

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

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

**CRI-2024-092-7994  
[2025] NZHC 892**

**THE KING**

**v**

**JIMMY TURU HEREMAIA  
AND ROPINE ROBIN PAUL**

Hearing: 11 April 2025

Appearances: S B Manning and T A D Zohrab for Crown  
S Thode for Mr Heremaia  
M J Phelps for Mr Paul

Judgment: 11 April 2025

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**JUDGMENT OF McHERRON J**

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[1] Jimmy Heremaia, you appear for sentence having pleaded guilty to one charge of murder,<sup>1</sup> and one charge of arson.<sup>2</sup>

[2] Ropine Paul, you appear for sentence having pleaded guilty to being a party to arson.<sup>3</sup>

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<sup>1</sup> Crimes Act 1961, ss 167 and 172. Maximum penalty of life imprisonment.  
<sup>2</sup> Crimes Act, s 267(1)(b). Maximum penalty of 14 years' imprisonment.  
<sup>3</sup> Sections 66 and 267(1)(b). Maximum penalty of 14 years' imprisonment.

[3] I acknowledge the presence of Ariki Rigby's whānau in this courtroom and in the courtroom next door. I know it has been such a long and painful journey for you to reach this point.

[4] I have read and listened to your powerful statements. It must have taken a great deal of courage for you to read those, tēnei te mihi atu ki a koutou:

- (a) Peta Rigby — as Ariki's father you have spoken very movingly of the forgiveness you have for Mr Heremaia, it has been such a battle for you to reach that state of forgiveness, achieved through your strength and your faith.
- (b) Anahera Hinetapu Rigby — Ariki's older sister — you told us you and Ariki were raised together and you have been devastated by her tragic loss. Just as you cared for her in life, you played an important part in searching for her and assisting with identifying her. Her loss has been crushing for you. Your world fell apart. You still feel numb and have struggled to feel any happiness. Though forever scarred, you are not broken and you will continue to keep your sister's memory and spirit alive.
- (c) Chenaye Wilson — one of many Ngahuka female first cousins — spoke very clearly about the immense grief, pain, trauma that will last a life time — Ariki's was a precious life and she will be missed far and wide.
- (d) I have also read a statement from Kasey Rigby — Ariki's stepmother — you describe enormous grief about not being able to tangi with Ariki because Jimmy Heremaia had burnt her body. But you too have, somehow, achieved a state of forgiveness. You wrote about: the way your whānau has continued to change and evolve, but that Ariki has missed out on all of this, including her new nephew and niece; and the aching sadness that Ariki's grandmother passed before Ariki's killer was brought to account; and your poignant reflection on what might

have been, but now will never be — that Ariki would have been an awesome Mum.

- (e) Maimaru Ngahuka — you have the aching burning pain of a mother whose baby is gone, whose death you will forever mourn. You speak with great sadness that your whakapapa will not carry on in Ariki, that her dreams and her future with near and extended family have been extinguished. Not only has Ariki's death devastated your whānau, but it has captured national attention and has had a huge impact on the Ahuriri hapori.

[5] Together these words of the whānau are so powerful in facing up to the awful pain of grief and loss, but you are all determined to carry forward the memory of your beloved Ariki. These glimmers of the power of forgiveness will restore your strength, bringing you ever slowly from darkness into light. Kuhu mai i te pō ki te ao mārama.

[6] What occurred to Ariki will be well-known to those present in the Court, but it is important that the wider public is aware of the basis on which you, Mr Heremaia and Mr Paul, are being sentenced. So I will need to describe the offending in some detail. I do not wish to cause more upset to Ariki's whānau. But an important part of this sentencing process is to consider what happened to Ariki. So I understand that will be difficult to hear, having lost your loved one so tragically.

[7] Mr Heremaia, I am sentencing on the basis of an agreed statement of facts that has been agreed between the Crown and your lawyer.

[8] In August 2022, you and Ariki met in Hawkes Bay. She was 18, and you were in your early 30s. You began to communicate via social media, using multiple platforms and profiles. You only knew each other for a short period, but you communicated frequently over that time.

[9] Somehow, Ms Rigby got hold of a Mongrel Mob t-shirt. She was seen wearing it by a patched member, who confronted her. It is against Mongrel Mob rules for anyone non-affiliated, especially a woman, to wear gang-related clothing. This was the catalyst for the senseless waste of a life that followed.

