beginning to wake up. You rubbed your hands over her legs and bottom over the blanket. In all, you were in the room where she and the children were sleeping for around 10 minutes. A young man of 14 knocked on the door, came in and found you kneeling next to the bed and you were taken out of the room.

[6] Later on you had an argument with your partner, the summary says due to your drunk and annoying behaviour. In relation to your interaction with your partner that night you are charged with psychological abuse as a breach of the protection order.

[7] The summary of facts records that you then walked up to the 14 year old boy who was in the room and head butted him in the face, connecting with his forehead. You looked at your partner and then head butted him a second time. She intervened. As you were leaving, you damaged the insect and security screens over the front door of the house.

[8] You told the pre-sentence report writer that you had little recollection of events that night, largely due to the fact you were grossly affected by alcohol. You also acknowledged that you had consumed alcohol when you assaulted your partner on the earlier occasion.

[9] When asked about drug use, you told the probation officer that you may have also had cannabis that night, but you had consumed so much alcohol you could not remember if you had had any drugs.

[10] Your personal circumstances are outlined in the pre-sentence report. You are employed and have held the same job with the same employer for some nine years. You are regarded as a diligent, honest and reliable employee. Clearly, the fact you work six days a week means it takes up a significant amount of your time and enables you to provide for your family.

[11] You have, perhaps belatedly, come to the realisation that you have an issue with alcohol and you have taken steps to address that which is to your credit. You have approached a counselling organisation and are looking at what programmes you can undergo to address the issues that lie behind your offending.

[12] Your criminal history is not significant. You do have previous convictions for a domestic assault and that is of concern, but they are now some 10 years old. Your most recent offending (which was a disorderly behaviour) was in 2010.

[13] As you have heard me discuss at length with Mr Flinn and Sergeant Chamberlain, the lead offence for the purpose of sentencing is the indecent assault. As an offence it covers a wide range of behaviour. But while your offending can be placed at the very lower end of the scale, it is still serious offending. Unwanted sexual contact with anyone, (a child or adult) is a serious offence.

[14] What makes your offending serious is that you were in the room for some period of time, you did not desist when the complainant told to you repeatedly, and there were children in the room including your own child.

[15] The starting point must be one of imprisonment. What needs to be assessed is where your offending falls on the scale, given the maximum penalty for an indecent assault is seven years' imprisonment. The prosecution suggested a starting point in the region of 10 months' imprisonment. As you have heard me say, I might have pitched it slightly higher, but I am prepared to accept that that is an appropriate starting point.

[16] There must be an uplift for the other offences you committed that night. In particular, you breached a protection order which was actually put in place before the

assault on your partner earlier in November. (This raises the question of why you were not charged with breaching it in relation to that assault). However, it was put in place by the Court and whatever the type of breach, it was up to you to ensure you did not breach the protection order in any way.

[17] The victim of your assault, no matter what his size, was a 14 year old boy and this means that you, as the adult, should have behaved in a more responsible way.

[18] The damage to the property is the more minor of the offences, but when you are at any sort of social gathering, (but particularly with family) the last thing they need to be is on the receiving end of your temper and drunken behaviour.

[19] I consider that overall the other offending that night warrants an uplift of six months, taking it to 16 months' imprisonment. The earlier assault on your partner warrants an uplift in itself. It is separate offending and two months is appropriate for it, which takes the total to 18 months' imprisonment.

[20] I accept Mr Flinn's submission on your behalf that you are entitled to some recognition for your willingness to attend restorative justice, for the remorse you have expressed for your behaviour on this night, and also the steps you have taken to approach a counselling organisation and look at addressing your issue with alcohol. I am allowing a two-month reduction for that which takes it to 16 months' imprisonment.

[21] You are also entitled to the maximum available discount for your guilty pleas, which reduces the sentence further to 12 months imprisonment.

[22] The next question is whether that sentence of imprisonment should be commuted to one of home detention. It is a balancing exercise. I must look at the seriousness of the offending, the need to denounce and deter you and others from similar offending, but then weigh that against your personal circumstances and impose what is the least restrictive outcome appropriate in all the circumstances.

[23] Given your employment situation, the steps you have taken to look at the issues behind your offending and the age of your earlier convictions for assault, I consider that home detention is an appropriate sentencing response.

[24] There is every indication in the pre-sentence report that probation will work with you and your employer to ensure you can maintain your employment, but of course they are not guaranteeing that.

[25] What a sentence of home detention is designed to do, Mr Haywood, is not only to punish you, but to offer you opportunities for rehabilitation as well. The home detention sentence and the post-detention conditions that I am about to impose will allow official oversight and monitoring of what you have started yourself, which is addressing in particular, your issue with alcohol.

[26] On the charge of indecent assault, the sentence is six months' home detention. It is to your residence [location details deleted]. The special conditions are set out in the pre-sentence report. Standard post-detention conditions and the special post-detention conditions in the pre-sentence report will apply until six months after the detention end date.

[27] On each of the other charges, there will be concurrent sentences of home detention imposed. They run together so the total is still six months home detention. On the breach of the protection order, I impose three months' home detention. For the assault on the 14 year old, two months' home detention. For the male assaults female, two months' home detention and for the intentional damage, two weeks' home detention.

S B Edwards  
District Court Judge