Your VOICE for the future

SENSIBLE SENTENCING TRUST

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AN AMAZING 2010

What an amazing year 2010 has been. Three-strikes is now law and legislation has been implemented to allow Judges to give a True Life Sentence for Murder.

It was a defining moment for me as a spectator in Parliament the night the new Sentencing and Parole Bill which included many of the reforms SST had lobbied for, was passed.

Whilst it remains to be seen whether a Judge actually has the courage to give a true life sentence, it is a momentous step in the right direction.

Another significant initiative introduced has been the Boot camps for off-the-rail kids. Boot camps are now a reality. More recently it looks like the police will finally be armed to ensure they are better equipped to protect us and themselves from those who pose a serious threat to public safety.

The Government has introduced a raft of initiatives to assist victims and Victim Support has been given a massive increase in funding. The Ministry of Justice focus is now on victim related issues and progressing full-steam-ahead. The Minister of Justice, Simon Power, has stated that he intends overhauling the Victims Rights Act early next year. A better deal for Victims and a more balanced justice system is now very much mainstream.

Who would have thought any of this possible in the offender friendly environment we inherited when we founded Sensible Sentencing in 2001.

While many no doubt will say these changes don't go far enough, and I agree, there is still a lot of work to do. We certainly don't intend taking our foot off the accelerator and I see no reason the new-found victim focused mood Sensible Sentencing has created will not continue, particularly with an Election coming up next year.

NEW ZEALAND – A LAND FIT FOR CRIMINALS will be launched towards the end of 2011. This book will transcend New Zealand's tragic journey from peace to purgatory. It will name and shame the armchair ideologists who created today's state sponsored offending. **Sparks are sure to fly!** Other SST sponsored initiatives to ensure victims issues and law and order remain centre stage are included elsewhere in this newsletter.

I would like to take this opportunity to thank those who have supported us over the years and the many new members who have recently come on board. Your VOICE and support have been critical to our success.

AN EXCITING 2011

2011 marks a significant milestone for SST. It is our 10th anniversary and we have some very exciting projects planned. We know we can't rest on our laurels as we lead up to the next Election. We can't afford to! The bureaucrats and civil servants that promoted this whole offender friendly, corrupt ideology are still firmly entrenched in Wellington, waiting to pounce – hoping we will run out of steam. Their wait will be in vain!

SST Biography

Penguin Books have engaged an author who is presently writing a biography on the history of Sensible Sentencing. It is expected to launch mid 2011. This book will be an in-depth behind the scenes – warts and all, look at the workings of the organization that has achieved what many said was impossible. It will also be our opportunity to rectify a few of the venomous and malicious attacks we have endured over the years.

Garth

GETTING AWAY WITH MURDER?

In response to the enquiries we have received regarding what has happened in the case of the brutal slaying of Auckland taxi driver Hiren Mohini in January 2010.

The prime suspect Zhen Xiao age 23 was apprehended by Chinese police in Shanghai after he fled from New Zealand within days of the murder, but may never face trial.

As there is considerable public interest in this matter, we wrote to the Attorney-General, Christopher Finlayson enquiring as to what progress had been made.

His response was as follows:

Office of the Attorney General

30 SEP 2010

Wendy Pedler
National Secretary
Sensible Sentencing Trust
PO Box 701
NAPIER 4140

Dear Ms Pedler

Thank you for your letter dated 6 September 2010.

You are correct that New Zealand does not have an extradition treaty with China. However, both Chinese and New Zealand domestic law allow for extradition from China in the absence of an extradition treaty. The Extradition Act 1999 allows New Zealand to seek the extradition of a suspect from any country, regardless of whether there is an extradition treaty in force with that country.

I am not in a position to comment on the specifics of the Mohini case, except to say that New Zealand officials are working with Chinese officials to progress this ongoing matter.

Yours sincerely

Hon Christopher Finlayson
Attorney-General

The Trust wonders how long it will take officials to **"progress this ongoing matter"** or if it will be another unsolved murder that gets forgotten about. We hope that trade deals between China and New Zealand do not jeopardise the process of law and that the Mohini family will see justice done and the killer of their loved one brought to trial, either in New Zealand or China.

