

**IN THE DISTRICT COURT  
AT TAURANGA**

**CRI-2016-070-000749  
[2017] NZDC 27603**

**THE QUEEN**

v

**RICHARD RIKOTEKEHUOTERANGIKINGI KINGI**

Hearing: 4 December 2017

Appearances: S Davison for the Crown  
T Rikard-Simms for the Defendant

Judgment: 4 December 2017

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**NOTES OF JUDGE I D R CAMERON ON SENTENCING**

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[1] Richard Kingi appears for sentence, having pleaded guilty to charges of supplying methamphetamine, in a total amount of 0.3 grams, and a possession for supply of methamphetamine, in a total of 52.644 grams.

[2] The brief facts are these; that between 3 December 2015 and February 2016, a police special programmes operation was run. This focussed on known drug dealing houses throughout the Western Bay of Plenty. It entailed the deployment of one special programmes police officer to known drug houses, in an attempt to purchase controlled drugs, predominantly the Class C drug cannabis, and the Class A drug methamphetamine.

[3] Then in relation to the first charge, to which the defendant pleaded guilty, at 2.10 pm on 4 December 2015, the special programmes officer went to an address in Te Puke to purchase methamphetamine. This was an address that she had purchased methamphetamine from the previous day, in relation to the defendant's partner. She walked up to the closed security screen at the front. She called out and a short time later a male voice answered. The defendant, Kingi, came to the door. The defendant, Kingi, asked her if she had been there before, to which she replied, "Yes" and asked for a dollar. The male reached out to his left and picked up a small resealable bag containing white crystals. The defendant, Kingi, then came to the front door and put his hand through a hole in the security door, showing the officer a small resealable bag of white crystals which she took. She then handed \$100 back to the defendant, Kingi, through the hole in the security door. The transaction was complete and involved methamphetamine of 0.1 of a gram.

[4] Then in relation to the next charge, which was charge 6 in the amended Crown charge notice on 24 February 2016, police executed a search warrant at the defendant's address, and located at the address was a purse hidden behind the building paper on a wall, in a spare room. Inside the purse was a large snaplock bag containing a large amount of methamphetamine. In another room there police located another large plastic snaplock bag containing smaller snaplock bags, which also contained methamphetamine.

[5] On speaking with the defendant, Kingi, he said, "It's not me." In total police located 46.944 grams of methamphetamine at the address.

[6] Then in relation to the next charges, charges 8 and 9, in the amended Crown charge notice at approximately 12.09 pm, on 20 January 2017, a special programmes officer went to the address of Mr Kingi in Te Puke. He knocked on the fly screen mesh door. The defendant, Kingi, arrived at the front door and was told by the officer that he was, "Just after a score." The defendant, Kingi, pulled three small plastic ziplock bags containing points of methamphetamine from his pocket, for the purpose of selling that. The amount involved was 0.3 grams. The defendant, Kingi, handed one to the officer through the fly screen door and the officer gave him \$100, completing the transaction. The weight of the methamphetamine sold was 0.1 gram.

[7] Then at approximate 12.56 on 20 January 2017, a special programmes officer went to Mr Kingi's address. Ultimately, Mr Kingi came to the front door and the officer told him he, "Wanted to grab another one" meaning he wanted to buy another point of methamphetamine. A point is 0.1 gram of methamphetamine. The defendant gave him a small plastic ziplock containing a point of methamphetamine and the officer gave him \$100 completing the transaction. Once again the weight was 0.1 gram.

[8] Then in relation to charge 17, of the amended Crown charge notice, on 18 March 2017, the police executed a search warrant at the defendant's address at Te Puke. Approximately 2.5 grams of methamphetamine contained in three plastic ziplock bags was located in the defendant's home. Approximately 3 grams of methamphetamine contained in a small plastic container was located in the defendant's home and approximate 0.2 grams methamphetamine contained in a bag was located in the defendant's home. Those amounts totalling 5.7 grams. Cash was seized. Cash was also seized when police executed a search warrant on the earlier date of 24 February 2016, being charge 6 in relation to the amended Crown charge notice. So, those are the facts in relation to this matter.

[9] The defendant has a criminal history, including drug offending. His criminal extends from 1995 through to 2009. He has a conviction for possession of cannabis for supply for offending on 4 April 2008, in respect of which he received eight months' home detention. On 10 September 2008, he committed the offences of possession of utensils for the consumption of methamphetamine, as well as possession of cannabis plant, and received community work in respect of those convictions, and then in 2004, he committed the offence of possession of a Class C drug.

[10] According to the pre-sentence report he is 58 years of age. He is addicted to methamphetamine and, on his own admission, he has been abuser of methamphetamine for some 20 years. He has had counselling by way of drug prevention programmes, as part of his home detention sentence, which he received in 2008. He is assessed as being at high risk of further offending. As at the date of the pre-sentence report he is described as being single and in the process of separating

from his partner, Ms Potene, who has also pleaded guilty to drug charges, and is currently in custody in relation to alleged drug offending.

[11] Mr Kingi has not been in paid employment in the last two years.

[12] I need to hold him accountable for his actions, denounce his conduct, and deter he, and others, from supplying, particularly Class A drugs, to members of the community because of the devastation this causes to those who consume drugs regularly.

[13] I have had the benefit of submissions filed by both the Crown and the defence. The leading authority is of course *R v Fatu*<sup>1</sup>, and band 2 relates to the possession for supply of commercial quantities of methamphetamine, from 5 grams to 250 grams, and the appropriate sentencing range there set out is three to nine years. In this case the defendants offending spanned two separate periods. One was 17 December 2015 to 24 February 2016, and over this time he readily supplied methamphetamine to an undercover police officer, and when his house was searched, on 24 February 2016, he was found to be in possession of no less than 46.944 grams of methamphetamine.

[14] Then during the period 20 January 2017 to April 8 March 2017, when police operations again involved using an undercover police officer he sold drugs to such an officer on 8 March 2017 and the defendant was found at his house with some 5.7 grams of methamphetamine. Clearly this defendant had been running a significant commercial drug dealing operation in relation to methamphetamine, and large amounts of cash were located at his house on both occasions when it was searched by police. Looked at more broadly his drug dealing has spanned a period of 15 months, with a total weight of 52.644 grams of methamphetamine being found in his possession. So he has dealt in this drug on a number of occasions and over an extensive period of time although I of course acknowledge that the sales to undercover police officers were for those two more limited periods which I have described.

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<sup>1</sup> *R v Fatu* [2006] 2 NZLR 72

[15] I adopt a starting point of five years' imprisonment. I uplift that by six months for offending on bail. The offending on 8 March 2017 was while he was on bail in relation to the earlier charges. It is a serious aggravating factor.

[16] In terms of his previous convictions, I uplift by a further three months, taking the total to five years nine months. The defendant had not pleaded guilty at the earliest opportunity. However there were matters to be determined in relation to not only himself but his partner, and in all the circumstances I am satisfied that a 15 percent discount is appropriate, which includes the remorse which the defendant expresses for his actions. That reduces the five years nine month total to four years 11 months.

[17] On each of the charges to which the defendant has pleaded guilty, he is convicted and sentenced to four years 11 months' imprisonment.

[18] I make an order for destruction of all drug related paraphernalia, and I also order the confiscation of the cash seized by police on the occasions when his house was searched, in the total amount of \$5195. This amount is accepted as correct by the defence.

I D R Cameron  
District Court Judge