[10] You were told to retrieve the t-shirt, and did so later that morning in Flaxmere, after your first angry messages to Ms Rigby went unanswered. The next day, 1 September, you attempted to meet up with Ms Rigby again. You sent her a message saying, "life or death don't say my name and whatever happens to me happens".

[11] Ms Rigby asked you to pick her up. You met up later that day, and were seen getting pizza and travelling together. Ms Rigby spent the night at the marae in Frasertown.

[12] On 2 September, you picked Ms Rigby up and drove around together. You told a friend you were angry and hurt.

[13] Around 4 pm, your sister sent a message telling you someone from the Mongrel Mob had called to collect your patch, due to the incident with Ms Rigby wearing the t-shirt. At 7.22 pm, Ms Rigby messaged you asking if you'd like to travel to Tauranga to get away from the Hawkes Bay Mongrel Mob.

[14] At 7:30 pm someone from the Mongrel Mob texted you: "Find that FLAXMERE tee-shirt dog, get it done". You replied "I am brother". You then told Ms Rigby you were on your way to her, and she gave you her location.

[15] You sent a message to a friend "I'm in my own shit, dogs took my patch and everything". You said you expected consequences for what happened. Around this time, Mr Paul also sent you a message telling you he had bad news for you.

[16] You and Ms Rigby then exchanged messages about picking her up.

[17] Ms Rigby was having a difficult day. She told you she had been attacked, that she'd "had enough for today", and was bringing "the fucken shotgun". She told you she had a knife and didn't want to cover herself up or hide. She said, hauntingly, "otherwise just fkn kill me dogg, I'm exhausted".

[18] Ariki got into your car just before 10 pm in Onekawa. You drove to Bayview and parked on a grassy verge, turning your headlights off. You both got out of the car at approximately 10.27. A member of the public driving by called Police as she was concerned by what she saw.

[19] You had an argument. Ms Rigby swung a hammer she was carrying for protection, at you. You, blocked her, overpowered her, took the hammer from her and struck her head twice with the hammer. This caused the fatal injuries.

[20] You drove around for about an hour in a panic with Ariki's body in your car. You sent three text messages to Mr Paul, and had two phone calls with him, for around five minutes in total. At some point you threw the murder weapon into a river.

[21] A friend messaged you asking whether your night was going better than your day. You replied "it's gotten bad". The friend asked you what you meant, to which you replied "real bad".

[22] Around 11:30 pm, you arrived at Mr Paul's house. You told him you needed his help getting rid of something. You asked him for a change of clothes, a blanket, and to go buy petrol.

[23] Mr Paul, you went to a petrol station and filled a container of petrol.

[24] The two of you then stayed at Mr Paul's house for over an hour. You both searched for "River parks".

[25] At approximately 1.25 am on Saturday 3 September you left the house and both travelled to River Road in separate vehicles.

[26] Mr Heremaia, you parked your car in the corner of the carpark, and poured petrol on, and throughout, the car. You then set it on fire while Ariki's body was inside. As a result of the fire, Ariki's body was incinerated and became unrecognisable, delaying the Police investigation and compounding the deep and enduring pain felt by her whānau.

[27] Mr Paul, you waited close by. Mr Heremaia ran to your car, and together you drove back to Mr Paul's house. Mr Heremaia you asked your sister to come pick you up, and you began concerted efforts to conceal your involvement in this horrific crime. You deleted messages and Facebook profiles. You told others you were looking for Ariki to retrieve your t-shirt to create an alibi. You informed your Mongrel Mob captain that the car you borrowed, the car you lit on fire, the car you burnt Ariki in, had broken down and been stolen. You left Hawkes Bay and travelled to Auckland. You avoided the area for the next two years.

[28] Later that month, Mr Paul, you told your cousin you were hiding because you had helped your mate clean up some mess.

[29] In September 2024, Mr Heremaia you admitted to an undercover police officer that you killed Ms Rigby. You confirmed the events I have just discussed. You took full responsibility.

[30] You, Mr Heremaia, were arrested and charged with murder.

[31] You, Mr Paul, were arrested and charged with arson.