Wendy Pedler

> *"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but he must take it because his conscience tells him it is right."*
>
> Martin Luther King

ìSalute Kiwi Copsî - need YOU!

Do you remember a time when police were feared by some and respected by all? Cutbacks and PC criminal rights have eroded the power of police and worse, destroyed the morale of those walking the thin blue line on our behalf.

The Trust believes it is time to restore respect for police, empower them with the tools and autonomy to do their job in an increasingly violent society and say a simple 'thanks'.

The Salute Kiwi Cops campaign has been launched by SST and needs your support to gain momentum.
A web page is providing a forum for people to post their thanks and generate awareness.

On a date yet to be announced, we want thousands of people wearing blue and saluting police in the streets and children sending cards and pausing to reflect on the amazing job our police do. It's about changing attitudes.

The Trust thinks this day should receive the same public support and respect given to ANZAC day.

Nine police have been shot in the past year, two fatally, and thousands of others fight crime in a thankless job without the respect, resources and legislation necessary to keep themselves and others safe.

If you have an innovative way to help spread this message in schools or the community, please contact us. Follow progress and spread the word by joining the website www.facebook.com/salutekiwicops and then ask your own friends to join too.

We need your help to shift the balance of power from the criminals to the police.

Justice for Catherine

Catherine Marlow

My 28 year old younger sister was brutally bashed to death in her office block in London. Our ordeal started at 2am Monday the 14th January 2007. The Police had come to tell us the tragic news that Catherine's life had been cut terribly short.

Our story is different from most because of the humane way we were treated throughout our ordeal by the British Police and the UK Justice system.

The NZ government issued a statement saying they were 'assisting' the family and we were assigned a government representative to assist with whatever we may need. He often rang us for updates to see where we were at, just so he could tick boxes his end. We were offered not one piece of assistance. How hard could it have been for someone within Parliament to make a couple of phone calls and advise us where to start and who to contact? I'm sure if it was one of their family lying in a UK morgue the body wouldn't have taken 8 weeks to reach NZ.

When my husband and brother flew to the UK to assist the police and bring Catherine's belongings home, the UK police met them at the airport and assisted where they could. The NZ Embassy when contacted for assistance, offered no help with doors being shut in their face. Which leaves us all asking the purpose of the NZ Embassy in overseas countries?

Throughout the UK trial we constantly met with the prosecution lawyer and various other court members to ensure that we were happy with everything and how the trial was proceeding,

The jury took 4 hours to decide that Fagan was guilty of Catherine's murder. You can imagine the sense of relief in the court at the time of the announcement. My brother read a victim impact statement. Every member of the jury was visibly upset. The judge sentenced Fagan straight away to 26 years non parole. Did we just strike it lucky? The Chief Inspector of Cath's case thinks not. '26 years non parole' is the ballpark for this type of aggravated murder.

The 26 year non parole sentence handed down by the Judge was the beginning of my family's healing and rebuilding process.

On our return from the UK, our attention could focus on grieving for Cath and our own families. In some ways we grieved for Cath all over again. It was like we were able to grieve properly for her without the stress and strain of the proceedings that murder brings.

April 2010 brought about the appeal to the sentence. But our fears didn't last long and our faith in the UK justice system was sustained.

Mr Fisher QC, Fagan's counsel gave 3 examples of different kinds of murder, to imply that although this was a serious offence it wasn't in the same league. The Lords said there was no point in comparing murders because it proves nothing and doesn't help. While Fisher was describing the aggravating factors, the Chief Justice cut him short and dismissed the appeal, stating that this was an appalling crime and that their thoughts were with the family.

Fagan will be 57 when he is eligible for parole and then deported back to the US.

My dad and I have watched the NZ media portray the Justice system here and often thought "how would it ever be possible to try to carry on with your life when the accused only gets 12 years?" These murderers have taken their loved ones, but they, the families are the ones who have to live with the life sentence. The NZ Government needs to change this and impose longer non parole sentences enabling these families to grieve for the loved ones lost rather than fighting the system.

My sister's murderer got what he deserved, 26 years non parole in a prison. What we got was justice, without the blood, sweat and tears that NZ families of victims have to endure.

