

**IN THE DISTRICT COURT  
AT KAIKOHE**

**CRI-2017-027-000050  
[2017] NZDC 5328**

**NEW ZEALAND POLICE**  
Prosecutor

v

**ETHAN QUADE SANDERS**  
Defendant

Hearing: 14 March 2017  
Appearances: Sergeant R Price for the Prosecutor  
S Nicholson for the Defendant  
Judgment: 14 March 2017

---

**NOTES OF JUDGE G L DAVIS ON SENTENCING**

---

[1] I have before me Ethan Sanders. Before I begin my sentencing remarks, Mr Sanders has all of his documents that are before the Court with his name misspelt. He is described in the police charging documents as being an Ethan Saunders. He pointed out, quite properly so, to the Court last week that his name was Ethan Sanders and he has asked the Court to ensure that his documentation in future is spelt correctly. I indicated to him that I would do so and have dictated this note so that I trust the appropriate records from here on in will reflect the correct spelling of Mr Sander's name.

[2] That point aside, Mr Sanders has accepted a sentence indication of a starting point of imprisonment of five and a half years for a number of offences including 14 burglaries, two thefts of a motor vehicle, 10 unlawfully taking motor vehicles, two assaults, one failing to stop to ascertain whether a person had been injured or killed after a motor vehicle accident, four unlawful interfering with motor vehicles,

two male assaults female charges, two dangerous driving charges, two breaches of supervision, two wilful damages, two failing to stop for red and blue flashing lights and two sustained loss of traction.

[3] Generally speaking, the charges can be described as follows. Mr Sanders has gone on a crime spree committing burglaries in and around the Kaikohe area over a short space of time. It has involved him taking vehicles that he was not permitted to take, often driving off and leading a police on a merry chase.

[4] In one of those incidences he drove around the Kaikohe township area while being pursued by the police and in the course of doing so he struck a pedestrian at the side of the road. Thankfully that pedestrian was not seriously injured.

[5] I gave a sentence indication, as I said, of five and a half years as a starting point. I signal that Mr Sanders would be entitled to some discounts, one for his guilty pleas. I signalled to him or if I did not signal to him, I intended to signal to him that, while some of the charges have had early guilty pleas, some not quite so early, I would not be quibbling so to speak and with all of that I would give him the maximum credit that I could for the entry of the guilty pleas.

[6] I would also give him any other discounts that may be available in a pre-sentence report that I directed be obtained and I signal that in any sentence of somewhere around the three and a half years would be imposed by the Court.

[7] I am grateful to the Probation Service today for the prompt completion of the pre-sentence report because that has enabled the Court to proceed to sentence for Mr Sanders today.

[8] One matter has come out of the pre-sentence report. Mr Sanders has said there may be one of the burglary charges that he did not commit but he is pleading guilty to that charge to get everything over and done with and he described the sentence indication as being, "A good deal." I am not sure whether that is indeed the case. I make that point because I need to emphasise that the Court can only proceed

on the matters that you have pleaded guilty to. It has to take it as being you have committed those acts that are outlined.

[9] The facts that I went through in the sentence indication I will not repeat here. What you will be interested today in most, Mr Sanders, is what the end sentence is going to be.

[10] From that starting point of five and a half years' imprisonment there are two areas that I want to focus on as being where I believe you ought to get some credit for. I have signalled the guilty plea as one, the other is your age. You are 18 years of age and the brain science at the moment is such that it is accepted that young people's brains are not fully developed until about 25 years of age, and in some instances where drugs or alcohol have played a predominant role in your life, brains may not be fully developed until some time even beyond 25 years of age.

[11] What that means is that young people tend to be impulsive. Young people tend not to think of the consequences of their acts. Young people tend not to think of the impact of their offending on the victims around them.

[12] What the Court has been urged in a number of cases is to consider in each case whether or not you fit within to that category and secondly, whether or not there is prospects for your rehabilitation.

[13] Mr Nicholson spoke of you having 50 years of your life ahead of you, something that he said he himself does not. He is saying that from the benefit of the wisdom, if you like, that comes with age. Those are 50 years that anybody who is getting towards the end of their life would probably give their back teeth to have in front of them.

[14] The question is, and I cannot remember who said it, but one wise person said that, "Youth is wasted on the young." The reality of it is, is that after today you will need to reflect, Mr Sanders, on how you use the 50 years that Mr Nicholson spoke of. You have two choices. You can use it in jail or you can use it on the outside. My hope is that you will take the rehabilitative opportunities that come your way in

custody to use those 50 years on the outside. That really is my quite sincere hope as a sentencing Judge.

[15] From that five and a half year starting point I am going to deduct a year off the sentence to take into account your age, your youth and accept that the offending is in some significant way a product of the exuberance if you like, the foolishness, of youth.

[16] I am also going to give you the maximum credit that I can of 25 percent off the sentence. This is not a mathematical exercise as such, the maths of a year off the sentence plus 25 percent would actually be a little bit above three and a half years, so I am going to reduce the sentence again so that the end point, as I have said, is three and a half years in custody. The best way in my view that that can be done is as follows:

- (a) In respect of the burglary charges you will be convicted on each of those burglary charges and sentenced to terms of imprisonment of three years and six months on all the burglary charges. That is the easiest way to do it.
- (b) In respect of all the driving charges, of which there is the dangerous driving causing injury to the failing to stop to ascertain whether someone has been injured, the sustained loss of traction and the failing to stop for red and blue flashing lights. The failing to stop for red and blue flashing lights I will convict and discharge you. On the other driving charges I am going to sentence you to one month in custody. All terms that I am making reference to are to be served concurrently, in other words, all at the same time. So it is one month on all the driving charges because you have got the three and a half years on the burglary charges.
- (c) On all the other charges, the male assaults female charges, the unlawfully taking motor vehicles and the (inaudible: 16:17:47) theft, I am also going to enter convictions and sentence you here again to one

month in prison. Rather than have you waiting in the dock, as I say, if I can signal to you the end sentence will be three years and six months.

- (d) I am not going to direct any reparation being paid given your age, Mr Sanders, and the time that you will be spending in custody there is no real prospect of that reparation being paid in my view.
- (e) In respect of the driving charges you will be disqualified from holding or obtaining a driver's licence for two years from today on the driving whilst disqualified charge, the sustained loss of traction and the failing to stop charge, and another three months on top of that in respect of the failing to stop charge. So that will be two years and three months.
- (f) In respect of the breach of supervision charge that will be one month as well, Mr Sanders, but your outstanding sentences of supervision, they will be cancelled also.

G L Davis  
District Court Judge