

**IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKĀURAU ROHE**

**CRI-2022-092-8066  
[2024] NZHC 2046**

**THE KING**

v

**CHANTELLE ANIWA STONE**

Hearing: 25 July 2024

Appearances: C P Howard and R J McDonald for Crown  
J Murdoch and F A Chalmers for Defendant

Judgment: 25 July 2024

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**SENTENCING NOTES OF MUIR J**

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Solicitors/Counsel:  
Crown Solicitor, Manukau  
J Murdoch, Blenheim  
Public Defence Service, Manukau

Copy to: C Kapitan, New Zealand Herald.

## **Introduction**

[1] Ms Chantelle Stone, you are for sentence this morning having been found guilty by a jury on 13 May 2024 of the murder of Mr Peter Rerekura.

[2] In respect of a conviction for murder, I must sentence you to life imprisonment, unless that would be manifestly unjust.<sup>1</sup>

[3] I can indicate at the outset that I am persuaded by the Crown and defence submissions that it would indeed be manifestly unjust to sentence you to life imprisonment. As a result, I intend to impose a fixed term sentence. I hope that this initial indication will in some way assist in supporting you through the balance of my sentencing remarks. I recognise that with your particular challenges—resulting, of course, in you being assigned a highly experienced and able communications assistant for the duration of your trial—there is an obligation on my part to be as concise as possible. My apologies if some of the matters I must necessarily cover are difficult for you to understand. I am sure Ms Murdoch will help you work through the written sentencing notes when they are ultimately published.

## **Background**

[4] I need to begin with a brief account of your offending.

[5] The victim is your former partner, Mr Peter Rerekura with whom you had been in a relationship for approximately two and a half years at the time you killed him. I'll speak more about the nature of that relationship shortly, suffice to say it was characterised by multiple instances of domestic abuse against you, and with you both exhibiting highly unregulated behaviour when intoxicated.

[6] At 6.35 pm on 9 October 2022 after a seemingly normal day, you and Mr Rerekura began drinking in your Nissan X-Trail vehicle which was parked at the end of the driveway of [REDACTED] Kendall Court, Wattle Downs—the home where you and Mr Rerekura resided with other members of your immediate family. Well into your mutual consumption of a second box of Flame beer, Mr Rerekura started

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<sup>1</sup> Sentencing Act 2002, s 102(1).

becoming aggressive. He was heard yelling things like “this is my fucking house”. He taunted the partner of your sister, Mr James Truman, another occupant of the address. Mr Truman saw you telling Mr Rerekura to be quiet, saying “that’s my, um blood that you’re disrespecting”. He saw you lightly push Mr Rerekura on the shoulder during the course of this exchange. At this point you were both standing adjacent to the Nissan vehicle.

[7] Mr Rerekura led you in a very purposeful way, described as “pulling”, back to the passenger’s side of the vehicle and instructed you to get in. He was agitated about the time this took because you had lost a slip-on shoe and were struggling to take your seat in the vehicle with partly consumed boxes of beer in the footwell. He then returned to the driver’s seat, started the car, and reversed at speed down the driveway and across Kendall Court, where the vehicle came to rest straddling the verge and a neighbour’s driveway.

[8] Your evidence was that, at that point Mr Rerekura began assaulting you by repeatedly driving your head, with his left hand, towards the dashboard of the vehicle, with which you said you connected on multiple occasions.

[9] I do not accept that there was any significant assault on you at that stage. I prefer the evidence of independent witness and neighbour Mr Cyprus Farrar. He was standing in Kendell Court, approximately 30 to 35 metres from your vehicle. He said he heard you and Mr Rerekura arguing, with Mr Rerekura alternating between apparent frustration and remorse and with you exhibiting elevated levels of verbal aggression accompanied by strong hand movements. He did not however observe any physical altercation between you at that point. I was impressed by the clarity of his evidence, which was subject to rigorous cross-examination.

[10] After a period, possibly in the order of five to eight minutes, Mr Rerekura accelerated away from where the vehicle had come to rest, turning left into Hobart Crescent, where video footage shows the vehicle proceeding at speed (one witness thought about 70 kilometres an hour) towards Mahia Road. Other witnesses heard the engine revving loudly and noises associated with the loss of traction.

