

EDITORIAL NOTE: SOME NAMES AND/OR DETAILS IN THIS JUDGMENT
HAVE BEEN ANONYMISED.

**IN THE DISTRICT COURT
AT NAPIER**

**CRI-2016-041-000469
THREE STRIKES WARNING
[2017] NZDC 6650**

THE QUEEN

v

TUREI SHANE CRAWFORD

Hearing: 29 March 2017
Appearances: L Maynard for the Crown
C Robertson for the Defendant
Judgment: 29 March 2017

NOTES OF JUDGE G A REA ON SENTENCING

[1] Mr Crawford, you are here for sentence on a charge of rape and one of offering to supply methamphetamine.

[2] There is an outstanding breach of bail as well, on which you are now convicted and discharged.

[3] The rape conviction is a three strikes offence. You will get some documentation shortly outlining all other offences that are also three strike offences. If you were to commit a second three strikes offence you would have to serve out the full amount of the sentence imposed by the Court. If you received a third strike, you have to serve the maximum amount provided for under the legislation, again, without parole. There are certain rules around the crime of murder that will be set out in the material you receive.

[4] The background to this is that on 14 January last year you, being an associate of the complainant's ex-partner, made contact through a Facebook page and agreed to sell some methamphetamine. You arranged to meet at an address in Maraenui. The complainant [details deleted] travelled to the address that was supplied and she did that at half past six in the morning of 14 January.

[5] The house that she went to was an unoccupied derelict Housing New Zealand dwelling. She went through the rear of the property as you had instructed her to do and she waited in a bedroom. You arrived a relatively short time later but you didn't have any methamphetamine with you and you said you needed to contact a friend to enable you to do that. You asked to use the complainant's phone for that purpose. She provided it and you used it in such a way that when you handed it back to her it had no further battery life.

[6] About 15 minutes later the complainant told you that she needed to leave. You then created a story about, firstly, a lady coming to the property and, subsequently, police officers coming. As a result she hid in a wardrobe to avoid being seen particularly by police. It is clear that nobody was there – certainly no police officers. You used that as a device to get her into the wardrobe. You joined her in the wardrobe and there was a manhole there. She was down the manhole and you climbed in with her. You ended up raping her as the jury has found. She made it clear to you that she did not want your attentions but that did not stop you. As I have said, you carried out a complete rape of her. At the end of it you provided her with some money to get a taxi cab home.

[7] One of the difficulties in this case is working out whether the offer to supply methamphetamine was a genuine offer made at the time to do so, or whether it simply represented a device to get the complainant into a derelict building so you could offend against her in the way that you did.

[8] Mr Robertson says that you are not sophisticated enough for that, that you are not quick enough intellectually to come up with that. Having said that, it is quite clear that you were perfectly prepared and perfectly able to tell lies about what was

happening once the complainant got to the house, in an endeavour to get her into an area where you could properly control her and carry out the offending that you did.

[9] In the end I have decided to treat the methamphetamine aspect of it as simply an aggravating part of the overall offending and not to add cumulatively to your sentence as a result of it. Whether in the end you were intending to supply methamphetamine, or whether you saw that this was an opportunity to sexually offend only you will know. There is no need in my view to cumulate any sentence based on the offer to supply methamphetamine.

[10] There has been some debate between the lawyers as to where the seriousness of this offending lies. When you take into account the offer of the methamphetamine to get the complainant to the property and the way that you behaved, to put fear into her that she would be discovered, I consider that the facts fall in a mid-level of band 1 of the Court of Appeal decision in *R v A M*¹ and I see the starting point as seven years' imprisonment.

[11] You are a 22 year old. You have got some previous convictions, but I consider that you are a relatively immature person. I consider that the convictions that you have are not serious and you are entitled to a small discount for your immaturity and your lack of serious convictions.

[12] I say that because there is a comment in the probation report that, if it is true, does you absolutely no credit at all and would speak volumes about the danger that you may be to others. However, I am prepared to treat it, if it happened, as you simply venting, being in a difficult situation and being unable to cope in having to tell your life story to somebody who you were not keen on telling it to, but whom you were required to do so. Overall, I am prepared to give you a reduction of six months for your immaturity and your relatively few previous convictions.

[13] Therefore, on the charge of rape, you will be sentenced to six and a half years imprisonment.

¹ *R v A M* [2010] NZCA 114; 2 NZLR 750

[14] On the charge of offering to supply methamphetamine to 18 months' imprisonment.

[15] The terms are concurrent, that is, running together making a total of six and a half years.

G A Rea
District Court Judge