

**IN THE DISTRICT COURT
AT WHANGAREI**

**CRI-2015-088-003610
[2016] NZDC 10298**

NEW ZEALAND POLICE
Prosecutor

v

CHRISTOPHER VICTOR NGATAI
Defendant

Date of Ruling: 3 June 2016
Appearances: Sergeant G Lane for the Prosecutor
A Dooney for the Defendant
Judgment: 3 June 2016

RULING OF JUDGE G L DAVIS

[1] I have before me Christopher Ngatai. Mr Ngatai has today pleaded guilty to one charge of injuring Ms Toeke-Wind with intent to injure her on 22 December 2015 and assaulting her using a steel bar as a weapon on 23 December 2015.

[2] The charges were resolved today, part-way through evidence that was given by the complainant Ms Toeke-Wind but also after evidence had been given by two police constables and a doctor.

[3] The facts that it is agreed that I should be proceeding on today and at sentence are as follows. On 22 December 2015 Ms Toeke-Wind was at Mr Ngatai's mother's home. They were in a sleep-out or garage type arrangement. There were

arguments on that day. Mr Ngatai has pushed and grabbed Ms Toeke-Wind on one or two occasions, more likely to be two on the evidence that I heard. He has then kicked her in the head area with steel-capped boots and also on the shin area.

[4] Then on 23 December 2015 they were again present at the same address and in the same shed or sleep-out area. There has been an argument over McDonald's that has been purchased and may not have been warm, or was cold is another way of putting it. Mr Ngatai has again pushed Ms Toeke-Wind on at least two occasions. She has tried to leave the property. She has gone towards the steps at the house and main dwelling area. Mr Ngatai has then picked up a metal bar which was from some form of security gate or some part of a security gate and has struck Ms Toeke-Wind in the head area.

[5] I have seen photos of the injuries Ms Toeke-Wind received. They record bruising to her right eye area, her cheek area, bruising around her left armpit and around her left bicep area as well as bruising around her shin area. Those photos are likely to have been taken, it appears anyway, on 22 December. I have seen photographs taken on 23 December which show bruising to Ms Toeke-Wind's face area. I have also seen photos of the steel-capped boots and the metal bar.

[6] There was an argument over whether or not a statement that Ms Toeke-Wind gave which detailed more extensive injuries and assaults should be admitted into evidence. While we had the argument on that, I did not make the formal ruling as I needed to hear from the officer that took the statement. Given the pre-resolutions that have been recorded today, it has been agreed that I should proceed on the basis only of the facts that I have narrated in this note and not on the contents of the statement that was given by Ms Toeke-Wind.

[7] I have dictated up this note to assist me at the sentencing date. I have set a sentencing date of 17 June 2016. I will direct a full pre-sentence report with community detention, home detention appendices being attached. Mr Dooney has helpfully signalled that there may not be an address available. I will leave that to Mr Ngatai to sort out. In the event that the Probation Service are not able to

complete a pre-sentence report in that report in that time, they could signal that to counsel and to the Court as a matter of urgency.

[8] Thank you Mr Ngatai. On that basis, as I say, I will remand you in custody to 17 June for sentence. We will get a pre-sentence report and the facts, as I say, that I am proceeding on is the pushes around the bedroom on day 1, two kicks to the head with the boots and one to the leg and then on the second day again more pushes around the bedroom area and then the blow to the head area with the steel bar, not anything else that is in the statement. All right? All clear what is going to happen? Thank you, if you step back into custody and we will see you back here on 17 June, thank you.

G L Davis
District Court Judge