Debbie Marlow

NZ needs longer non parole sentences for murderers. These individuals commit a crime, they take our loved ones, it is not our fault they don't know right from wrong. My heartfelt message to the NZ Government is change the system, impose longer non parole jail periods and let these families of victims get on with trying to rebuild their lives. – *Debbie Marlow*

Debbie Marlow addressing SST Conference

Victims Rights Conference Wellington 2010

The Sensible Sentencing Trust and Red Raincoat Trust held their 6th "Advancing Victims Rights Conference" on the 25th August 2010. Thanks to cross party support this was held in the Banquet Hall, Parliament Buildings, Wellington.

The theme of this years Conference was on Positive Change and to generate discussion on the role victims play within the criminal justice system. The focus was on specific areas of concern relating to Victims of Homicide.

Invitations were extended to those working within the Justice system and we were delighted to have representation from the Justice Ministry, New Zealand Police, Judiciary, Parole Board, Law Society, Corrections Department, Legal profession, Law Commission, University Law faculties and Members of Parliament from various political parties.

Unfortunately each year the Conference grows in the number of family members attending who have suffered the devastation of losing a loved one through homicide. Moving speeches were given by Leigh Woodman, Debbie Marlow and Georgina Jacobs. Each of them told their own personal story having had a family member murdered. They all had a common goal of trying to improve the system and wanting to make a difference for others who unfortunately find themselves navigating their way through a justice system that treats criminals better than victims.

We have received wonderful and positive feedback especially from the families involved. The common theme being the increased knowledge they gained and the huge support and comfort they received by being in the company of those who truly understand.

On behalf of the Sensible Sentencing Trust and the families who attended, we wish to thank all our kind sponsors. Without their support and generous financial assistance none of this would have been possible.

Wendy Peden

We appreciate and wish to thank our guest speakers who generously gave of their time and participated in making the Conference a great success.

SPEAKERS *as per Agenda*

Hon John Key
– Opened Conference

Garth McVicar
- SST

Hon Simon Power
– Minister of Justice

Debbie Marlow
- Re-building through Justice

Stephen Franks
- Retribution

Greg King
- Unplugged

Gil Eilliott
– Westminster Justice/ Bill of Rights

Georgina Jacobs
– Letter

Leigh Woodman
- My Journey

Judge David Carruthers
– Chairman NZ Parole Board

Brian Henry
– Setting Precedent

David Garrett
–Sentencing & Parole

Hon Judith Collins
– Closed Conference

Extracts from the...

Prime Ministers speech

"The Sensible Sentencing Trust and its members make a real contribution to public debate and policy in New Zealand and it's a pleasure for me to be here with you today".

"I have been clear that law and order policy is a crucial part of my overall vision for New Zealand, because I believe Kiwis have a right to feel safer. I have also been clear that where there is a balancing of rights to be done between criminals and victims, I will take a side. That is the side of the victim."

Hon John Key

Justice Minister's speech

"The Justice reforms I have made and will continue to make will not always be popular with those who have an institutional investment in the justice system".

"Legal tradition is not a good enough reason to not change. We must be careful that our institutions don't lose sight of their primary role as they become increasingly shaped by those who work within them and live and breathe their rules. To ensure that doesn't happen we must drive reform from outside the system. What we need to remember is that the justice system does not belong to judges, lawyers or politicians for that matter. It belongs to the people"

Hon Simon Power

Minister of Police and Corrections closing address.

" I have two law degrees, which required six years of study at law school. During that time I sat through numerous lectures and produced numerous papers on the rights of those who break the law. Not once did my lectures mention, let alone instill in me an awareness of, the rights of victims"

" Today, I would like to reassure you that you are right to stand up for victims. Those who serve the victims of crime have a moral authority to speak up and to be heard". " This Government shares your vision of a justice system..."

Hon Judith Collins

CONFERENCE COMMENTS

"Catching up with other victims lets you know we are not alone and other families do feel the same as we do"

"I had a great, happy, sad and emotional time. Meeting up with like minded people knowing my feelings are the same as others. Being able to be me. I came away more focused on the road ahead. ".