[11] Tyre marks in Hobart Crescent demonstrate that the vehicle mounted the kerb on the right hand side of the street and travelled with one wheel on the road and one on the grass for a distance which appears to be in the order of 30-40 metres, before returning to the road and then entering a long slide, ultimately coming to rest again across the grass berm adjacent to number 13 Hobart Crescent.

[12] Your evidence was that this deviation to the right may have been caused by you trying to grab the steering wheel. I find that to be the case. In turn, I consider it likely that Mr Rerekura pushed, punched or grabbed you around the head area as he tried to maintain control of the vehicle. I find the vehicle's subsequent slide was, in turn, the result of you grabbing the handbrake.

[13] At some stage during this part of the journey you retrieved a pair of scissors from the vehicle's glove box and stabbed Mr Rerekura in the left side of the neck, fatally injuring him. You said in evidence that you merely pushed his left shoulder while holding the scissors with an open palm—an explanation clearly, and in my view, appropriately, rejected by the jury.

[14] While the vehicle was outside 13 Hobart Crescent a number of witnesses heard you screaming for help or calling out. One said you were “calling out to someone to stop”. Although I find Mr Rerekura had been stabbed by this stage, the medical evidence was that he would not yet have been fully incapacitated outside 13 Hobart Crescent. I cannot rule out the possibility that he may have been attempting to physically retaliate in response to the stabbing and that your cries for help while the vehicle was outside number 13 were in that sense defensive cries. In any event, the fact that strands of your hair were found to be adhered to his blood stained left hand is consistent with your evidence that at some stage of the journey he assaulted you to the head area.

[15] After a further short period—possibly a minute or so, Mr Rerekura reversed off the verge and proceeded further down Hobart Crescent, coming to a final stop, as he lapsed into unconsciousness from blood loss, on the right hand side of the street outside number 8. This was shortly before 10.34 pm.

[16] A number of neighbours observed and heard you while the vehicle was in that location. Some went out to the car. You were heard screaming for help, and observed holding Mr Rerekura's neck, leaning over him, and at times appearing to be hugging him. Several witnesses saw you momentarily remove pressure from the neck area to take a drink from a beer bottle in the car, before returning pressure to the wound.

[17] At 10.37 pm you called 111 using Mr Rerekura's phone. The recording, even allowing for the distress which you were obviously suffering from, indicates high levels of intoxication and emotional dysregulation on your part.

[18] When police arrived and asked you to exit the vehicle, you did so by climbing over Mr Rerekura's body and exiting through the driver's door. The police located the scissors used to stab Mr Rerekura on the back seat of the vehicle. You declined to make a statement to the police but were overheard saying "What are those people doing standing there? They're nothing to do with it, it was all my fault".

[19] At 10.55 pm, paramedics pronounced Mr Rerekura dead. You were arrested, taken to the police station, and given a medical check at around 1.30 am. This revealed no recent (at least significant) injuries. You were given a blood test at 1.56 am, around three hours after you had stopped drinking. Alcohol was detected in your blood at a level of 106 milligrams per 100 millilitres, that is in excess of twice the legal limit to drive. Assuming normal rates of metabolism your alcohol level at the time of the offending was likely to have been in the range of 140 to 160 milligrams per 100 millilitres.<sup>2</sup>

[20] Mr Rerekura's death was the result of the stab wound to his neck. This was around 10.5 centimetres deep and delivered on a slightly downward trajectory. There were abrasions at the top and bottom of the stab wound which suggested the entire blade had entered Mr Rerekura's neck. This severed Mr Rerekura's carotid artery resulting in an unsurvivable injury. The post-mortem examination also revealed hair (your hair), adhered to Mr Rerekura's hands, and on his face and neck.

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<sup>2</sup> The expert evidence at page 738, line 35, of the Notes of Evidence was that the body metabolises alcohol generally at the rate of 10 to 20 milligrams per 100 millilitres per hour.

