

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

**I TE KŌTI MATUA O AOTEAROA
ŌTAUTAHI ROHE**

**CRI-2023-020-002311
[2025] NZHC 228**

THE KING

v

AARON WAYNE CARTER

Hearing: 19 February 2025

Appearances: C E Martyn and G J Barrett for Crown
K H Cook and C Kim for Defendant

Sentencing Notes: 19 February 2025

SENTENCING NOTES OF EATON J

This judgment was delivered by me on at
pursuant to Rule 11.5 of the High Court Rules

Registrar/Deputy Registrar

Date:

Introduction

[1] Aaron Wayne Carter, you appear for sentence today having pleaded guilty to being in charge of a motor vehicle, with a Class A controlled drug, methamphetamine, in your system, causing the death of Graham Rouse¹ and being in charge of a motor vehicle, with the same Class A controlled drug in your system, causing injury to Janine Rouse.² Both charges are what is known as drug driving causing death or injury. You have also pleaded guilty to charges of driving without an appropriate licence,³ operating an unlicensed motor vehicle,⁴ and possession of Class A⁵ and Class C controlled drugs.⁶

[2] In sentencing you I will first outline the factual background to your offending, I will then turn to briefly discuss the victim impact statements that we have heard this morning before I set a starting point for the sentence I am going to impose. I will make adjustments to that starting point to reflect your personal circumstances.

Factual background

[3] The facts will be only too well known to you and to the wider Rouse family and their friends. But because this is a public hearing, it is important that I summarise those facts today because they provide the essential context to the sentence I must impose.

[4] Almost two years ago, on Friday 24 February 2023, you drove a vehicle from Christchurch, heading to Nelson. You should have never been on the road. You did not have a current driver's licence. The car you were driving should never have been on the road. It was unlicensed. You had little sleep the night before. At the time you were taking diazepam. The label on the diazepam bottle had a warning that the medication makes it dangerous to drive. You ignored that warning. While driving you

¹ Land Transport Act 1998, s 61(2)(b) and (3AA); maximum penalty 10 years' imprisonment or \$20,000 fine.

² Section 61(2)(b); maximum penalty five years' imprisonment or \$20,000 fine.

³ Section 31(1)(a)(ii); maximum penalty \$1000 fine.

⁴ Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011, reg 77(1)(a); maximum penalty \$1000 fine.

⁵ Misuse of Drugs Act 1975, s 7(1)(a) and (2); maximum penalty six months' imprisonment or \$1000 fine.

⁶ Section 7(1)(a) and (2); maximum penalty three months' imprisonment or \$500 fine.

were smoking methamphetamine with your own meth pipe. Subsequent blood testing established you were under the influence of not only methamphetamine and diazepam but also cannabis.

[5] Between Christchurch and Culverden, on two occasions, you lost control of your vehicle and you drove off the road. You referred to those incidents in messages that you were sending associates. You made light of your inability to control the vehicle, effectively bragging. At 6.32 am your message read:

I'm at the weka pass now. I had to stop coz I ran off the road before...I'm okay tho. Was pretty spectacular baby. I'll stop for a while and recoup.

[6] At 6.43 am you sent a message to a different associate, "I just crashed...". You then stopped in Culverden to purchase food and a drink and you then messaged a third associate at 7.12 am, "I'm in culverden now. Crashed twice already lol nothing major tho". To me, Mr Carter, those messages demonstrate your selfish disregard for the safety of others on the road.

[7] The two crashes did not deter you at all from driving. Rather than stop driving, you engaged in even more dangerous driving. From 7.34 am and for a period of 21 minutes, you were on a video call you received from an associate, the associate you had messaged about having crashed twice. You continued to drive whilst on a video call. As you drove your vehicle crossed the centre line multiple times into the path of oncoming traffic. You were speeding up then slowing down. At 7.54 am the occupants of a vehicle who was following yours were so concerned they phoned *555 to report your dangerous driving.