## **JIMMY HEREMAIA**

[32] Mr Heremaia, I will start with your sentence.

[33] The sentence for murder is, as we have heard, life imprisonment.<sup>4</sup> Your lawyer accepts that neither the circumstances of the offending nor your personal

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<sup>4</sup> Sentencing Act 2002, s 102(1); Crimes Act, s 172.

circumstances justifies any departure from a sentence of life imprisonment. I agree. So that is your primary sentence today — life imprisonment.

[34] What that means is that even when you are granted parole, you will be subject to recall to prison for the rest of your life.<sup>5</sup>

[35] A minimum period of imprisonment of 10 years automatically follows.<sup>6</sup> The main issue I need to decide is whether to increase that 10 year period and, if so, by how much. My decision will set the length of time you must remain in prison before being eligible to apply for parole.

[36] Both the Crown and your lawyer Mrs Thode say this is not a case where any of the factors in s 104 of the Sentencing Act 2002 applies.<sup>7</sup> I agree.

[37] The minimum period must be what is necessary to hold you to account for the harm you have done, to denounce your offending, to deter both yourself and others from committing similar offending, and to protect the public.

### **Starting point**

[38] The Crown says an overall starting point of 13 and a half years' imprisonment is appropriate: 12 years for the murder, and 18 months for the impact of the arson as conduct relevant to the killing. Mrs Thode accepts that the appropriate starting point is in the vicinity of 13.5 years. The lawyers have referred me to several cases that they say are relevant, which I have read.<sup>8</sup>

[39] In setting the starting point, I need to consider:

- (a) whether you planned the murder;
- (b) your use of a weapon;

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<sup>5</sup> Parole Act 2002, s 6(4)(d).

<sup>6</sup> Sentencing Act, s 103(2).

<sup>7</sup> Section 104, criteria for requiring a minimum period of 17 years' imprisonment.

<sup>8</sup> *R v Whenuaroa* [2023] NZHC 3620; *R v Vi* [2023] NZHC 1118; *R v Don* [2021] NZHC 2882; *R v Callaghan* [2012] NZHC 596; *R v Piilua* HC Christchurch CRI-2005-009-11878, 1 September 2006.

- (c) if there was a relationship of trust between you and Ms Rigby;
- (d) whether Ms Rigby was vulnerable; and
- (e) the impact of the subsequent arson.

[40] There was not much planning. It appears you did not bring the weapon. In the pre-sentence report, you said “things just got out of control”. However, the offending was not entirely spontaneous. You were clearly upset by events before 2 September 2022.

[41] You used a hammer to inflict fatal damage to Ariki Rigby through two blows to her head.

[42] The Crown says your use of a weapon “escalates the seriousness of the violence”. I agree.

[43] Mrs Thode submits you only knew Ms Rigby for a short time. I accept her submission the summary of facts does not establish you were in a position of trust.

[44] However, Ms Rigby was vulnerable. She was much younger than you, a teenager, and you were able to overpower her. She was worried about her safety and experiencing difficult circumstances. She told you she was “exhausted”. She was alone at night in a rural area. She expected, and was entitled to expect, that you would take her safely to where she needed to go.

[45] After you hit her in the head, you did not get her any help. Even though you had a phone and drove through built up areas. You could have taken her to the hospital. Instead, you took deliberate and callous steps to conceal your crime by lighting the car in which her body lay on fire. This resulted in further indignity for Ms Rigby after her death. It caused unbearable pain for her whānau who could not see her to say goodbye. It also slowed the detection of your crime.



[46] Your arson is an aggravating factor requiring an uplift to your minimum period of imprisonment.<sup>9</sup>

[47] I agree with the Crown and your lawyer Mrs Thode that in combination these aggravating features justify a starting point for the minimum period of imprisonment of 13 and a half years.

### **Personal aggravating and mitigating circumstances**

[48] I turn to consider adjustments for your personal circumstances. These will be to the minimum period you are required to serve in prison before being eligible for parole.<sup>10</sup>

[49] The Crown says a minimum period of 12 years would be appropriate. Mrs Thode submits a minimum period of 11 years would meet the purposes and principles of sentencing and would be the least restrictive outcome available.

[50] Your criminal history is relatively unremarkable.<sup>11</sup> You have no previous convictions for violent offending. You have held paid employment and you have contributed to your family. No uplift is warranted for your criminal history.