[21] Your evidence was that you never intended to kill Mr Rerekura. I accept that evidence. This fatality occurred in the context of a violent relationship and against a backdrop of former violent relationships. The emotional scars obviously run deep. You are capable of highly unregulated behaviour, particularly when seriously intoxicated but I do not consider your intention was anything more than to seriously incapacitate Mr Rerekura, albeit you knew that stabbing him in the side of his neck, one of the most vulnerable parts of the body, carried with it a real and substantial risk of death.

[22] The jury rejected your defence of self-defence. I sentence you on the basis that, although the circumstances in which you found yourself justified self-defensive action, the jury was satisfied to the criminal standard that the force used by you was not reasonable. I come to that conclusion because I consider the way in which Mr Rerekura was driving the Nissan vehicle as he left Kendall Court carried a risk to your safety, to which you responded. There had also been previous instances where he had used a vehicle to cause injury to you. But there were many alternatives available short of stabbing Mr Rerekura in the neck, some of which you in fact deployed, for example, applying the handbrake. And clearly the jury regarded the application of lethal force, just seconds after the car had moved into Hobart Crescent, as significantly disproportionate to the threat that you faced. There was no evidence for example that Mr Rerekura suffered from suicidal ideation and was on a mission to kill both you and himself in the car.

### **Victim impact statements**

[23] I have received two victim impact statements being from Ms Deallah Hemara, Mr Rerekura's daughter and Ms Michelle Phillips, his sister. Both asked to read their statements to the Court.

[24] Ms Hemara says that she was for a long time estranged from her father but that she reached out to him on the birth of her daughter 10 years ago and that one of the hardest aspects of what has occurred is that her daughter has been deprived of a relationship with her koro whom she greatly loved. Her own pathway to healing has been slow but, in a generous display of grace and maturity on her part, says that she

“actually feel[s] for you” and how hard it was for her to hear about all the different abusive relationships you have been in in your life.

[25] Ms Phillips records how much love Mr Rerekura gave and received within his family, and how you have “broken a big part of our whānau”, meaning what you have done can never be repaired. The psychological reports I have received indicate that you fully understand and will readily empathise with what Ms Phillips says.

### **Personal circumstances**

[26] You are the second born of 13 children (both biological and half siblings) raised initially in rural Northland. Records from Oranga Tamariki note you as coming from a family where abuse had been “rampant” over four to five generations and where your home life was dominated by domestic violence and alcohol abuse. Your father is described as having been angry, violent and largely absent in your childhood, although I note that, both he and your mother have been supportive through your recent trial.

[27] Although exhibiting early positive character traits, with you having been described as a “caring, loving, helpful and knowledgeable child”, your constant desire to, as your psychologist says “please and appease” saw you fall into bad adolescent company where excess drug and alcohol consumption became the norm and with it, increasingly unregulated behaviour on your part.

[28] You entered your first relationship in your teens and gave birth to your first child at age 17. By 19 you had received a custodial sentence for a serious assault on that child, committed while under the influence of alcohol. You have had very little contact with that child since.

[29] At age 20 you entered into a relationship with Mr Charles Stepanic. You had a daughter with him who died at the age of three months from suspected cot death. On 14 October 2004 you were brutally assaulted by Mr Stepanic after he chased you and knocked you to the ground outside your residence. The assault included stomping on your head repeatedly. Extensive facial reconstruction was necessary, involving the installation of 6 metal plates in your face, all screwed to the bone. Since that time, any application of force to your head has resulted in more than usually significant pain,

and you are understandably highly defensive about any assault or potential assault to the head area.

[30] You entered a further relationship in 2009, likewise characterised by multiple family violence incidents where you were the victim. A further child, conceived in that relationship, was taken into care at birth. After counselling and an extended period of sobriety from alcohol and drugs, supervised access was permitted.

[31] In the years that followed however, there were numerous heated domestic disputes between you and your partner which required Police intervention. You were frequently observed as intoxicated and “not making sense”. Just like you weren’t making a great deal of sense when you made the 111 call on the night in question. Ultimately, you terminated the relationship.