[8] Tragically that call, and subsequent police intervention came too late, because as your dangerous driving intensified, Graham Rouse and his wife, Janine, were driving from Hanmer Springs towards Culverden to take their dog, Bodhi, to the vet. Janine was driving. Graham was in the front passenger seat. You approached a lefthand curve with an advisory speed of 65 km/h. You were travelling at a speed between 72 and 74 km/h, and yet again you crossed the centreline. You drove head-on into the Rouse's vehicle. The collision was in the southbound lane. You were on the wrong side of the road. Graham Rouse sustained multiple blunt-force injuries. He

died at the scene. Janine Rouse sustained extensive injuries and was flown by helicopter to Christchurch Public Hospital in a critical condition. Bodhi was killed at the scene.

[9] You admitted to the attending paramedics that you had been smoking methamphetamine as you drove from Christchurch. Your car was searched by police. A methamphetamine pipe was found on the driver's seat. Three small plastic ziplock bags were found within the car, each containing methamphetamine. Seventy-five diazepam tablets were found in a box on the driver's seat, and a further 14 diazepam tablets were found in a bag under the front passenger seat. You declined to comment to the police. Those are the facts.

Victim's impact statements

[10] Prior to coming into court this morning, I had read, and this morning I have listened to, the victim impact statements from the family of Graham Rouse. I thank Janine Rouse, Graham's youngest son and his daughter-in-law for those statements. I thank those who have read them on their behalf. Those statements allow the court to understand who Graham Rouse was and to gather some insight as to the enormity of the loss that has been suffered by his family. The statements that we have heard this morning were very powerful.

[11] It is abundantly clear, Mr Carter, that your offending has had devastating effects on Mr Rouse's family, friends and his community. Not only must they cope with the loss of a loved one, but Janine will suffer physically, emotionally and financially for the rest of her life.

[12] The extent of the harm that has been suffered reflects that Graham and Janine spent 42 years together and shared a blended family with six boys. Graham is described by his son, Bevan, as "the glue in our unconventional family". The reports tell me he was a loved husband, father, stepfather, father-in-law and a grandfather, Poppa Graz, as he was known. It is clear he was also a respected and contributing member of the Hanmer Springs community.

[13] As you have heard, Janine Rouse does not see herself as a victim, but as a person whose has been impacted by your actions. And that impact has been immense. She sustained such significant injuries in the crash. I will not outline them, but you heard her refer in detail to the physical injuries, the emotional injuries and the financial injuries she suffered. They are immense and will have lifetime consequences. She faces ongoing surgeries. Janine Rouse has demonstrated extraordinary strength in the face of such adversity. It is plain that the harm your offending has caused these events, and I hope the Rouse family understand that no sentence I can impose is intended to or can ever come close to reflecting the enduring pain and grief that is suffered when a life is taken, and another impacted so severely by an unlawful act.

Sentencing Principles

[14] The sentence I impose today must hold you accountable for the harm that you have caused. It must denounce your offending and it must deter you and others in the community who might be likeminded. I must consider your prospects of rehabilitation and I must impose the least restrictive sentence that I consider to be appropriate in the circumstances.

Starting point

[15] Counsel agree that the lead offence is the charge of drug driving causing death. That carries a maximum sentence of 10 years' imprisonment. In fixing the appropriate starting point I have regard to the seriousness of your offending, and I make adjustments to that starting point—either by uplifts for aggravating factors or deductions for mitigating factors—to reach an end sentence. Counsel also agree that I should set a starting point that takes into account each of the offences to which you have pleaded guilty.

[16] There is no tariff case for drug driving causing death or injury. That is because the facts of each case will vary so widely. What the court must do is consider the aggravating factors that apply in a particular case to fix a proper starting point.