"This Conference was one of the most memorable, if not the most memorable Conference I have ever attended".

"I came away awed, full of hope and inspired by the strength and determination of everyone who has lost a family member to murder".

"Thank you for the incredible work and nurturing you give to every one of us enabling us to start to stand up for ourselves".

"It is overwhelming to meet new family members and hearing their stories made me a stronger person because I felt that we are not alone".

"I admire your commitment and how passionate you all were about bringing everyone together not only as members but as one big family and as I write this I am sharing a few tears".

"The best thing was seeing the progress SST is making and being recognised as improving the position for victims, keep on keeping on".

"August 25th 2010 changed my whole life and attending the Conference I can see I have many hurdles in the future to overcome. The support and comradeship that I witnessed and felt was very reassuring and respected"

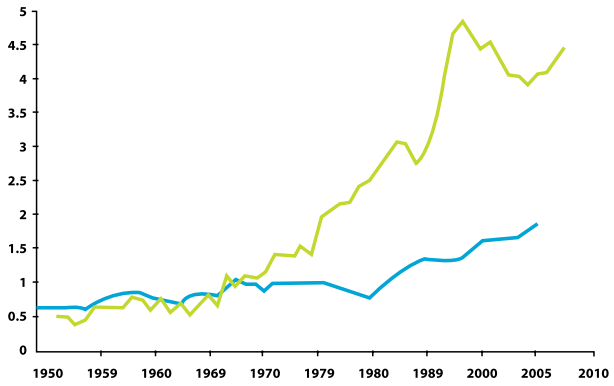
"Once again SST has provided another worthwhile and positive experience for me"

The cost of Crime to Society

Detractors of our growing prison population repeatedly cite the fact that we have the third highest imprisonment rate per head of population in the Western world.

What they never quote is the fact that for crime committed, we have the third lowest imprisonment rate in the Western world.

KEY Violent Convictions (per 1000) Imprisonment Rate (per 1000)



Our soft approach to imprisonment is encouraging criminal offending.

Again our detractors choose to ignore the real financial costs inflicted on our society by those same criminals.

Our Justice System, Police, the Courts, and Corrections cost the taxpayers around $3.5 billion per year.

The cost of crime 2003-2004 (the last year for which figures are available) was estimated to be $9.1 billion or in today's dollars nearly $11 billion.

Crime and certainly violent crime damages our image as a Tourist destination and affects the quality of life for every one of us.

We pay more for everything we buy to cover losses from shoplifting and spend more and more to make our houses and property secure from criminals.

It is no longer safe to let our kids go to the park unsupervised. They can't even use the computer and be risk free in their own homes.

Money spent on the imprisonment of our repeat serious offenders is money very well spent.

A criminal in prison has very limited opportunity to re-offend.

Once released, 26% will be re-imprisoned in 12 months, 37% within 24 months, 44% in three years and 49% by four years. (Dept of Corrections Research Paper 2009) This data relates to those re-imprisoned. Many more have re-offended, been convicted and sentenced to other forms of penalty.

If the offender is in prison, he can't offend. This is certainly a cheaper option for society.

Singapore, a country with a similar population to ourselves has a very low tolerance of crime and corruption and low levels of offending. It has built one of the world's fastest growing economies and highest standard of living. We should strive to emulate Singapore.

Alan Monk

Cost of Prison

Average cost to keep an offender in prison per year	$91,000

COST OF CRIME TO SOCIETY

COST OF OFFENDING

- Courts/police/corrections

Cost per crime committed:

Murder	$3.6m
Grievous Bodily Harm	$316,700
Burglary	$10,450
Car Thief	$61,600

COST OF RECIDIVIST OFFENDING

Parole re-calls Courts/police/corrections Electronic Monitoring	- $ value unavailable

COST OF LEGAL AID

To the taxpayer approx	$150m per yr

COST OF CRIME PREVENTION

Family Group Conferences Boot Camps Community Sentences Diversion	- $ value unavailable
'Fresh start program'	$72.4m

The above does not even begin to include ACC, Medical, Welfare, Insurance and all other expenses associated with Crime, not to mention the human cost for Victims of crime which is impossible to quantify.