[32] In February 2020 you met Mr Rerekura. A week or so later he was recalled to prison for driving offences, after driving in a dangerously erratic manner on the Te Atatu Peninsula. At the time of his apprehension there was also an attempted vehicular assault on the Police. The relationship resumed on his ultimate release from prison and on 8 March 2020, you and Mr Rerekura moved into [REDACTED] Kendall Court, with your mother, your sister and her partner.

[33] You gave extensive evidence in the course of your trial about acts of domestic violence perpetrated by him during the relationship.

[34] There was an occasion when you accepted a jacket and coffee from a concerned member of the public while walking home, following an altercation with Mr Rerekura in your local neighbourhood. In taking these items from the concerned member of the public, you angered Mr Rerekura resulting in a serious and prolonged assault in the upstairs bathroom of [REDACTED] Kendall Court and on the adjacent landing.

[35] There was evidence of you being “clotheslined” by Mr Rerekura near the corner of Hobart Crescent and Mahia Road and of you then being punched to the face with closed fists while on the ground.



[36] On another occasion, he grabbed you by the head and drove your head into the dashboard of your vehicle as you tried to exit it after an argument.

[37] On 11 April 2022, he punched you to the head and pushed your head into the passenger's window while again, driving erratically. He continued to speed up and brake repeatedly. This tension of the seatbelt across your chest caused you considerable discomfort, and you removed it. Mr Rerekura then braked suddenly, causing the left side of your head and face to be thrown forward into the dashboard.

[38] On 15 August 2022, Mr Rerekura smashed the glass ranch-slider door on the ground floor of [REDACTED] Kendall Court and dragged you by your hair to where the broken glass was scattered. He then assaulted you by stomping on your head.

[39] Although much of this violence went unwitnessed, I accept as truthful the evidence which you gave in respect of it over many days. It is in part corroborated by evidence from family members who saw you, on occasions, with black eyes. It is consistent with records of medical attention you received from time to time and Mr Rerekura's extensive criminal history—in particular, the offending for which he was recalled to prison early on in the relationship.

[40] However, I also accept that when intoxicated you were yourself capable of verbal and sometimes even low level physical aggression.

[41] There was the evidence of a neighbour who observed you aggressively chasing Mr Rerekura down the driveway of [REDACTED] Kendall Court.

[42] There was also the evidence of Police officers who found you and Mr Rerekura intoxicated and arguing loudly on the street. Despite efforts to separate you, you determinedly reengaged, shoving Mr Rerekura and kicking him in the leg.

[43] This underscores the conundrum which is Chantelle Stone. All of the evidence (and I refer here not only to the evidence at trial but that collated in the comprehensive psychological reports I have received) point to you as moderately intelligent, being a relatively quick learner, having a strong work ethic and as being a kind, compassionate

and caring family member and partner. But intoxicated you are seemingly quite a different person—often angry, aggressive and, as I say, unregulated in your behaviour. I will resist efforts at amateur psychology. There is quite sufficient professional evidence before the Court about the lasting psychological harm which your family background and successive abusive relationships have caused. But it is difficult to escape the conclusion that, although your default setting is benign and loving, you carry such a legacy of trauma, that alcohol unleashes almost uncontrollable frustrations and anger. In my view, you have no future without complete abstinence from alcohol. I'm going to stop there to make sure that you understand, with the assistance of Ms Horrocks what I have just said. If you remember only one thing from this sentencing, please let it be that, and please avail yourself of every resource the Corrections Department provides to address not only your alcohol issues, but the underlying trauma that is probably at least in part responsible for the way you have abused alcohol in the past.

### **Approach to sentencing**

[44] In sentencing you today, I must have regard to the purposes and principles of sentencing contained in the Sentencing Act 2002. In your case, the purposes that I consider particularly relevant include holding you accountable for the harm you have done to Mr Rerekura's whānau;<sup>3</sup> to promote in you a sense of responsibility for, and an acknowledgment of, that harm;<sup>4</sup> to denounce your conduct;<sup>5</sup> to deter you and others from committing similar offences;<sup>6</sup> and importantly, to assist in your rehabilitation and reintegration into society.<sup>7</sup>

[45] The sentence I impose on you must take into account the gravity of your offending and the desirability also for consistency with the sentences imposed in other reasonably similar cases of murder.<sup>8</sup> The sentence must nevertheless be the least restrictive that is available in the circumstances of your case.<sup>9</sup>

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<sup>3</sup> Sentencing Act 2002, s 7(1)(a).

