

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

**CRI-2008-087-1850**

**THE QUEEN**

v

**VINNIE WILLIAMS**

Hearing: 27 March 2009

Appearances: Mr G C Hollister-Jones for Crown  
Mr G Tomlinson for Prisoner

Sentence: 27 March 2009

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**SENTENCING REMARKS OF LANG J**

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Solicitors:  
Crown Solicitor  
Counsel:  
Mr G Tomlinson

[1] Mr Williams, you appear for sentence having pleaded guilty to two charges of burglary, one charge of indecently assaulting a female of less than 12 years of age and one charge of indecently assaulting a male of less than 12 years of age. The maximum penalty for each of the charges to which you have pleaded guilty is a sentence of ten years imprisonment.

[2] The real issue that I am required to determine, however, is whether you should be sentenced to a finite sentence of imprisonment or, as the Crown argues, to the indeterminate sentence of preventive detention.

[3] Before considering that issue it is necessary to set out the factual background to your offending. I take this from the summary of facts to which you have not extended any challenge.

#### **Factual background**

[4] Between 9 pm and 10 pm on Saturday 7 September 2008, you went to a house property in Taneatua looking for a person with whom you wanted to have a relationship. You had apparently had some form of consensual sexual contact with that person some months earlier and since that date you had been writing sexually explicit letters to her. These had been returned to you without response.

[5] When you arrived at that person's house you found nobody at home. You then entered a rear shed through an unlocked door and stole a handbag and a number of items of clothing, including pairs of women's underwear.

[6] You then took a sheepskin rug and chair from the shed and placed these under the window of the lounge of the house. You stood on the chair and opened a window that was slightly ajar. You then climbed through the window and entered the woman's house. Thereafter, however, it is not known exactly what you did whilst you were inside the house. The only evidence that you left of your presence in the house was the positioning of the sheepskin rug that you had got from the shed on top of a fan and stereo.

[7] You then left that house and walked up to a series of other houses in Taneatua. None of these were suitable for your purposes because in each of them you either found nobody at home or else you found males present. You therefore left each of those addresses without doing anything further.

[8] At some stage between 9.30 pm and 10.30 pm you went to another house, the occupants of which were not known to you. You told the police in a subsequent interview that you went there with the intention of raping anybody you found at the address. As you approached the house you took off some of your outer clothing, including your jacket and hoodie top. You then entered the house through an unlocked ranchslider door and went to an unused master bedroom at the rear of the house. There you took off the rest of your clothing so that you were naked, and you lay naked on the bed in that room for a short time. You then went into the lounge of the address, where a 7-year-old girl and a 9-year-old boy were sleeping under blankets on two sofas. You went to the sofa on which the girl was lying and you lay down behind her as she lay sleeping on her side. You began kissing and sucking her neck, cheek, face and shoulders. At the same time you rubbed your erect penis against her side in a simulated thrusting motion. You also rubbed her feet with your hands during the course of this incident.

[9] It seems that your actions awoke the girl and she got off the sofa and left the room to tell her parents. Rather than leave the address, however, you moved to the other sofa and got underneath the blankets with the 9-year-old boy. You began kissing him and sucking his face, mouth and neck whilst rubbing your erect penis against the boy's side in a simulated sexual thrusting motion. Whilst doing so you held the boy about the chest and shoulder area.

[10] You then tilted the boy's head towards you and began kissing him on the mouth. You then bit the boy approximately six times in the area of the neck, chest and arms, applying moderate to heavy pressure for your own sexual pleasure. This left tenderness and red marks on the boy's skin that were still visible the following day.

[11] This, not surprisingly, caused the boy to wake up. You asked him who he was in an aggressive manner. When he told you his name, you asked him who his father was. At this stage the boy was apparently too scared to cry out for help for fear that you would grab him again. The fact that your victim was a boy was apparently a surprise to you. You stopped doing what you were doing and apologised to him.

[12] The boy then woke his parents by calling out and telling them that there was a man in the house. They called out to the girl to ask if someone was indeed there and she confirmed that there was. As a result, you asked the boy if you should leave. When he said that you should, you told the boy to get your clothes from the master bedroom, which he duly did. Once the boy gave you your clothes you then left the address through the same ranchslider door that you had used to enter. You then left the area taking with you the items that you had stolen from the first address that you had visited earlier in the evening. You took these items back to your partner's mother's address where you had been staying, and you hid them inside a fireplace in a shed on that property. All of that property was later recovered.

[13] You were recognised through the circulation of your general description a few days later. When the police spoke to you, you initially admitted going to the address at which the assaults had occurred but you said you were only looking for a friend. When you were later interviewed in greater detail, however, you were co-operative with the police and fully admitted your involvement in the offending. You confirmed to them that you had gone to the house with the intention of raping someone and that you were going to have sex with whoever you found at the address. You told the police that you were not looking for little children but they just happened to be there when you were on your way out. You also acknowledged, however, that you knew that the children were about 8 to 9 years of age.