### *Guilty plea*

[51] The usual percentage reduction for a guilty plea does not apply in a sentencing for murder.<sup>12</sup> A discount of one to two years to the minimum term of imprisonment will usually be appropriate.<sup>13</sup> In your case, I consider a discount of only one year is suitable in all the circumstances. Your guilty plea only came after you knew you faced a strong case against you.

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<sup>9</sup> *R v Houma* [2008] NZCA 512 at [35]. See also *Whenuaroa*, above n 8, at [28].

<sup>10</sup> See *Thompson v R* [2024] NZCA 266 at [25].

<sup>11</sup> Mr Heremaia's criminal history prior to 2022 solely consisted of driving offences, with convictions for using methamphetamine utensils and possessing an offensive weapon in July 2023 (post-dating the murder).

<sup>12</sup> *Malik v R* [2015] NZCA 597 at [35]–[37].

<sup>13</sup> *Frost v R* [2023] NZCA 294 at [78], [88]–[89].

### *Background circumstances*

[52] You had a violent, abusive upbringing, as is the case for many offenders before this Court. I do not know whether this made you more likely to offend.<sup>14</sup> Your relatively limited criminal record suggests otherwise. And it is clear from the letters to the Court from members of your whānau, who I acknowledge here today, you are well-loved, and are an active and caring father. I sincerely hope you can maintain these important connections while in custody, and that you continue to receive a high level of support from your whānau. I propose to give a three month reduction to acknowledge the impact your offending and incarceration will have on your tamariki.<sup>15</sup>

[53] You have expressed some remorse for your actions, both prior to today and in the letter that Mrs Thode referred to during her submissions. You have said “I know her whānau and my whānau are hurting and there is a lot of healing to be done. All this has a massive effect on lots of people...”. I propose to recognise your remorse by discounting the minimum period by a further three months.

### **MR ROPENE PAUL**

[54] Mr Paul, I turn to consider your sentence.

### **Starting point**

[55] I must make it clear again that according to the agreed summary of facts I am presented with, you are to be sentenced on the basis you did not know Ms Rigby’s body was in the vehicle when it was set on fire.

[56] The Crown submits that the proper approach is to say you provided active assistance in damaging a vehicle by fire for the purpose of destroying evidence of some unknown criminal activity. I accept that approach, so Mr Paul you are to be sentenced on that basis.

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<sup>14</sup> See *Thompson v R*, above n 10, at [26]; *Berkland v R* [2022] NZSC 143, [2022] 1 NZLR 509 at [107]–[109].

<sup>15</sup> *Philip v R* [2022] NZSC 149, [2022] 1 NZLR 571; *Whaanga v R* [2024] NZCA 29.

[57] Being a party to arson carries a maximum penalty of 14 years' imprisonment.

[58] In sentencing you for arson, I must consider:<sup>16</sup>

- (a) the level of planning involved;<sup>17</sup>
- (b) the value of the car;
- (c) the danger the fire posed to occupants (or people nearby);
- (d) the danger the fire posed to any firefighters; and
- (e) what you knew at the time (your mental state).

[59] The Crown has given me cases they say are similar to yours.<sup>18</sup> The Crown submits a starting point in the range of three and a half years' imprisonment is appropriate.

[60] Mr Phelps, your lawyer, sees it differently. He suggests a starting point of 18 months to two years' imprisonment.<sup>19</sup> He says I should recognise that you were only a party to the arson, i.e., you did not light the actual fire.

[61] I have considered two further cases where the lighting of a fire occurred to conceal criminal activity<sup>20</sup> or disrupt criminal proceedings.<sup>21</sup> But I note those cases had higher starting points (around five years' imprisonment) than should be applicable to your case, because of the significant risk to life and high value of property in those cases.

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<sup>16</sup> *R v Z* CA138/00, 27 June 2000 at [6].

<sup>17</sup> *Meha v R* [2014] NZCA 307.

<sup>18</sup> *Cox v R* [2013] NZCA 194; *R v Protos* CA 259/04 19 October 2004; *R v Mohi* [2007] NZCA 139.

<sup>19</sup> Relying on *R v Poole & Ors* [2014] NZHC 1126.