<sup>4</sup> Section 7(1)(b).

<sup>5</sup> Section 7(1)(e).

<sup>6</sup> Section 7(1)(f).

<sup>7</sup> Section 7(1)(h).

<sup>8</sup> Sentencing Act 2002, ss 8(a) and (e).

<sup>9</sup> Sentencing Act 2002 s 8(g).

[46] As I have said, those convicted of murder must be sentenced to life imprisonment unless it would be manifestly unjust to do so. I now set out why I have come to the conclusion that the manifest injustice exception applies in your case.

### **Manifest injustice?**

[47] Manifest injustice is a very high threshold. There is a strong presumption in favour of life imprisonment for murder.<sup>10</sup> The threshold to displace the presumption will therefore only be met in exceptional cases.<sup>11</sup>

[48] I am required to make an overall assessment of the circumstances of the offence itself and of you as the offender.<sup>12</sup>

[49] I have been significantly assisted in my evaluation process by the three cases cited to me by the Crown. In each, the presumption of life imprisonment was displaced. In each, a finite sentence of imprisonment was imposed, and each is, as Mr Howard acknowledges, quite similar to your own. Ordinarily, I do not tend to discuss other cases at length in sentencing notes but both Crown and defence invite me to adopt a position which is exceptional and in so doing, I look more than usually so, to similar cases which have come before the Courts. A few brief remarks by me about each of those cases may also help you to understand the point that I finally get to in terms of the fixed term sentence that I impose.

[50] In *R v Simeon*, the defendant was convicted of murder for stabbing her partner in the neck with a knife.<sup>13</sup> Their relationship was described as tumultuous. In coming to the conclusion that the presumption of life in prison was displaced the Judge relied on a combination of factors including Ms Simeon's age (only 18 years old at the time of the murder), exposure to gangs, history of family violence, alcohol and drug dependence (including methamphetamine) from an early age, the unsatisfactory relationship with her partner, and the fact she was experiencing psychotic symptoms. The impulsivity of the offending was a further relevant factor. Ms Simeon was

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<sup>10</sup> *R v Smail* [2007] 1 NZLR 411 (CA) at [14].

<sup>11</sup> *R v Rapira* [2003] 3 NZLR 794 (CA) at [121].

<sup>12</sup> *R v Rapira* [2003] 3 NZLR 794 (CA) at [121].

<sup>13</sup> *R v Simeon* [2021] NZHC 1371.

sentenced to 14 years' imprisonment with a minimum period of imprisonment (MPI) of seven years.

[51] In *Wihongi v R*, Ms Wihongi was found guilty of murder after stabbing her partner in the chest during an argument.<sup>14</sup> They had been in a longstanding relationship and had five children together. At age 13, Ms Wihongi had overdosed on painkillers, which resulted in her being unable to speak or walk properly and experiencing various behavioural problems. She dropped out of school and abused alcohol. At age 14 she was sexually assaulted by a drug and alcohol counsellor. At the same age she was in a relationship with the victim's older brother, who prostituted her for drugs and money. Through this, she met the victim.

[52] They proceeded to have a 17 year relationship characterised by heavy drinking and mutual violence. Ms Wihongi had stabbed her partner in the past and had thrown a bottle at him, causing him to lose an eye. She herself had been the victim of a gang-rape and a home invasion where she was assaulted in front of her children. Her significant cognitive impairment, PTSD, anxiety, depression, alcohol abuse disorder, and likely brain injury following her overdose, were considered sufficient to displace the presumption. The Court of Appeal noted that the history of abuse and Ms Wihongi's cognitive deficits played a significant role in her extreme reaction. The High Court had imposed a finite sentence of eight years' imprisonment. This was increased by the Court of Appeal to 12 years. No MPI was imposed.

