

**IN THE DISTRICT COURT
AT NAPIER**

**CRI-2015-041-002460
[2016] NZDC 17641**

THE QUEEN

v

KAHU LEE KAHIKA

Hearing: 9 September 2016
Appearances: S Manning for the Crown
S Jefferson for the Defendant
Judgment: 9 September 2016

NOTES OF JUDGE G A REA ON SENTENCING

[1] Mr Kahika, you are here for sentence today having pleaded guilty, at quite a late stage, to two charges of injuring with intent to injure, and one of wilful damage of a motor vehicle. The facts are that on the night of 25 June last year, you went to an address in Flaxmere. The two female complainants were both at that address. There was a small gathering of women who were socialising and you went into the address. You did not know them and they did not know you.

[2] Some incident developed around a small dog. It is unclear exactly what happened, but it seemed to cause problems. There were threats made and you then started helping yourself to some drinks. You were confronted by one of the complainants about that, and as a result, you lashed out in anger at her.

[3] You punched her with a closed fist to the head and face on numerous occasions, causing her to fall to the ground. During the assault, the second woman

tried to intervene to stop what you were doing. As a result of that, you have turned your attention to her and you started punching her in the face and the head several times with a closed fist.

[4] Other people who were there tried to help and push you away, and get you out outside and lock the door. The two women that you had attacked were fearful for their own safety and decided to leave. They got into a vehicle and attempted to reverse out of the driveway. You then approached their vehicle. You were abusing them. You smashed the driver's side window with your fist and it exploded all over the complainants in the vehicle.

[5] You then started punching one of the complainants to the head and the face. This caused a front tooth to snap off and ended up splitting her lip. One complainant was pulled from the vehicle and kicked to the head and leg area by you and she lost consciousness momentarily. After assaulting her, you went around the other side of the vehicle and you took to the second complainant by punching her to the head and the face area before pulling her from the vehicle.

[6] While she was on the ground, you also kicked her in the head and the face area. Somebody present called the police and you were located a short time later at a nearby address. One of the complainants received a broken tooth, split lip, bruising, swelling, and some broken bones in her left foot which required surgery and a cast. The other complainant received facial swelling and bruising.

[7] In explanation, you admitted being present and having a fight, but claimed it was self-defence as you were the one that was under attack. You have eventually pleaded guilty ahead of trial and you will get some credit for that. I have read the submissions that both counsel have put in and I largely agree with them.

[8] The disturbing feature, from my point of view, is your appalling record of violence to other people over a number of years. Your record is full of serious violent convictions and here we have just two more to add to an ever increasing list.

[9] Generally I would have imposed a minimum non-parole period on you, but the Crown are not seeking that in this case, so as a result I do not intend to do so. You need to understand that if you got involved in behaviour such as this again, that is an absolute certainty for you.

[10] I consider that the starting point over these charges is two and a half years' imprisonment. There needs to be an uplift to reflect your previous convictions and that is set at four months. That takes the starting point to two years and 10 months. It does need to be reduced for the fact that you did eventually plead guilty, so the uplift will be eliminated and the sentence on the two injuring charges will be two years and six months' imprisonment, and on the wilful damage charge, two months' imprisonment. All terms to run concurrently, making a total of two years and six months.

G A Rea
District Court Judge