

**IN THE DISTRICT COURT  
AT MANUKAU**

**CRI-2015-057-000938  
[2016] NZDC 3903**

**THE QUEEN**

v

**SIDNEY MAURICE NEVILLE KIRA  
(AKA) SIDNEY KIRA**

Hearing: 9 March 2016  
Appearances: L Clancy for the Crown  
E Te Whata for the Defendant  
Judgment: 9 March 2016

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**NOTES OF JUDGE C S BLACKIE ON SENTENCING**

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[1] Sidney Maurice Neville Kira, you are before the Court now for sentence on a charge of sexual violation by unlawful sexual connection. That involved the penetration of the complainant's vagina with your fingers on apparently three occasions.

[2] Earlier this year, on 22 January 2016, you asked the Court for an indication as to the likely sentence that would be imposed in the event that you were to accept responsibility for what had happened and to plead guilty.

[3] His Honour Judge Andrée Wiltens heard argument put before him from your counsel and also counsel for the Crown and he indicated to you that the starting point in terms of your offending would be a period of four-and-a-half years' imprisonment. He indicated to you, though, that if you were prepared to plead guilty at this point, you would receive a discount of 25 percent on that sentence.

[4] You subsequently accepted the indication given by Judge Andrée Wiltens and it simply remains for me today to impose the ultimate sentence.

[5] Ms Te Whata, on your behalf, has filed brief submissions and it is accepted now that I should give you that discount, but unfortunately there is not much else that I can take into account. I was disturbed to read the pre-sentence report which indicated that, even at this late stage, you were not accepting responsibility for what had occurred. However, Ms Te Whata assures me this morning that that must be a misinterpretation by the report-writer and that you are indeed accepting responsibility.

[6] I have before me now, which was not before the Court earlier, a victim impact statement and that simply confirms what the Court invariably finds in this type of case and that is the long-felt emotional and psychological harm that victims of sexual abuse suffer from long after the actual events themselves.

[7] In reality I have to carry out a mathematical exercise. From the starting point of four-and-a-half years' imprisonment, which you have accepted, I give you the maximum discount of 25 percent, as indicated by Judge Andrée Wiltens and fix the final sentence of one of three years and four months' imprisonment.

[8] You are sentenced to three years and four months' imprisonment on this charge accordingly.

C S Blackie  
District Court Judge