[14] You told the police that you had always been a loner and that you were alone in the world. You said that you had found it hard settling in after being released from prison and did not know who to turn to. You could provide no real explanation for why the incident had happened and you said that all that you could say was that you were sorry.

[15] As I have already indicated, the Crown contends that the Court should impose the indeterminate sentence of preventive detention upon you. That submission must be viewed in the light of any finite sentence that the Court could impose. For that reason it is appropriate, at this stage, to consider the issue of the finite sentence that would be appropriate for this offending.

### **The length of any finite sentence**

[16] The Crown contends, and your counsel accepts, that your offending would attract a starting point of three and a half years imprisonment. This would take into account the fact that you burgled two properties and indecently assaulted the two young persons.

[17] In my view, that assessment of the appropriate starting point is realistic having regard to the overall circumstances of your offending.

[18] You have, however, a very lengthy criminal history including one significant previous conviction for rape to which I shall refer again shortly. Your criminal history is such that it amounts to an aggravating factor that would warrant an uplift in the starting point of at least two years. Again, I record that your counsel accepts that that is the case. This means that the overall starting point, before taking into account mitigating factors, would be five years six months imprisonment.

[19] You would, however, be entitled to a significant discount for your guilty pleas. I assess your entitlement in this regard as being one-third, or 22 months, imprisonment. This would leave an end sentence of three years eight months imprisonment.

[20] Section 86 of the Sentencing Act 2002 provides that where a Court sentences an offender to a finite sentence of imprisonment of more than two years, it may order the offender to serve a minimum period of imprisonment in relation to that particular sentence. Given the nature of your offending and your previous criminal history, I have no doubt that a minimum sentence would be justified in order to satisfy all of the purposes set out in s 86(2) of the Act. In particular, the community needs to be

protected from you for some considerable period. Secondly, you need to be held accountable for the harm done by your offending. Thirdly, the Court needs to denounce the conduct in which you were involved. Finally, elements of deterrence both general and specific are plainly relevant. For that reason I would have no hesitation in directing that you should serve two-thirds of your sentence. This means that you would be required to serve a minimum term of around two years three months imprisonment.

[21] Again, I record that your counsel accepts that a minimum term of two-thirds of your sentence would be appropriate.

[22] So it is against that finite sentence that the issue of preventive detention needs to be considered.

### **Should preventive detention be imposed?**

[23] The sentence of preventive detention is provided for by s 87 of the Sentencing Act 2002 which provides as follows:

#### **87 Sentence of preventive detention**

- (1) The purpose of preventive detention is to protect the community from those who pose a significant and ongoing risk to the safety of its members.
- (2) This section applies if—
  - (a) a person is convicted of a qualifying sexual or violent offence (as that term is defined in subsection (5)); and
  - (b) the person was 18 years of age or over at the time of committing the offence; and
  - (c) the court is satisfied that the person is likely to commit another qualifying sexual or violent offence if the person is released at the sentence expiry date (as specified in subpart 3 of Part 1 of the Parole Act 2002) of any sentence, other than a sentence under this section, that the court is able to impose.
- (3) The High Court may, on the application of the prosecutor or on its own motion, impose a sentence of preventive detention on the offender.
- (4) When considering whether to impose a sentence of preventive detention, the court must take into account—

- (a) any pattern of serious offending disclosed by the offender's history; and
  - (b) the seriousness of the harm to the community caused by the offending; and
  - (c) information indicating a tendency to commit serious offences in future; and
  - (d) the absence of, or failure of, efforts by the offender to address the cause or causes of the offending; and
  - (e) the principle that a lengthy determinate sentence is preferable if this provides adequate protection for society.
- (5) In this section and in sections 88 and 90, qualifying sexual or violent offence means—
- (a) a sexual crime under Part 7 of the Crimes Act 1961 punishable by 7 or more years' imprisonment; and includes a crime under section 144A or section 144C of that Act; or
  - (b) an offence against any of sections 171, 173 to 176, 188, 189(1), 191, 198 to 199, 208 to 210, 234, 235, or [236] of the Crimes Act 1961.

[24] Of importance is the opening paragraph of s 87, which states that the purpose of preventive detention is to protect the community from those who pose a significant and ongoing risk to the safety of its members.

[25] There is no dispute, Mr Williams, that you qualify for a sentence of preventive detention in the sense that you are over 18 years of age and you have committed an earlier qualifying offence namely, the crime of rape.

[26] The real issue is whether I can be satisfied that you are likely to commit another qualifying sexual or violent offence upon your release from any finite sentence that the Court might impose. Even if I am satisfied regarding that issue, I need to determine whether or not to exercise my discretion in favour of a sentence of preventive detention rather than the finite sentence to which I have referred.