[17] Ms Martyn, for the Crown, submits that a starting point of five to six years' imprisonment is appropriate. She refers to *Kinita v R*, *Lewis v R*, *McCullough v Police*, *Scott v R*, *R v Price*, *R v Dods*, *R v Makoare*, and *R v Peneha* as helpful authorities.⁷

[18] Mr Cook, on your behalf, submits that the appropriate starting point is one of four to four and a half years' imprisonment, although I sensed in his oral submissions that he accepts that it may be higher than that and closer to the lower range of the Crown submission. He acknowledges there are multiple aggravating features present in your offending and he refers me to cases of *Kinita v R*, *R v Reynolds*, *Allen v R*, and *N v R*.⁸

[19] The Court of Appeal decision of *R v Gacitua*,⁹ which incorporates factors from the English Court of Appeal case *R v Cooksley*,¹⁰ provides me with guidance in setting a starting point for this offending. Those two cases identify aggravating and mitigating features of the offence of dangerous driving causing death.

[20] I have identified eight factors that apply to your offending that are recognised in those cases as aggravating your offending, although I accept some do overlap:

- (a) You were driving under the influence of methamphetamine, cannabis and diazepam. As Mr Cook submits, the influence of a controlled drug is an element of the lead offence, but the fact you were under the influence of three controlled drugs and that you were smoking methamphetamine as you were driving is, in my view, a significant aggravating factor.
- (b) You engaged in a prolonged, persistent and deliberate course of very bad driving. Not only did it last over at least an hour, it continued

⁷ *Kinita v R* [2020] NZHC 1008; *Lewis v R* [2023] NZHC 1248; *McCullough v Police* [2013] NZHC 279; *Scott v R* [2014] NZHC 1598; *R v Price* [2020] NZHC 2995; *R v Dods* [2021] NZHC 2666; *R v Makoare* [2020] NZHC 2289; and *R v Peneha* HC Wellington CRI-2006-078-872, 1 August 2006.

⁸ *Kinita v R*, above n 8; *R v Reynolds* [2017] NZDC 6390; *Allen v R* [2023] NZHC 2871; and *N v R* [2019] NZHC 2083.

⁹ *Gacitua v R* [2013] NZCA 234 at [29].

¹⁰ *R v Cooksley* [2003] 3 All ER 40 (Crim App).

notwithstanding the two occasions you drove off the road, having lost control.

- (c) Your driving was aggressive and highly dangerous. You crossed the centre line repeatedly, you drove at varying speeds, you twice lost control, driving off the road. Mr Carter, you must have appreciated you were in no state to be driving and presented an extreme risk of harming others.
- (d) You were driving while distracted by repeatedly text messaging associates and then by receiving and engaging in a lengthy video call.
- (e) You must have known you should not be driving because of the side effects of diazepam.
- (f) You must have known you had had little sleep the night before and therefore were in no fit state to engage in a lengthy drive.
- (g) You should never have been on the road at all because you did not hold a licence and the car you were driving was not registered.
- (h) Finally, and tragically, the consequences or outcome of your offending. Your driving not only killed Graham Rouse, it severely injured Janine Rouse and killed their pet dog, Bodhi. These are significant consequences.

[21] The other factor that has been referred to is your poor driving history. I will detail those convictions shortly.

[22] As Mr Cook submits, and I accept, you did not intend for your victims to be killed or injured. But having regard to the combination of factors I have just summarised, I see it as really being a question of who was going to be the victim of your drugged and dangerous driving on 24 February, not if there was going to be a victim. The aggravating factors I have discussed indicate to me a very high level of culpability.

[23] I have had regard to the various cases that have been referred to by counsel. Case comparisons are very difficult. I will briefly mention two of those cases. In *R v Reynolds* the offender was driving home from having worked a full day.¹¹ It was not suggested that she was speeding or otherwise driving in a dangerous manner. She failed to see two persons who were changing a wheel on the side of the road and a third person who was endeavouring to attract the attention of drivers to that hazard. She hit all three victims. Two of those victims died. One suffered serious injuries. A blood test revealed that Ms Reynolds had the prescription drug methadone in her blood stream together with two Class C controlled prescription drugs.

