

**IN THE DISTRICT COURT
AT WHANGAREI**

**CRI-2016-092-008393
[2017] NZDC 16469**

NEW ZEALAND POLICE
Prosecutor

v

[RUHI HAKOPA]
Defendant

Hearing: 26 July 2017

Appearances: Sergeant S Wilkes for the Prosecutor
A Dooney for the Defendant

Judgment: 26 July 2017

NOTES OF JUDGE D G HARVEY ON SENTENCING

[1] [Ruhi Hakopa] you are for sentence today on a number of charges. The most serious of which is an assault with intent to injure, there is a male assaults female, breach of community work, driving whilst forbidden and two breaches of bail. The facts that I sentence you on are that you and the complainant have been in a relationship for some [over five years] and you have a [age deleted – young child], while that you reside at separate addresses. On [date deleted] July of last year you and she became in a heated argument at her address, the argument was over her wearing some short shorts around the house. For some reason that enraged you. There was an argument which continued in the bedroom and it escalated to the point where you grabbed her by the shorts and you threw her onto the bed. While she was laying on the bed you stood over her, you grabbed her by the throat with both hands and you

applied pressure to her neck. She was gasping for air, she was struggling to breathe and you kept tightening your grip for about 20 seconds before yelling at her, "See what you're making me do." You then let go and you left the scene. She looked after the children who were present and she did not report that incident at the time.

[2] Then on [date deleted, 2 days later] you and she were at home with [details deleted]. You became aggressive and you were complaining the [vehicle] not having any diesel. An argument broke out, she swore at you and told you to get lost. You approached her as she was standing on the front porch with her child and you punched her three times to the [side] of her face. You were wearing a [details deleted] ring when you punched her. She could feel her eye swelling up and she saw the blood dripping down from her face after the punches. She uplifted her [young child] who was nearby and walked [the young child] into the house. You followed and you tried to apologise but she simply told you to go away. Minutes later she told you that she was going up the road to buy some smokes but she went to a friend's address who noticed her injuries and took her to [name deleted] Hospital. She sustained bruises to her [eye], a bleeding nose and going ongoing facial and headaches as a result of the second assault. When you were spoken to you said that you had pushed her and that is what caused the injury.

[3] In preparing for sentencing I have had the advantage of seeing some photographs. The injury that you caused to her face is a nasty injury and I see also that there is bruising around her throat. Preparing for sentencing I have had the advantage of reading in fact three pre-sentence reports because this matter has been going on for a very long time. I have seen a victim impact statement, I note that she is remarkably forgiving. I quote from that report, "I feel angry and sad about the whole incident. It is emotionally draining, it is like every time he hits he always blames me and says it's my fault. He's jealous and very possessive. Through all of this I still love him. He still a good father but not a good partner." That is a remarkably kind victim impact statement given what you did.

[4] You have a number of previous convictions. I accept that they are not in the main violence convictions but there are many, many pages of convictions and you are of course well aware of those. The pre-sentence report recommends a term of

imprisonment. I am aware that this matter was further adjourned by His Honour Judge Davis to enable an address to be checked out although I note Judge Davis was very clear when he said to you that although he was granting the adjournment, he was not giving any indication as to the likely sentence. I am grateful to you for the letter that you wrote, that has assisted you because I was not sure after reading the report whether you really did understand the severity of what occurred. Initially of course you denied these offences, you entered a plea of not guilty and the plea of guilty was entered at a very late stage but it now seems that you have had time to reflect because in your letter to me you do not attempt to deflect any blame and it now seems that you acknowledge that the fault is yours not hers.

[5] It does concern me to hear that when you were strangling her, you were saying to her, "Look what you make me do." What you understand Mr [Hakopa] is that she does not make you do anything, you make yourself do these things. She cannot be blamed for it. The pre-sentence report initially indicated that you still felt that there was some fault on her but you deserve credit for the fact that you now accept responsibility. I can tell you that that has shortened the term of imprisonment that I would otherwise have imposed.

[6] I have to have regard to the purposes and principles of sentencing and you have to be held accountable for this offending and there is a need for me to make it very clear not just to you but the community generally that domestic violence will not be tolerated and in particular strangulation. That is becoming a very real concern of the Courts and indeed parliament. They are about to introduce legislation to introduce a separate offence for strangulation because it is recognised that it is one of the most dangerous forms of violence.

[7] I accept that I must impose the least restrictive outcome that I can but as you have already heard me indicate to Mr Dooney I was not prepared to further remand the matter today. That would have held out false hope for you because in my view the only possible sentence here is a sentence of imprisonment.

[8] The starting point is a starting point of two years' imprisonment. I am dealing here with the assault with intent to injure and the male assaults female. There has be

a further uplift to recognise the breach of community work and the breaches of bail and I assess that uplift at three months. So that leaves me with a term of imprisonment of two years and three months but you must be given some credit for your plea of guilty albeit it was very late.

[9] Accordingly on the charge of assault with intent to injure you are now convicted, you are sentenced to a term of imprisonment of two years.

[10] In relation to the male assaults female, one year but that is concurrent not cumulative.

[11] In relation to the breach of community and the reach of bail, two months' imprisonment but again that is concurrent not cumulative.

[12] Convicted and discharged on the driving whilst forbidden.

[13] Upon your release you will be subject to the special release conditions referred in the pre-sentence report and they will continue for six months after the expiry of the sentence.

[14] Just so you know Mr [Hakopa], if it had not been for the letter that you wrote, if it had not been for the fact I was satisfied that you now do accept full responsibility, the term of imprisonment that I would have imposed would have been closer to three years. You did yourself a lot of good, hopefully we do not see you again.

D G Harvey
District Court Judge