[53] Finally, in *R v Rihia*, Ms Rihia pleaded guilty to murdering her estranged husband. The pair got into an argument after their seven-year-old daughter was uplifted by child protection services who were concerned about Mr Rihia's presence at the property and that alcohol was being consumed there. Ms Rihia, who was 45 years old, was diagnosed as having complex post-traumatic stress disorder resulting from violence in her previous relationships, and a borderline personality disorder characterised by alcohol abuse, emotional dysregulation, outbursts of anger, and feelings of abandonment.

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<sup>14</sup> *Wihongi v R* [2011] NZCA 592, [2012] 1 NZLR 775.

[54] Psychologists concluded that the longstanding history of domestic violence to which Ms Rihia had been exposed, particularly at the hand of the deceased, together with the immediate catalyst of her losing her daughter and her underlying psychological profile led to the fatal stabbing. Justice Toogood considered that she would not have stabbed her husband but for her significant mental impairment and the distressing events which had occurred. The presumption was displaced, and a starting point of 12 years' imprisonment was adopted with no MPI.

[55] I agree with counsel that the present case cannot be materially distinguished from *Wihongi*, *Simeon* and *Rihia*. Like the women in those cases, you have been a serial victim of domestic violence. Dr Isaacson's evidence at trial was that you presented with a chronic expressive language thought disorder, high suggestibility, and complex PTSD "related to [your] experience of violence throughout [your] lifetime in all of [your] significant relationships".

[56] Her subsequent highly detailed report dated 15 July 2024<sup>15</sup> catalogues, sometimes in distressing detail, the abuse to which you have been subject throughout your life, your descent into addiction, various attempts to give purpose, meaning and structure to your life, the green shoots of potential but then your return to a life characterised by abusive personal relationships and excessive alcohol consumption.

[57] I regard the following summary in her report as particularly useful and as confirming my own, non-professional assessment of you.

59. Against a background of intergenerational violence, Ms Stone's developmental history was shaped by significant adverse childhood experiences (e.g., domestic violence, parental substance misuse, parental separation, being the victim of both physical and sexual abuse, etc.) that normalised violence within intimate partner relationships. From an early age she likely developed a fractured sense of self rooted in beliefs that she was not good enough, that the world was a harsh/dangerous place and that the needs of others were more important than her own. From young, she appeared to internalise her role as a "knowledgeable helper and caretaker" of others. To guard against rejection, during adolescence Ms Stone gravitated to an antisocial and substance using peer group where she likely derived some sense of efficacy, belonging, relevance and competency. However, combined with her experiences of family violence, such antisocial peer associations likely further normalised and supported aggression/violence (both verbal and physical) as an acceptable form of exerting power and control. A combination

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<sup>15</sup> Twenty-three pages long.

of emotional immaturity, neuroatypical functioning (i.e., expressive language/thought disorder), acting-out trauma, emotional dysregulation and seeking to exert her power/control in ways that had become normalised underpinned Ms Stone's perpetration of violence during adolescence. However, although alcohol misuse together with others persisted throughout adulthood, her use of violence did not. [I add, at least until the night in question].

60. It was evident that Ms Stone aspired to prosocially succeed, developed a positive work ethic and maintained motivation to regain custody of her children. However, it appears that she frequently felt misunderstood, judged, and let down by both personal and professional supports. Her tendency to romanticise and emphasise the "good times", while easily forgiving/forgetting the "bad times", dominated her adult intimate relationships. Ms Stone was typically the primary victim of significant intimate partner violence. Particularly when both emboldened and likely more thought disordered and emotionally dysregulated due to alcohol intoxication, she occasionally "fought back" through loud arguments and minor incidents of reactive violence towards her ex-partners. However, Ms Stone's ability to resist abuse was typically constrained within her ex-partners' patterns of coercive control and harmful behaviour, the limited safety options she perceived available to her and the broader social inequities she faced throughout her lifetime. Within the context of another progressively controlling and violent intimate relationship, Ms Stone's index murder offending suggested a trauma reaction. It is likely that she felt trapped in the car within an emotionally charged situation aggravated by intoxication. Based on her past experiences of violence from significant others (including the victim), she likely impulsively used the incidentally available pair of scissors to even the physical imbalance of strength she perceived between herself and the victim. However, that resulted in her unintentionally inflicting a fatal wound that resulted in the victim's death.<sup>16</sup>