[24] The sentencing Judge inferred that the drugs had caused Ms Reynolds to fall below the standard of a competent driver.¹² It was acknowledged that other than the presence of drugs in her blood stream, “there was nothing else about her driving on that day which means [the Judge] should increase the starting point...”.¹³ The Judge observed that one of the drugs that she had consumed was a legal medication known to cause drowsiness and considered the offending to be a case of inattention.¹⁴ The Judge had no doubt that Ms Reynolds thought she was perfectly fine to be driving when she got into her vehicle.¹⁵ A five-year starting point was adopted in that case.¹⁶

[25] In *N v R*, Brewer J considered an appeal against a sentence of imprisonment imposed on the charge of drug driving causing death.¹⁷ That case involved evidence of methamphetamine use. N was described as driving erratically and dangerously. He had weaved on to a grass verge and then back to the right crossing into the centre lane and into the opposing lane three times. On the final occasion he crossed the centre line, he collided with another vehicle head-on, killing that driver. He had a low level of alcohol in his blood but also had methamphetamine and THC in his blood. N acknowledged that he had used methamphetamine and cannabis “one or two” evenings prior to the accident.

¹¹ *R v Reynolds*, above n 9, at [3]–[4].

¹² At [7].

¹³ At [19].

¹⁴ At [23].

¹⁵ At [33].

¹⁶ At [34].

¹⁷ *N v R*, above n 9, at [3]–[6].

[26] The sentencing Judge accepted that N had not felt sleepy when he left to drive home but did so as he got closer to his destination.¹⁸ The Judge concluded it was a combination of drugs, alcohol and to some degree tiredness that caused the crash. The Judge accepted that N had not engaged in a persistent course of bad driving but acknowledged that the driving prior to the accident was extremely dangerous.

[27] On appeal the starting point adopted of four and a half years' imprisonment was confirmed.¹⁹ Brewer J agreed that the collision was due to a combination of fatigue, alcohol and drug consumption and that the Judge in the District Court had been right to reject a submission that the only causative factor was driver fatigue. The Judge on appeal considered the main aggravating factor as the course of dangerous driving exhibited prior to the crash. As I say, that was not persistent or prolonged.

[28] I have no doubt, Mr Carter, that your offending engages more aggravating factors than either of those cases. I do not accept Mr Cook's submission that the fact there were two deaths in the *Reynolds* case means your starting point must be less than the five years adopted in that case. What stands your offending apart is that you were consuming methamphetamine as you drove, that your dangerous driving was prolonged and had led you twice losing control of your vehicle and that you were clearly alert to the danger you posed as you were messaging associates making light of the state that you were in. I consider the appropriate starting point for your offending is six years' imprisonment.

Personal aggravating factors

[29] Ms Martyn submits that an uplift is appropriate to reflect your previous driving convictions. You have convictions both in Australia and New Zealand that are relevant. In New Zealand, you have been convicted of driving with excess breath alcohol (1994), operating a vehicle carelessly (2007) and refusing a request for a blood specimen (2015). In Australia, you were proven, but it seems not convicted, of having driven under the influence of methamphetamine in 2017 and you were convicted of that same offence in 2020.

¹⁸ At [9].

¹⁹ At [24].

[30] I agree some of your convictions are historic but the overall picture that is presented to me, Mr Carter, is of a recidivist drink or drug driver. Previous prosecutions have not deterred you. I have no doubt that other Judges would have warned you that if you continue to drive under the influence you will end up killing or maiming someone. But whatever warnings you have previously been given, they fell on deaf ears.

[31] Deterrence and community protection, two of the purposes of sentencing, require that I impose an uplift be imposed to acknowledge your criminal history.²⁰ I impose an uplift of five per cent (about four months). I consider that uplift to be modest.

Personal mitigating factors

[32] I now turn to personal mitigating factors.

