

POLICE

v

ERITARA TERARO

Date: 6 August 2021

Appearance: Ms J Epati for the Crown
Mr N George for the Defendant

SENTENCING NOTES OF DOHERTY J

[10:08:05]

[1] Eritara Teraro, you have pleaded guilty to a charge of wounding with reckless disregard. This was an alternative charge to a more serious one of wounding with intent to cause grievous bodily harm. It carries a maximum sentence of seven years imprisonment.

[2] In the course of a drunken fight at Arorangi on the 28th November last year, you grabbed a kitchen knife and used it to stab a 29 year old man in the stomach. That caused a knife wound which was severe enough to have his insides hanging out when the ambulance arrived. He spent a week in hospital and a total of six weeks off work while he recovered.

[3] You pleaded guilty before a trial when the alternative charge was offered by the crown.

[4] I have had the benefit of a report from the victim. He is now sympathetic to you and has forgiven you. He asks for leniency for you. But the report also tells me not only of his pain and suffering from the wound and his time off work, but of emotional and psychological affects. And this was a report that was written just a couple of days ago and he says this: "knowing that the case was still active, for some reason I always felt scared. Still to this day I

fear being alone at night. I have nightmares about this.” Despite that he also tells me that he has forgiven you and accepts the apology you made to him in court the other day.

[5] You have no previous convictions. A probation report recognises the seriousness of this offending but seems persuaded by the fact that the victim has effectively come out in support of you and while recognising the seriousness of the matter in that a custodial or prison sentence is the starting point, recommends that the court fall short of that and sentence you to a significant term of supervision and community service.

[6] Understandably your counsel Mr George supports that recommendation and he highlights that you are a good young man who made a terrible mistake.

[7] The crown in prosecuting you has made submissions and has referred me to a number of like cases before this court. Like many cases there are differences between the ones that they have referred me to and your one.

[8] In your case the aggravating feature is the significant injury and the effect on the victim. To your credit there is your youth, you are still a young man, you were 19 at the time and I think now 20 years of age. You are serious in your apology and your remorse for your actions. And you pleaded guilty at the moment the alternative charge was offered by the crown. In cases like this my job as the court on behalf of the community is to denounce your conduct, make you accountable for it and also to deter not just you but others in the community who might act like this.

[9] Being drunk is no excuse. And bringing weapons into fights is a high risk game. It can have fatal consequences. And in this case your victim may well have been lucky he got it in the stomach. Young men, and young women for that matter, in this community need to know that the community takes this seriously as does the courts. And I tend to agree with the crown when it refers me to the cases such as *Goodwin*¹ and *Nicholas*², that a term of imprisonment of around two and a half years is the starting point.

¹ *Goodwin v R*, CA 11/2018, 3 May 2019.

² *Police v Nicholas*, CRN 251/18, 1 August 2018.

[10] From that starting point you deserve a number of credits for several things. The first is that you are a young man with an unblemished record. And as recognition that young men's brains do not fully develop until they are in their mid-20s and as a result of that their judgment is impaired. You are a first offender and you pleaded guilty at the first opportunity. You also spent some time in custody on remand when you were first arrested.

[11] If I take the starting point of two and a half years and give you credits for those things I would arrive at a sentence of 15 months imprisonment. The question is whether or not your personal circumstances mean that you should not be imprisoned but rather I impose the type of sentence that is recommended by the Probation Service and endorsed by your counsel. But I am afraid that I cannot. I think those purposes of denunciation, accountability and deterrence mean that the Court should reflect the community's abhorrence for this type of offending by anyone. And therefore I think that that sentence of 15 months imprisonment is appropriate. And that is your sentence.

[12] Stand down.



Colin Doherty, J