[58] I accept Dr Isaacson's assessment that you present with many classic features of long term intimate partner violence, whereby patterns of coercive and controlling behaviour by the predominant aggressor (typically male) foster dependence and rob the primary victim (typically female) of their sense of identity. As such you became paradoxically attached to your abuser, but, as the relationship developed, progressively more traumatised also.

[59] I also take into account the fact that:

- (a) The murder was in no way premeditated. The murderous intent recognised by the jury and which I have indicated is best analysed through the lens of s 167(b) of the Crimes Act 1961, arose in a matter

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<sup>16</sup> This conclusion about "unintentionality" was of course ultimately a matter for the jury.

of seconds and against the background of multiple assaults by Mr Rerekura over the two plus years you had been involved with him.

- (b) Mr Rerekura drove off at speed with you in the passenger's seat, having used motor vehicles on previous occasions to assault you and in circumstances where, as a result of his advanced intoxication, he should never have been behind the wheel.
- (c) Consequently, self-defence was in issue, albeit your response was alcohol induced and involving more force than was reasonable given the threat that you faced.
- (d) Your particular vulnerability given what Mr Stepanicic did to you and the lasting physical and psychological consequences of that assault—and others—information which was known to Mr Rerekura.
- (e) Your response in the immediate aftermath of the stabbing, including your strongly emotional appeals for help, reluctance to be separated from Mr Rerekura and acceptance it was “all [your] fault”, all of which I consider are consistent with the high levels of remorse recognised in Dr Isaacson's report.

[60] In summary, I accept the Crown and defence position that this represents a paradigm case where a sentence of life imprisonment would be manifestly unjust, and where a finite sentence should be imposed. I proceed therefore to now identify what that finite term should be.

### **The appropriate fixed term**

[61] The Crown say that although this is one of those rare cases where life imprisonment would be manifestly unjust, nevertheless a significant fixed custodial term is necessary, in the order of 12 to 14 years' imprisonment.

[62] Mr Howard is of course correct. This was very serious offending for which I am required to hold you accountable for the harm done to the victim and the

community and in response to which I am required to promote in you a sense of responsibility and acknowledgment of that harm.

[63] Despite the empathy you deserve for the trauma you have faced in your life, you ultimately also have to accept, and my sentence must underscore, your own role in that offending. It states the obvious that had you not been significantly intoxicated on the evening of 9 October 2022, events are most unlikely to have unfolded in the way they did. The explanations for your unhealthy relationship with alcohol may ultimately lie in a long history of abuse, but there were many, more than sufficient warning signs of where unregulated drinking sessions with Mr Rerekura would end up and you never heeded them.

[64] Again, I look to the three cases previously referred to for guidance in terms of the term I should impose. I note that your counsel takes no issue with the Crown's proposed 12 to 14 year range. I accept that compared to *Simeon* where a 14 year term was imposed with a seven year MPI, the degree of background domestic violence in your case is considerably worse. But you were also much older than Ms Simeon at the time of her offending.

[65] Compared to *Wihongi*, you are not as impaired but the circumstances of her offending—two stab wounds with Ms Wihongi chasing the victim after infliction of the second, and further assaulting him while he was mortally wounded are far worse than in your case. In that case the sentence was 12 years with no MPI.

[66] In *Rihia*, 12 years' imprisonment was again imposed with no MPI. The immediate catalyst to the murder was the highly charged circumstance of Ms Rihia's child being uplifted, for which there is no equivalent in this case but likewise nor was that a case of excessive self-defence—as here.

[67] Having reflected on this for several days, I have come to the conclusion that a sentence of 12 years' imprisonment is appropriate.



