

**IN THE DISTRICT COURT
AT HASTINGS**

**CRI-2016-081-000043
[2016] NZDC 4503**

NEW ZEALAND POLICE
Prosecutor

v

JADE RIPIA AXLE ERIHA
Defendant

Hearing: 15 March 2016
Appearances: A Horne for the Prosecutor
C Robertson for the Defendant
Judgment: 15 March 2016

NOTES OF JUDGE M A COURTNEY ON SENTENCING

[1] Mr Eriha, there are a number of charges before the Court, one to which you have previously pleaded guilty. That was a charge of breach of prison release conditions. That matter was dealt with on 12 February when you were convicted. That charge then follows these other remaining charges.

[2] The police have, today, withdrawn two charges – burglary on 21 February and dishonestly without claim of right having a Isuzu vehicle. Those charges have been withdrawn. That has then left four remaining charges for which sentencing indications were sought.

[3] On one of those charges you had entered a not guilty plea and sought a Judge-alone trial. No plea had been entered to the other charges.

[4] Having considered the matter, and discussed it with Mr Robertson, I have accepted the sentencing indication that he suggested of an end-sentence of two years' imprisonment. That is one which I think adequately takes into account the offending which I will come to, but in particular your previous convictions. You have a number of previous convictions. The violence ones go back to 2004. But there was nothing of a similar nature until 2015 when you were convicted for male assaults female and two charges of contravening a protection order with regard to a different victim.

[5] As far as the offending on 1 January is concerned, there has been an argument between you and Ms Cooper. You have told her you would throw her out of the house. You have grabbed her by the back of the head. You have pulled her head down towards the floor and then you have kicked her in the face once with a bare foot; a fairly severe and serious assault. You have then pushed her onto a bed, you have kicked her once in the back, and told her to leave. She has received a bleeding nose, cut lip, sore face and back. That kick with a foot to the face was, in my view, the lead offence as far as the charges we are dealing with.

[6] The charge of receiving the Isuzu motor vehicle is one where it has come into your possession. You have then used that vehicle to drive to the victim's address. What is particularly concerning there is that you were, at that stage, on bail for the male assaults female charge from January.

[7] The bail conditions included a provision not to contact the victim or go within 500 metres of her property. You have gone to her property in Flaxmere. The victim was afraid that you would hurt her or her family if she did not agree to go with you. So she therefore went with you to Waipukurau to your address. You have then thrown a plastic bottle of soft-drink at her which was not offending of a significant nature.

[8] However, that has been followed by you waving a metal bar at her as if you were going to hit her. She has then been so concerned and scared that she has tried to curl up and hide underneath a bed. You have then lifted the bed up and dragged her out by her ponytail. When she asked you to stop, you threatened to "waste" her before you told her to get out of the house. As she was trying to get into her clothes,

you were throwing her bag outside. You have told her to hurry up and you have punched her on the top of the head. You have then followed her as she was on the phone, calling her a “nark”. You have hit her then with a mop, striking her on the shoulder. That has caused a small bruise. The victim received a bruise on her shoulder and a sore hand from that mop assault. The other assaults did not cause any ongoing problems for her.

[9] As I say, this offending comes on the top of offending last year of a similar nature with a different victim. A significant assault in January and a concern that there is further offending with this victim whilst you were in breach of bail conditions. I believe that an end-sentence is appropriate of two years. You have waived your right to a pre-sentence report given that indication.

[10] Accordingly, on the charge of male assaults female on 1 January, you are convicted and you are sentenced to imprisonment for 12 months.

[11] On the charge of receiving the truck, you are convicted and you are sentenced to prison for three months. That is cumulative on the first prison sentence.

[12] On the charges of assault of Ms Cooper with a mop as a weapon and male assaults female, on each of those charges you are convicted and sentenced to nine months’ imprisonment. That is cumulative on the sentence with regard to the receiving charge. So there is a total end-sentence for all those charges of two years’ imprisonment.

[13] On the charge of breach of release conditions you are convicted and discharged.

M A Courtney
District Court Judge