Guilty plea

[33] Mr Cook submits that a full 25 per cent deduction for your guilty pleas is appropriate. He had understood that you had never entered not guilty pleas to either the manslaughter charge that was ultimately withdrawn or to any other charges. He submits that your guilty plea to the drug driving causing death charge was entered at the earliest opportunity, being shortly after negotiations with the Crown were concluded. As I explained during the course of the hearing this morning, I do not accept that submission.

[34] You first appeared on charges arising from this incident on 28 August 2023. At that stage you faced the charges to which you have now pleaded guilty and other drugs charges. You did not then face a charge of manslaughter. The records I have confirmed that on 12 September 2023 you entered not guilty pleas to all charges. It was over seven months later, on 19 April 2024 when the Crown announced that a manslaughter charge was going to be pursued, that your case was then transferred to this Court. It was after that development, that negotiations plainly commenced

²⁰ Sentencing Act 2002, s 7(1)(f) and (g).

ultimately giving rise to your entry of guilty pleas. But they are pleas to the very same driving charges that you had pleaded not guilty to back in September 2023. You could have entered the pleas then, but you did not. You entered guilty pleas, to me it seems, to avoid the risk of being convicted of manslaughter. That is understandable but the reality is that you did not enter your guilty pleas at the first reasonable opportunity.

[35] I nevertheless acknowledge that the case did not have a trial date and there is public interest in recognising the broader benefits of guilty pleas. In the circumstances I fix the appropriate deduction for your guilty pleas at 15 per cent.

Remorse

[36] Tangible evidence of genuine remorse may justify a small discount to a sentence, typically in the range of five to eight per cent.²¹ Mr Cook submits that you are genuinely remorseful. He refers to the letter that you have written, which I have read. He refers to your offer to participate in a restorative justice conference. He refers to the pre-sentence report that records your remorse and an acknowledgement that it is genuine.

[37] Your letter is undated. It is clear it was written very recently because you talked about your intention to write it when you were interviewed by the probation officer on 31 January 2025. In the letter you apologise for your actions, and you acknowledge you should never have been on the road. You say you do not seek to make any excuses for your behaviour and that you are “sorry and ashamed of [your]self”. Your letter tells me you will accept whatever sentence I impose.

[38] As I have said, I do accept that you are remorseful. But the reality is that it is inconceivable to me that anybody who offends in the manner in which you have offended could not be remorseful. You unintentionally killed a completely innocent person, you have seriously injured his wife leaving her to face lifelong consequences and you killed their pet dog. There was never any doubt that you were the driver, or that you caused those consequences. So, whatever your criminal culpability, of course you must be remorseful. But saying you are sorry in a letter written almost two years

²¹ See for example *Rowles v R* [2016] NZCA 208 at [18].

after the event and making an offer to meet with the surviving victim of your offending is not, in my view, a tangible demonstration of remorse. True remorse in a case like this might have been demonstrated by you reaching out directly or through the police to the victims in the days, weeks or at least months following your offending. There was no issue you were the driver. There could have been no issue that you were at fault. I see no basis for there to be any assessment that your position from a legal perspective might have been comprised by reaching out at an early stage to say how sorry you were. But that did not happen.

[39] I do acknowledge that you have used the time whilst you have been on bail awaiting determination of the prosecution to better yourself. That is a positive, but it is a positive for you. I do not see anything that you have done, beyond saying sorry and offering to meet, that demonstrates remorse for the terrible consequences of your offending.

[40] I am not satisfied that an allowance for remorse is appropriate.

Background factors and rehabilitation

[41] I consider it appropriate to consider background factors alongside your rehabilitative prospects.

[42] Relevant background factors are addressed in a pre-sentence report, in a letter from your sister, in a report from your neuro-psychotherapist and to a lesser degree in an AOD screening report dated 11 July 2024. Your rehabilitative efforts are reflected in the same material but also in a letter I have read from your partner in Australia and within an Odyssey House report.

