

**IN THE DISTRICT COURT
AT NAPIER**

**CRI-2016-020-002156
[2018] NZDC 3142**

THE QUEEN

v

LAUREN KAYE

Hearing: 2 February 2018
Appearances: J Rielly for the Crown
R Stone for the Defendant
Judgment: 2 February 2018

NOTES OF JUDGE G A REA ON SENTENCING

[1] Ms Kaye, you are here for sentence on two charges of aggravated robbery. The victims in the aggravated robbery are common in each case and the offending occurred on 26 June 2016 and then again on 3 July 2016. The common denominator between both aggravated robberies was you and your then partner Mr Houia.

[2] I do not need to enter into the debate as to who set the whole thing up but what is clear from the basis of your plea and the facts here is that you knew full well that there was what you believed to be a tinnie house in operation and you were going to hit that with a view to gaining whatever finance or other property that you could. That is exactly what happened. On 26 June you drove Mr Houia and others to the property, and you waited as the getaway driver. You knew exactly what was going on. You might not have known the detail of how it all happened once they were in the property, but you knew why they were there, you were supporting why they were there and you were there to take them away at the end of it. That is exactly what happened. They

located cash, an Xbox and other things and they took them away. One of the things that led the police to you was you almost immediately getting on the Internet and endeavouring to flog off some of the stuff that you had stolen.

[3] Now it might be all very well to say how much under Mr Houia's thrall you were but it did not stop you again repeating the process on 3 July when you went to the same premises and once again people were intimidated and assaulted. As has been accepted, you were not there, but you knew exactly why you had gone to the property. You knew why you had taken Mr Houia and the other person there and that was to do a repeat of what you had done on 26 June.

[4] It is difficult to assess a starting point for you. Understandably, Mr Stone downplays it and says that you were under the thrall of Mr Houia and that is what led to all of this and he produces a whole lot of domestic violence material to indicate that that is probably the case. All that tells me is that there were these issues in your relationship, but it does not tell me that those issues were what led you to be carrying out two aggravated robberies with him.

[5] I also hear that you have concerns about your children, you have health issues, but once again, none of that stopped you from getting yourself positively involved in the aggravated robberies by acting as a very important part of it in transporting there and away and ultimately, on the first one at least, trying to get rid of the property that had been taken. To suggest that you did not know what was going on and what was intended simply does not stand up from the facts I looked at.

[6] On the other hand, it has to be accepted that while everybody who involves themselves in this is equally guilty legally and while there is authority to the effect that you should all be treated the same when that situation arises, the practicalities of it are that once you had dropped them off you had no real control of what was going to happen inside the house. You did not know the extent of the violence or what was happening and on that basis I think it is difficult to assess you as having the same culpability as Mr Houia or Mr Harris when he became involved in the aggravated robbery that he was part of.

[7] I consider that balancing it up, looking at the cases of *Mako*.¹ and the other authorities that are binding on me, the appropriate starting point for you over both of these aggravated robberies is one of five and half years' imprisonment. I am prepared to reduce that by six months and that is a combination of remorse, even if it is late in coming and even if it took two aggravated robberies for that to occur. I also think I need to factor in a very small amount around the EM bail and also the prospect that you may have been under some thrall from Mr Houia at the time. However, it is not worth more than a six-month deduction as far as I am concerned, with a combination of those factors.

[8] That takes the starting point to one of five years' imprisonment. I consider that despite the fact the pleas were late it did shorten the trial. That had a positive effect as far as the complainants were concerned, and I am prepared to give a discount of 15 percent for your pleas of guilty.

[9] Accordingly, on each of these two aggravated robberies, you are sentenced to four years' imprisonment on each. The terms are concurrent, running together, making a total of four years.

[10] The sentences of community work and supervision that you were on are cancelled.

G A Rea
District Court Judge

¹ *R v Mako* [2000] 2 NZLR 170 (CA)