

**IN THE DISTRICT COURT  
AT MANUKAU**

**I TE KŌTI-Ā-ROHE  
KI MANUKAU**

**CRI-2018-092-003311  
[2018] NZDC 22070**

**THE QUEEN**

v

**ROBERT KURA**

Hearing: 16 October 2018  
Appearances: J Xulue for the Crown  
V Heather for the Defendant  
Judgment: 16 October 2018

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**NOTES OF JUDGE C J McGUIRE ON SENTENCING**

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[1] Mr Kura on 20 July I gave you a sentence indication of a total of five years' imprisonment on charges of aggravated robbery, unlawful possession of a rifle and ammunition. This arises primarily from the aggravated robbery of a [shop] in [location deleted] [in March 2018]. The ammunition and the rifle was found after a search of your address.

[2] What has occurred since then is that I have had further submissions from your counsel Mr Heather, I have had a PAC report and I have had a victim impact statement. What the victim says in his victim impact statement is this:

At the time of the robbery I was in the store with my wife, she was particularly shaken up and upset by what happened that day. For me I feel quite violated by what happened. I've been running my store in the [community] for 25 years and in that time I've built up a good relationship with the people in the wider

community. For this person to come into my store and rob me, I feel like he's letting the good people in his community down.

[3] He hopes that you will make a better decision in the future.

[4] When I was preparing the earlier sentence indication I remember being very concerned, worried if you like about the contradictory things I was reading about you, and I mentioned back then the brilliant comments that people made about you when you were working, and I said you could be a brilliant member of society and impress people hugely which is true.

[5] But then there is the other side of you, what I do not know Mr Kura is how much of this is driven by the gang. The bottom line is this, if you do not have the guts to make decisions for yourself aside from the gang, you are the sucker, no one else.

[6] I have this PAC report which has got some interesting information in it. It mentions that you showed a poor attitude towards staff while you were on remand and you told your case manager that discussion was a waste of time and you did not want to engage further before you were sentenced. You were challenged about that and you apologised. Then they mentioned the tattoo, "Fuck the Police." You seem to be surprised that anyone should even ask you about it. Well for a person as intelligent as you are I find that surprising too.

[7] Now, then of course as we have come to expect there is also the drug and alcohol use. Methamphetamine, cocaine. Later on in the report, you have expressed remorse towards the victims, you said, "I feel sorry for them, they didn't deserve to be frightened on that day." And you also said that you and your peers had given no thought to the impact their actions would have on the victims of your offending.

[8] Well, see here is the thing, you have done quite a lot of this bad stuff now and you are showing no signs of stopping, for the last six years in the Adult Court and before that in the Youth Court. So what I really cannot figure out Mr Kura is whether you are serious about wanting anything different in your life. You see for some, while they are on remand, is a time for them to think really long and hard about where they are going and how much fun it is not looking out at life through the bars of a cell. This

puzzles me because as I have already said a couple of times you are an intelligent man, an intelligent man surely does not want to waste his life, tip it down the drain by being locked up in a prison cell.

[9] For now, I have to come to the conclusion that when you are balancing one against the other, doing good things impressing people, being a valued employee on the one hand and being with your gang and doing crimes and drugs and so on, you prefer the latter. You prefer the gang, the crimes, the drugs. That is just dumb, that is just wasting your life but no one is going to live it except you.

[10] You see we have a thing called minimum non-parole periods and even though you are still very young relatively speaking, 23, Judges in the not too far distance are going to be looking at minimum non-parole periods for you because they are going to reach the conclusion, “No, this guy is not going to change so we’ll just keep him locked up as long as we can.” It is your life.

[11] What I am able to take into account today which I could not back then was your remorse and willingness to become involved with restorative justice. So, I am able today to make a further reduction from the sentence indication that I gave of five years’ imprisonment to four years and six months’ imprisonment. You will also be ordered to pay a reparation in the sum of \$1000 being the insurance excess at the jewellery store. There will be an order for destruction of the rifle and ammunition.

C J McGuire  
District Court Judge