

**IN THE DISTRICT COURT  
AT AUCKLAND**

**CRI-2016-004-001988  
[2017] NZDC 5472**

**THE QUEEN**

v

**HENRY JUNIOR OKIRUA**

Hearing: 15 March 2017  
Appearances: K Lawson-Bradshaw for the Crown  
M Ryan for the Defendant  
Judgment: 15 March 2017

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**NOTES OF JUDGE M-E SHARP ON SENTENCING**

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[1] On 31 May 2016, Henry Okirua sought and was granted a sentence indication on a charge of aggravated burglary. The sentence that I indicated was of a starting point of three years three months' imprisonment with 15 percent discounts, 10 percent for the guilty plea coming, as I described it, virtually on the eve of trial and five percent for the defendant's youth.

[2] On the basis of that sentence indication, which was accepted by Mr Okirua, he was then arraigned and pleaded guilty. From the three years and three month starting point, which I elucidated the reasons for in my sentencing indication notes, the 15 percent discounts meant that the end sentence was two years and eight months' imprisonment. I gave a second strike warning to the defendant on the entry of conviction.

[3] Today, I have heard no further submissions from counsel beyond Mr Ryan who appears for Mr Okirua asking whether the Court might give some further discount for the fact that Mr Okirua was agreeable to, amenable to restorative justice but no restorative justice process took place. Mr Ryan submitted that indicated real remorse on his part.

[4] The authorities talk of extraordinary remorse and whilst I applaud the defendant for being willing to engage in a restorative justice process, I cannot accept that willingness amounts to the extraordinary remorse which is called for, for a further discount to be given and thus I consider, all things being equal, that there should be no change to the sentence indicated, accepted and on the basis of which the defendant pleaded guilty.

[5] I do not propose to traverse the facts of the matter which I did cover in my sentence indication. I wish merely to reiterate that the defendant was only one of a number of participators in this crime and the starting point was based on the necessary observation of parity although his main co-offender faced different and more serious charges.

[6] It is said that Mr Okirua has had to receive a second strike warning when he is still very young. I have a letter from him which indicates that he is perhaps taking seriously the need to change the impulsivity from which he has suffered over last years, and I simply hope that when he is released from this term of imprisonment that he will endeavour to live by the regular and honest behavioural patterns that he feels he has established whilst in custody.

[7] Without further ado then, on this aggravated burglary charge you are now sentenced to a term of imprisonment of two years and eight months.

M-E Sharp  
District Court Judge