[43] Your counsel submits that your background and your upbringing have a causal connection to your offending. Mr Cook says that background explains why you were more vulnerable to offend. It is not necessary or indeed appropriate to detail the material I have considered. But I accept, Mr Carter, that you have described a deeply traumatic childhood, early drug use leading to a poly-substance dependency in your early adolescence. I accept that at around the age of 18 years old, you first tried methamphetamine and very quickly became addicted.

[44] Mr Cook submits that the drivers of your offending were deprivation through social poverty, exposure to serious violence or other trauma, resultant drug addiction and poor educational outcomes, all of which he says contributed to your drug use and ultimately to the decision you made on 23 February to drive a vehicle. He submits your decision-making ability as an adult was significantly inhibited by your substance dependency, which in turn is related to your upbringing. He seeks a 15 per cent deduction for those background factors.

[45] As regards rehabilitation, Mr Cook highlights that you have been engaging with counselling twice a week since January 2023, learning how to cope with what I describe as your triggers. He highlights that while on bail, you successfully completed the Hapori Ora programme which is a 32-session alcohol and drug programme. The records confirm that you have been referred to the more intensive, residential drug rehabilitation programme run by St Marks Addiction Residential Treatment Centre. You intend to complete an assessment to enter that programme upon completing your sentence. Mr Cook submits that a 10 per cent discrete discount ought to be allowed for your rehabilitative efforts.

[46] The voluntary consumption of drugs or alcohol, other than for bona fide medical purposes, cannot be taken into account by this Court by way of mitigation.²² But Mr Cook is right that addiction does have relevance to the sentencing process and may impact on the Court's assessment of the moral culpability of the offender.²³ Addicts may, as is said to apply to your behaviour, abuse drugs as a coping mechanism for past trauma.²⁴ And of course, addiction engages the sentencing purpose of assisting an offender's rehabilitation and reintegration.²⁵

[47] I acknowledge your traumatic background. I do not doubt that it has been at least in part a factor leading to your life of drug addiction. I accept that addiction plays a part in this offending. You were, of course, consuming methamphetamine shortly before you drove into the Rouse's vehicle. But, in my view, the causal connection between a background that gives rise to drug addiction and the decision you made on

²² Sentencing Act 2002, s 9(3).

²³ *Zhang v R* [2019] NZCA 507.

²⁴ At [145].

²⁵ Sentencing Act, s 7(1)(h).

23 February to drive is limited. Mr Cook invites the Court to accept that on the day your decision-making was significantly impaired as a consequence of your drug addiction. But the reality is you say you had made arrangements for someone else to drive you to Christchurch. It was only when that arrangement fell through that you made the decision to drive. I do not see that having a strong connection to your addiction. Rather you made a very self-serving decision to drive, solely because it was convenient to you, although you knew you were not legally entitled to drive. You must have known that you were in no fit state to drive. Drug use no doubt influenced your decision, and the way you drove, but that is not a factor I can take into account as a mitigating factor.

[48] I do have regard to the rehabilitative efforts you have made since your arrest. Your partner, in her letter, tells me that she describes you as a very different man now than you were the morning of the incident. She notes that you have made a life-changing decision to follow Jesus and she says she has seen an incredible change in your attitude and perspective over the past 12 months.

[49] Mr Cook's written submissions ask the Court to accept that the rehabilitative steps you have taken were not a response to the prosecution. His written submissions record that you have been engaging with your ACC-accredited counsellor and neuro-psychotherapist since January 2023. Her report, that is the report of the neuro-psychotherapist, confirms that. You commenced with her just a few short weeks before this offending.

[50] But her report also tells me that it is only since your offending that she has been working intensively, that is twice weekly, with you. I acknowledge that you have longstanding issues which you have been endeavouring to confront, but the reality is that this offending has, in effect, forced you to front-foot that confrontation and it is to your credit that you have taken advantage of being released on bail and positively engaged with appropriate programmes.

[51] I agree you have, in the time you have been on bail, done what you can to improve yourself. You are certainly encouraged to continue on that path. It is essential if you are going to rejoin the community and be drug free and free from committing

criminal offences that you put your drug addiction behind you. You have made a very good start in that process, but there is a lot of work to be done. I observe that you have good supports here in Christchurch in the form of your therapist and Odyssey House.