<sup>20</sup> *R v Hill* [2020] NZDC 19895.

<sup>21</sup> *Patterson v Police* [2023] NZHC 2428.

[62] It is clear that “the seriousness of any arson depend[s] on the context and the motives behind it”.<sup>22</sup> Motive is “highly relevant”.<sup>23</sup>

[63] The primary aggravating factor of this offending is that you assisted in lighting a fire to conceal criminal activity. I consider this to be similar to the *Poole* case referred to by Mr Phelps, which had a starting point of two years and six months for the principal offender.<sup>24</sup> However, I view your motive as more “sinister”, given the surrounding circumstances.<sup>25</sup>

[64] There was a high degree of planning and premeditation, evidenced by your phone calls and time spent with Mr Heremaia, your trip to the petrol station, and your search of Google Maps. I do not think your intoxication at the time mitigates this.<sup>26</sup> Nor do I consider I should distinguish between yourself and Mr Heremaia in terms of who did what that evening in respect of the fire.<sup>27</sup> You were an active and willing participant, even though you had only a limited relationship with Mr Heremaia and were not aware of the full implications of the arson.

[65] In light of the agreed summary of facts to which you have pleaded guilty, there is no issue as to risk to life of either occupants of the property or emergency personnel. The value of the car damaged was minimal.

[66] I consider the appropriate starting point is 3 years’ imprisonment.

### **Personal circumstances**

[67] Because you are being sentenced to a finite sentence, Mr Paul, uplifts and discounts operate in the usual way, as adjustments to the final sentence.<sup>28</sup>

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<sup>22</sup> At [20].

<sup>23</sup> *Hill*, above n 20, at [14(b)].

<sup>24</sup> *Poole*, above n 19, at [35]–[40].

<sup>25</sup> *Ollerenshaw v R* [2010] NZCA 32 at [17].

<sup>26</sup> Sentencing Act, s 9(3).

<sup>27</sup> Section 9(2)(d).

<sup>28</sup> See *Moses v R* [2020] NZCA 296, [2020] 3 NZLR 583.

[68] You have a moderate criminal history, largely reflecting your issues with substance abuse, and one prior conviction for family violence in 2018. However, I do not consider this warrants an uplift.

*Guilty plea*

[69] You were charged as a party to arson on 5 October 2024. You formally entered a guilty plea on 3 February 2025, which was the earliest reasonable opportunity. I agree with your counsel and the Crown that you are entitled to a full 25 per cent discount, or nine months.

*Personal mitigating factors*

[70] I have read your alcohol and drug report. I consider that the description of your presentation in the pre-sentence report does not factor in your difficulties with communicating and understanding. You have used substances since the age of 10, and have severe alcohol use disorder. All the report writers consider you are easily influenced. I am satisfied that your upbringing and personal circumstances helped cause this offending.<sup>29</sup> Balanced against that I acknowledge the insidious nature of your loyalty to the Mongrel Mob and how that may have made you more willing to assist Mr Heremaia. You have also expressed remorse: a desire to make amends and to participate in a restorative justice process. Taking all of this into account, I would reduce by 10 per cent or (rounding up) four months.

[71] I can consider the impact of your imprisonment on your tamariki.<sup>30</sup> To recognise this, and your important presence in their lives, I propose a further discount of five per cent or (rounding up) two months.

**End sentence**

[72] Mr Paul, this would result in an end sentence of 21 months.

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<sup>29</sup> See *Berkland v R*, above n 14.

<sup>30</sup> *Philip*, above n 15; *Whaanga*, above n 15. See also *Sweeney v R* [2023] NZCA 417 at [27].

### Is a sentence of home detention appropriate?

[73] Because 21 months is a short-term sentence of imprisonment,<sup>31</sup> I now must consider whether home detention is appropriate.<sup>32</sup> I note in their report to the Court ahead of sentence, the Department of Corrections has recommended home detention for you Mr Paul.

[74] I must emphasise again here Mr Paul, that although you are being sentenced with Mr Heremaia because your actions relate to the same tragic series of events, you are not considered a party to the murder of Ariki Rigby.

[75] The Crown says a sentence of home detention would be insufficient to halt offending of this type, or to make it clear it will not be tolerated in our society. But I consider it is clear from what is happening today in this courtroom and the enormous outpouring of aroha for Ariki Rigby that what you did is not tolerated.