## Should an MPI be imposed?

[68] The Crown submits that I should impose an MPI of 50 per cent (that is that you be detained for a minimum period of six years). Your counsel does not take any particular issue with that.

[69] Section 86 of the Sentencing Act provides that I may impose an MPI if satisfied that it is necessary in order to achieve all or any of the following:<sup>17</sup>

- (a) holding the offender accountable for the harm done to the victim and the community by the offending;
- (b) denouncing the conduct in which the offender was involved;
- (c) deterring the offender or other persons from committing the same or a similar offence;
- (d) protecting the community from the offender.

[70] In your case, the maximum MPI I could impose would be eight years' imprisonment.<sup>18</sup>

[71] I accept the Crown submission that in any case involving the loss of human life there is a strong need for deterrence and denunciation. But, of 15 recent cases I have reviewed where finite sentences for murder were imposed, a majority have not involved the imposition of an MPI.<sup>19</sup> Clearly therefore, proper recognition of the sanctity of human life is one facet only of the assessment I must make. By the same token however, I am required to ensure that, as one case refers to it, a "degree of reality" is brought to the sentencing process,<sup>20</sup> something which the Crown says would not be the case if you are eligible for parole after one third of a 12 year sentence.

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<sup>17</sup> Sentencing Act, s 86(2).

<sup>18</sup> Sentencing Act, s 86(4). A minimum period of imprisonment must not exceed two-thirds of the full term of the sentence.

<sup>19</sup> *R v Dickason* [2024] NZHC 1704; *R v Salter* [2024] NZHC 381; *R v Huntley* [2024] NZHC 182; *R v TH* [2023] NZHC 630; *R v Richards* [2023] NZHC 3625; *R v Lawrence* [2021] NZHC 2992; *R v Simeon* [2021] NZHC 1371; *R v Cole* [2017] NZHC 517; *R v Madams* [2017] NZHC 81; *R v Knox* [2016] NZHC 3136; *R v Innes* [2014] NZHC 2780; *R v Cunnard* [2014] NZCA 138, affirming *R v McNaughton* [2012] NZHC 815; *R v Rihia* [2012] NZHC 2720; *R v Wihongi* [2012] 1 NZLR 775 (CA); and *R v Nelson* [2012] NZHC 3570.

<sup>20</sup> *R v Gordon* [2009] NZCA 145.

[72] I have considered carefully the pre-sentence report which assesses you as low risk of reoffending. However, it also notes that, were you to reoffend, you pose a moderate risk of harm to the community and that your risk to anyone who you are in a relationship with “may be higher”.

[73] Dr Isaacson expresses similar conclusions noting the strong progress you have made within the prison environment where you obviously respond to structure and support and in which you are described as hardworking, very respectful of staff and peers, punctual, dedicated, compliant and “an excellent team member, helping out wherever [you] can”. This reflects all of the good components of your character, I have previously referred to. However, Ms Isaacson also identifies a requirement to engage only in healthy intimate relationships and to abstain from alcohol as key to what she describes as ongoing “desistance from reoffending”.

[74] I have been greatly exercised about whether a MPI should be imposed. Ultimately, I do not consider this is a case where it is necessary for me to do so. I consider the Parole Board best placed to assess whether you have made sufficient personal progress, in particular, progress in addressing your problems with alcohol, such that you are no longer a risk to the community. **If, and only if**, these issues can be adequately addressed, then society’s interests in denunciation and deterrence correspondingly abate as imprisonment will have fulfilled what is in your case, its most important purpose—a circuit breaker for you to address the root causes of your offending and to return to society capable of fulfilling the potential, which in my view at least, I consider you have always had.

### **Sentence**

[75] Ms Stone, please stand.

[76] On the charge of the murder of Mr Peter Rerekura, I sentence you to 12 years’ imprisonment.

[77] Stand down please.

[78] Thank you, that concludes my Sentencing Remarks. I thank the members of the public for their respectful approach throughout the delivery of these remarks, and I again, thank counsel who have, to my mind, throughout this entire process and in very difficult circumstances, most faithfully discharged their obligations to the Crown, to the accused and to the Court.

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Muir J