WHY WE NEED ëTHREE STRIKESí

A KILLER'S LIFE OF VIOLENCE

1987 Pauesi Brown attacks a man in Avondale, stabbing him in the thigh and upper chest. He is sentenced to one year in prison

1989 Brown attacks two people in an Auckland boarding house, threatening them with knives. He is sentenced to one year and four months in prison

1992 Brown attacks and kills his estranged girlfriend with a knife in Australia. He is charged with murder and is convicted of manslaughter and sentenced to eight years in prison

2004 Brown attacks a man with a knife in his car in West Auckland. Sentenced to two years and four months in Prison.

2008 Brown attacks and kills Austin Hemmings in central Auckland. He pleads guilty to murder and is to be sentenced in December 2010.

Source NZ Herald 1/11/10
Link www.nzherald.co.nz/nz/news/article

JUDGE THIS?

THUMBS UP

- **A furious UK Judge** wrote to Prime Minister David Cameron after legal guidelines meant he could only impose a 26 month jail term on a driver who almost killed three school girls. Sentencing Christopher Marr to 26 months behind bars, Judge Everett spoke of his frustration that the law prevented him from locking Marr up for longer. He ordered transcripts of the case be sent to David Cameron, Justice Secretary and the Lord Chief Justice. *www.dailymail.co.uk/news/article-1314183/David-Cameron-gets-letter-Judge-...*
- **Judge David Carruthers** Chairman of the Parole Board intends introducing a "screening process" to weed out prisoners who have no chance of parole. Filtering unsuitable inmates would make the process "meaningful and simply not a parade" said Judge Carruthers. The proposal which requires a law change has Justice Minister Simon Power's backing. This process will avoid upsetting victims and wasting public money.
- **The controversial "three strikes"** legislation has been passed by Parliament on a vote of 63-58. Since its introduction on 1st June 2010 to 22 August 2010, 45 offenders have been convicted of a first-strike offence.

THUMBS DOWN

- **Convicted killer George Baker** defended himself in Court on charges of kidnapping another prisoner and attempted kidnap of a prison guard. He has more than 70 previous convictions. Baker was allowed access to the list of jurors addresses because he represented himself at the trial. A female juror received a letter from Baker at her home address. Baker is serving an 18 year sentence for choking to death 17 year old Liam Ashley in the back of a prison van.
- **Justice Judith Potter** sentenced 21 year old Isaiah Tai to two years and 10 months for the brutal killing of school Principal, father and local body politician, Hawea Vercoe. Tai punched Mr Vercoe and a witness reported seeing him kick Vercoe's head like a football while he lay unconscious on the ground.
- **Toddlers up to two years old** will be living with their mothers behind bars by the end of the year. Women's prisons in Christchurch and Auckland are upgrading their facilities to comply with a law passed in 2008. Implementing the legislation in the prisons was delayed to allow the Corrections Department to "toddler proof" the units.
- **A burglar who terrorised a woman** by forcing his way into her Petone home has dodged jail. On 3 December 2009 Burt Rikihana broke into three homes before forcing open a window and entering the woman's home. He tried to grab her, but she managed to get away and fled down the street to lure him away from her three year old child. On 4th May 2010 Judge Susan Thomas sentenced Rikihana to 24 months intensive supervision and 200 hours community service and said that Rikihana had "an unfortunate history". In February 2002 Rikihana was jailed for nine years for attempted murder, after stabbing a teenager asleep in bed and freed in 2007.

Our Members Have their say!

"The Trust has come a long way and if any organisation deserved to be taken seriously and achieve results for good people it's the Sensible Sentencing Trust". **Kaikoura**

I'm so incensed at the "Loony Lefts" decision not to afford you Charitable status that I've given this years donation a rocket boost". **Auckland**

"Keep up the fantastic work, all your hard work and efforts are very much appreciated by us ordinary NZ citizens! It gives us comfort to know that there are many out there fighting for a just society". **Manukau**

"Keep up the great work – it's such a shame that bringing justice to the criminals is something the government needs convincing of". **Emailed**

"I am now 92 years old and my wife has gone on to full support. You are doing a wonderful job and are making a difference. Sorry I have had to stop all charities, yours since you started. I am long past my use by date". **Havelock North**