[76] Home detention should be treated as a real alternative to imprisonment.<sup>33</sup> However there is no presumption in favour of home detention being imposed.<sup>34</sup> In my opinion, this is a case where the considerations I must have regard to in the Sentencing Act support a sentence other than imprisonment.<sup>35</sup> I consider that home detention in your case would meet the purposes and principles of sentencing.<sup>36</sup> In the community, you will have better access to the support that you need to assist you in rehabilitation and reintegration into society.<sup>37</sup>

[77] I do not propose to discount any further for time spent in custody or on EM bail. Taking everything I discussed into account,<sup>38</sup> the appropriate term is 12 months.<sup>39</sup>

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<sup>31</sup> Sentencing Act 2002, s 4 Interpretation *short-term sentence* and s 15A.

<sup>32</sup> *R v Vhavha* [2009] NZCA 588 at [31] cited with approval in *Manipersadh v R* [2011] NZCA 452 at [14]–[16]; and *Sweeney v R* [2023] NZCA 417 at [33].

<sup>33</sup> *R v D* (CA253/2008) [2008] NZCA 254 at [60].

<sup>34</sup> *R v Stacey* [2008] NZCA 465 at [21] and *Palmer v R* [2016] NZCA 541 at [19].

<sup>35</sup> Sentencing Act, s 16; *Nassery v R* [2022] at [32]. *R v Hill* [2008] NZCA 41, [2008] NZCA 417 at [33].

<sup>36</sup> Sentencing Act, ss 7 and 8. See *Doolan v R* [2011] NZCA 542 at [38] and *Birch v R* [2022] NZHC 2448 at [16].

<sup>37</sup> *Mabey v Police* [2024] NZHC 1663 at [36].

<sup>38</sup> See *R v Bisschop* [2008] NZCA 229 at [18]–[19] citing *R v Tamou* [2008] NZCA 88 for authority that “halving” is not a matter of law.

<sup>39</sup> Sentencing Act, s 80A(3).

[78] Mr Paul, you must understand that if you breach your home detention conditions in any way, it is almost guaranteed that you will return to custody.

### **Mr Heremaia's sentence for the arson charge**

[79] The arson committed by you, Mr Heremaia, is properly addressed as an aggravating feature of the murder charge. To properly address this, I uplifted the minimum period as I discussed earlier. However, I briefly note that if I was sentencing your charge of arson separately, I would begin with the same starting point as I did for Mr Paul, three years' imprisonment, and uplift by a further two years to acknowledge you Mr Heremaia were aware Ms Rigby's body was in the vehicle. I therefore consider the appropriate starting point would be in the vicinity of five years. But this arson sentence will be served at the same time as the minimum period of imprisonment for murdering Ariki Rigby, that is, it is a concurrent sentence.

### **SENTENCING RESULT**

[80] Mr Heremaia and Mr Paul, I will now formally impose your sentences. Please stand.

[81] Mr Heremaia,

- (a) On the charge of murder, you are sentenced to life imprisonment with a minimum period of imprisonment of 12 years.
- (b) On the charge of arson, you are sentenced to five years' imprisonment, to be served concurrently.
- (c) I remit your \$5,320 in outstanding fines.<sup>40</sup>

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<sup>40</sup> See *Tantrum v Police* [2024] NZHC 396 at [22]–[38] citing *R v Frater* [2019] NZHC 3326 at [42] and *R v Nathan* [2018] NZHC 3111 at [25]. I consider I have equivalent information to that mandated by the Summary Proceedings Act 1957.

[82] Mr Paul,

- (a) On the charge of arson, you are sentenced to 12 months' home detention at the residence identified in the PAC report. You will also be subject to the post detention conditions identified in the PAC report for six months. And for the avoidance of doubt your intensive supervision sentence is cancelled.
- (b) I also direct that the Alcohol and Drug report prepared by *Sentence Equality* be provided to the Department of Corrections so Mr Paul you can be adequately supported to comply with home detention.

[83] Please would both of you stand down in custody, in your case Mr Paul to enable the processing of your home detention sentence.

**McHerron J**

Solicitors:  
Crown Solicitors, Napier  
Thode Utting, Auckland for Mr Heremaia