IN THE DISTRICT COURT
AT NAPIER

CRI-2016-020-001840
[2017] NZDC 28906

THE QUEEN

v

DOMINIQUE KEREHOMA RACHEL CARROLL

Hearing:	15 December 2017
Appearances:	J E Rielly for the Prosecutor M J Phelps for the Defendant
Judgment:	15 December 2017

NOTES OF JUDGE A J ADEANE ON SENTENCING

---

[1] Ms Carroll appears for sentence having been found guilty by a jury of two very serious matters: one of aggravated burglary in which a hammer was used as a weapon, the other an offence of wounding with intent to cause grievous bodily harm.

[2] It is clear enough now that, acting in concert with a 17 year old girl, Ms Carroll went to the Hastings home of the 77 year old male victim. By way of background, he had been the landlord of a young male friend of your accomplice and she had recently spent a night at the house and thereby become aware of the old man's circumstances and, of course, of his vulnerability. Her friend had since left the house and he was living alone.

[3] The two of you hatched a plan to rob him and you went to his home late at night. You had armed yourself with a ball peen or engineer's hammer and when you were denied entry to the house you used this, first of all, to smash open glass so that you could unlock the front door to the house and make entry. Inside, the elderly occupant was immediately attacked with blows and kicks, including blows with this hammer. Even when he had been rendered unconscious, a piece of firewood was procured and he was struck about the head with it. There is some dispute about who was immediately responsible for that, but it was used at the very least in the course of a joint combined attack on him.

[4] Little more needs to be said about the savagery of this attack than that it resulted in three weeks of hospitalisation, extensive lacerations to the head and face requiring remedial stitching, three operations to repair complex fractures to one hand and all the obvious physical and emotional drama resulting from an attack of this kind in these circumstances.

[5] It is also clear enough that you were the principal dispenser of the violence and you were the individual employing the hammer for that purpose.

[6] Once this violence had overcome all resistance, the two of you then again jointly plundered the home of any of its modest contents that you could carry off.

[7] The conclusion to be drawn is that this offending sits well up in band 3 in the guideline case of *Taueki*[1] and accordingly must attract a sentence starting point in the range of nine to 14 years' imprisonment.

[8] I have reviewed the sentencing comments of Judge Rea made when sentencing Allen. Nothing seen or heard by me at the trial detracts from the central view that he took of the facts of the case and the respective culpability of each participant. His Honour identified a starting point of 12 years' imprisonment. The Crown contends for it today and I now adopt it as being the appropriate outcome.

---

[1] *R v Taueki* [2005] 3 NZLR 372 (CA)

[9] You have spent a period on electronically monitored bail. Given the gravity of your offending, of course, bail was not a foregone conclusion by any means and in the overall context of this case, in my view, no adjustment need be made for it.

[10] The starting point of 12 years' imprisonment recognises an abundance of aggravating features in the case, including premeditation, the use of a weapon, attack to the head, extreme violence, home invasion, facilitation of theft, the vulnerability of the victim and the resulting serious injury and associated adverse effects from the victim's point of view.

[11] At 30 years of age, you are a beneficiary. You have four children aged three to eight, but they are cared for by family members. There is nothing in your personal circumstances which would warrant an adjustment to the sentence.

[12] You have a history of drug abuse. You have an acknowledged anger problem. The Sentencing Act 2002 constrains the relevance of those when sentencing for an offence of this kind. You also have, as the Crown submits, an evident growing propensity for violence reflected in your recent criminal history which is replete not only with violent offending, but with earlier dishonesty offending also.

[13] A dominant feature of your personal circumstances is that you have continued to deny any part in this offending, despite all the evidence to the contrary. My view of the likelihood of reoffending is marginally less favourable than the probation officer's. I consider that given recent history and this offending, you continue to present a high risk of harm to others. The offending was cold-blooded and merciless toward an old and vulnerable victim. There is absolute no acknowledgement, no contrition and most importantly no apparent willingness to confront and address the underlying causes.

[14] The Crown contents for a minimum non-parole period and I have seriously considered the reasons for which that ought to be imposed. Conversely, on the other hand, I remind myself that from a position of complete denial of this offending as you enter into your sentence you will thereafter be under the government of the Parole Board which is much better placed than I to judge your ongoing risk to the community

some years down the track. All matters borne in mind and despite the need to denounce your offending and to assure public safety, questions of parole are better left to the Parole Board.

[15] You are, in the circumstances, sentenced to 12 years' imprisonment for each of these matters.

[16] The strike warnings were administered earlier.

A J Adeane
District Court Judge