"We still don't understand the Govt reluctance to do the right and proper thing with regard law and order, but there are encouraging signs thanks to SST. Sincerest thanks from us and our kids (and our kids kids)". **Masterton**

"Thank you for another year of splendid work for justice and for lighting the lamp at the end of a very dark tunnel". **Emailed**

"Congratulations on the "Three Strikes" issue. You are doing a wonderful job especially the support to victims. Please accept my heartfelt thanks as an ordinary kiwi citizen". **Rotorua**

Two 11 year old Masterton boys embarked on a weekend vandalism spree including ransacking a cemetery and destroying $450,000 worth of property at a recycling depot – the boys are likely to escape with a telling-off. Young people cannot be charged with any criminal offence until they turn 14 years old (except murder and manslaughter).

The two boys have been referred to the Police Youth Aid section and will face a family group conference.

(Information sourced NZ Herald 25/10)

Now they have got away with this crime what cost to society will these two boys accumulate?

The Sensible Sentencing Trust Soiree

A hugely successful Cocktail/Auction evening was hosted recently by Annette Presley at her exquisite home in Auckland.

Guests generously supported the evening by purchasing tickets and donated Auction items. The Trust would like to thank Annette and Caroline Speedy for their generosity in organising this event. A special thank you also to Liz [Annette's PA] for her tireless work towards the Soiree.

To all the volunteer helpers, auctioneer, entertainers and caterers, a big thank you - amazing work from you all.
A very special thank you to the businesses and individuals who donated such generous auction prizes and thank you to the people who purchased those items.

All proceeds from this function will go towards our 2011 Victims Conference to held in Auckland.

Anna

Recently a memorial service was held for 3 women who were tragically murdered on the streets of Christchurch. A memorial seat and plaque has been donated in remembrance of Anna Wilson, Suzie Sutherland and Mallery Mannering.
Sent in by Tony Wilson

GOLF ñ February 11th 2011

Following the success of our August Victims Conference in Wellington we plan to hold another Conference in Auckland next year to coincide with our 2011 Concert.
The majority of the funding for this comes from our Annual Golf Day held at the exclusive Hill Country Estate, Havelock North, each February.

We are asking businesses to put forward a team of 4 for this fun filled day. Individual players are also very welcome.

Should you wish to donate team/auction prizes, enter or sponsor a team for the tournament please register your interest by emailing louiseparsons@xtra.co.nz or email anne@sst.org.nz or phone the Office on 06 8355521.

Penguin Group NZ are delighted to publish ëJusticeí in March 2011

Raewyn Davies (Publicist), Penguin Group(NZ) writes:

In April 2011 the Sensible Sentencing Trust will celebrate 10 years. In conjunction with the anniversary Penguin Group NZ are delighted to announce the publication of 'Justice'. This book is not just Garth's story; it is also the story of the Sensible Sentencing Trust: its creation, history, highlights and lowlights, successes and failures. Including details of many high-profile cases, it cuts to the heart of the issues that affect all New Zealanders.

Garth McVicar's moment of clarity came in 2001 after he attended the trial of Karla Cardno's stepfather, Mark Middleton, who had been charged with threatening to kill Paul Dally. When Garth saw the Judge cry as he read the details of what Dally did to Karla he couldn't help but agree with Middleton. As the father of four daughters he knew if anybody hurt one of his daughters he'd feel the same. Noticed by the reporters he found himself being interviewed and from that moment the life of this Hawke's Bay farmer and father of four changed forever.

Like many New Zealanders, Garth had noticed an alarming increase in violent crime. As most of the country continued on with their lives and forgot about yet another family torn apart, he took it upon himself to ask the hard questions of the legislators and ultimately became the voice for the many silent victims of crime in New Zealand. The Sensible Sentencing Trust was formed.

'Justice' will take the story to the NZ public and all royalties from the sale will go to the Sensible Sentencing Trust.

0900 72 33 69

TO MAKE A $20 DONATION

Thanks again to Peter our website manager and his assistant Ross for the hours they give voluntarily.

www.sensiblesentencing.org.nz