

IN THE SUPREME COURT OF NEW ZEALAND

SC 97/2013  
[2013] NZSC 118

BETWEEN

NAJEEB DAWOOD DAWOOD  
Applicant

AND

THE QUEEN  
Respondent

Court: McGrath, Glazebrook and Arnold JJ

Counsel: C J Tennet for the Applicant  
K A L Bicknell for the Respondent

Judgment: 13 November 2013

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

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**REASONS**

[1] Mr Dawood seeks leave to appeal against a decision of the Court of Appeal dismissing his sentence appeal.<sup>1</sup>

**Background**

[2] On 2 September 2011 Mr Dawood murdered his wife. He also stabbed and wounded his eldest daughter who was attempting to come to her mother's assistance.

[3] On 23 April 2012 Mr Dawood pleaded guilty to murder (at his first appearance in the High Court). On 14 May he admitted other charges relating to wounding his eldest daughter, assaulting his younger daughter on a different

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<sup>1</sup> *Dawood v R* [2013] NZCA 381.

occasion, threatening to kill his wife on a different occasion and possession of a knife.

[4] As is evident from the other charges, there had been a history of threats and violence by Mr Dawood in the family. The murder itself was planned and showed a high level of brutality: his wife was stabbed 55 times while tied to a chair with masking tape.

### **Sentencing approach**

[5] Miller J sentenced Mr Dawood on 8 February 2013<sup>2</sup> to life imprisonment with a minimum period of 17 years imprisonment under s 104 of the Sentencing Act 2002.

[6] Miller J considered that an appropriate minimum period would be 19 years, before taking into account mitigating factors. He then considered the mitigating factors of the guilty plea and Mr Dawood's depression and abnormal jealousy. He said that these would normally have resulted in a 15 per cent discount,<sup>3</sup> which would have resulted in a minimum period of 16 years and three months.

[7] The Judge then considered whether a minimum term of 17 years imprisonment would be manifestly unjust in the circumstances. Miller J considered that it would not, given the number and gravity of the qualifying factors that attracted the minimum period of imprisonment in the first place. He said that he was "unable to accept that a minimum of 17 years is manifestly unjust for this unusually calculated and brutal crime. This is not to overlook the mitigating factors. But for them the appropriate minimum would be 19 years."

### **Result**

[8] The case raises no issue of principle and nothing put forward on behalf of Mr Dawood indicates a risk of a substantial miscarriage of justice.

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<sup>2</sup> *R v Dawood* [2013] NZHC 122.

<sup>3</sup> 10 per cent for the guilty plea and five per cent for the depression and abnormal jealousy.

[9] The application for leave to appeal is dismissed.

Solicitors:  
Crown Law Office for Respondent