[52] Overall I acknowledge some discount is warranted to collectively acknowledge your history of struggles with drug addiction, your traumatic past and in recognition of your rehabilitative efforts and potential. But it is not at the level at which Mr Cook submits. I fix the total deduction for those matters at 12.5 per cent.

Parental incarceration and foreign national

[53] Finally, Mr Cook seeks a discrete allowance of 10 per cent because you are a foreign national and because of the effects of parental incarceration on your children.

[54] You were living in Australia before the offending. I understand you have been in a relationship with your partner since 2018. Your partner and her two children live in Australia. So, visiting you while you serve a sentence of imprisonment will pose real challenges. But you have supportive family in New Zealand. Your sister has written a very thoughtful letter to the Court. I am told she lives in Hastings. Your two daughters and your grandson live in the Nelson region. So, your predicament is quite different to that of a non-English speaking offender facing incarceration in New Zealand, someone who is completely isolated from family and friends.

[55] As regards parental incarceration, your stepdaughter and stepson are aged 18 and 20 years old, respectively. They are not children. You are not their sole caregiver. You have been in a relationship with their mother since 2018. Whilst I accept, of course, your incarceration will severely limit your ability to communicate with your stepchildren, they are not young children vulnerable to the recognised negative impacts of being separated from their father. In my view they are of an age where they can live independently of you and can travel independently to see you.

[56] I am not persuaded a discount for parental incarceration is appropriate.

[57] Taking the adjustments for personal circumstances into account I arrive at a net deduction, that is balancing the uplift for previous convictions against the credits for

guilty plea and for background factors and rehabilitation to be 22.5 per cent. That leads to a sentence of four years and eight months' imprisonment.

Reparation

[58] Ms Martyn, on behalf of the Crown, had sought an order for reparation. In the material I have reviewed, and in her victim impact statement read this morning, Mrs Rouse has told me of the significant costs that she has incurred and will continue to incur as a consequence of your offending. The figure I have, and I appreciate it is just an estimate and it is going to be ongoing, is over \$25,000. But Mr Cook tells me you simply do not have the means to make any reparation. No reparation report has been prepared to assist me assess your financial means, but what I am told this morning as regards the circumstances that led to you coming to New Zealand support a view that you do not have the means to make reparation.

[59] In those circumstances I do not consider it appropriate or realistic to make a reparation order.

Disqualification

[60] I must disqualify you. The minimum period of disqualification I must impose is 12 months. However, I am satisfied that the danger you present to other road users as demonstrated by both your past history and this offending is such that a significantly longer term is called for. I intend imposing a disqualification period of five years.

Result

[61] Mr Carter, can you please stand.

[62] Aaron Wayne Carter, on the charge of being in charge of a motor vehicle, with a Class A controlled drug in your system, causing the death of Graham Rouse, you are sentenced to four years and eight months' imprisonment.

[63] On the charge of being in charge of motor vehicle, with a Class A controlled drug in your system, causing injury to Janine Rouse, you are sentenced to three years and eight months years' imprisonment.

[64] On the charges of driving without an appropriate licence and operating an unlicensed motor vehicle, you are convicted and discharged.

[65] On the charges of possession of Class A controlled drug, you are sentenced to two months' imprisonment to be served concurrently.

[66] On the charge of possession of a Class C controlled drug you are sentenced to one month' imprisonment to be served concurrently.

[67] All sentences are to be served concurrently.

[68] You are disqualified from holding or obtaining a driver's licence for a period of five years from today's date.

[69] I decline to make reparation order.

[70] You may stand down.

[71] I thank Mrs Rouse and the Rouse family for the very dignified manner in which they have conducted themselves throughout the course of the hearing.

.....
Eaton J

Solicitors:
Crown Solicitors, Christchurch

Counsel:
K H Cook, Barrister, Christchurch