[27] In determining whether to impose a sentence of preventive detention, the Court is required by s 87(4) to take into account five specified factors. They are as follows:

- (a) any pattern of serious offending disclosed by the offender's history; and
- (b) the seriousness of the harm to the community caused by the offending; and
- (c) information indicating a tendency to commit serious offences in future; and
- (d) the absence of, or failure of, efforts by the offender to address the cause or causes of the offending; and
- (e) the principle that a lengthy determinate sentence is preferable if this provides adequate protection for society.

[28] I now consider with each of these in turn.

a) *Any pattern of serious offending disclosed by the offender's history*

[29] Your criminal history reveals that you have committed numerous offences since 1986. For the most part these have been offences involving dishonesty and generally antisocial offences such as wilful damage. I accept, however, that only one of your previous convictions can probably truly be described as serious. This was a conviction in December 1999 on a charge of rape. That conviction followed an incident that occurred on the evening of 5 February 1999.

[30] I have the benefit of the Judge's sentencing notes in relation to that offending. These include a factual summary of your offending as follows:

... The circumstances reflect that in February of this year uninvited and unannounced and drunk you appeared to push your way into the victim's home. She clearly did not want nor welcome sexual intercourse but you forced yourself upon her, you used violence in the course of that and the rape occurred and you then took off after the event. She certainly sustained injuries and it can really only be described as a brutal, degrading rape by a drunk man who was determined to have his way with her whatever the situation and this was a woman that you had propositioned a number of times earlier, normally when drunk. The victim impact report indicates the effect this had on the victim and the effect on her family and the trauma is ongoing for her.

[31] I have also seen the summary of facts in relation to this offending. I do not propose to advert to that, save for one matter, because I am not sure of the extent to which the facts set out in the summary were borne out in the evidence given at trial.



Two factors that appear to be incontrovertible, however, are that your victim on this occasion was pregnant at the time that you forced yourself upon her, and the fact that the rape occurred in a room in which her children were present.

[32] The Judge adopted a starting point of eight years imprisonment. He increased that by six months to reflect aggravating features, including the violence that you had used which resulted in injuries to the victim and the fact that you were prepared to rape her in the presence of her children.

[33] The issue that I need to determine is whether this earlier offending, coupled with your current offending, can be said to constitute a pattern of serious offending. Your counsel submits that the events that occurred in 1999, even when viewed in the light of your current offending, do not disclose a pattern of offending. He submits that they establish no more than two discrete incidents to which you were involved in sexual misconduct. Your counsel also points out that your conduct on the first occasion was different in character to that which has given rise to the charges for which you now appear for sentence. Your counsel also points to the fact that there is a significant gap in time between the two sets of offending. This is because the earlier offending occurred approximately nine years before your current offending.

[34] I deal with the latter submission first. The fact of the matter is that you were in prison for a very significant period between December 1999 and the current offending. This limited considerably your opportunity to engage in the type of conduct that has led to the present charges. The reality is that you were only at large for less than two years during the period between December 1999 and the current offending. I consider that your position is very different to that of somebody who has been in the community without incident for a nine-year period.

[35] The real issue is whether the two instances of offending can be said to establish a pattern. I accept that the offending on the earlier occasion was different in nature in that it consisted of the rape of an adult female. In your current offending, by way of contrast, involves offending comprising the indecent assault of two young children, both male and female.

[36] The fact remains, however, that on the evening that your current offending occurred, as you said, you were intending to rape somebody and it did not matter particularly to you who that person was. I have no doubt that, if you had encountered a female adult first, then that female adult would have been risk of not only indecent assault but also of rape. So I do not see any significance in the fact that, on this occasion, the objects of your attention have been children rather than an adult, and that you indecently assaulted them rather than raping them as you raped your victim in the 1999 offending.

[37] I also see some distinct similarities in the two sets of offending. First, on each occasion, you set out to have sexual contact or some form of relationship with a known target. That is a significant factor. Secondly, each of the incidents involved the intrusion into a house property in order to accomplish your object. Those factors, it appears to me, are common to both sets of offending. I consider that it does establish a pattern of conduct on your part.

[38] This factor, therefore, operates to suggest that a sentence of preventive detention may be appropriate.

*b) The seriousness of the harm done by the offending*

[39] I have the benefit of victim impact reports prepared by both the children who were indecently assaulted by you and also by their caregivers. These confirm that your offending has had a profound effect on the whole family. Not surprisingly, your intrusion to their home at night leaves the children feeling extremely insecure at night. It is highly likely that your offending will have a very long-lasting effect for this family.

[40] Offending such as this also has much wider effects. Those in the community feel less secure in their own homes and less trusting of other people. I have no doubt that in a small community such as Taneatua, this offending would have been viewed with extreme concern by the residents. They form the community in which your offending occurred.

c) *Information indicating a tendency to commit serious offences in the future*

[41] It is, of course, impossible to predict what human beings may do in the future, particularly when the prediction relates to events that may or may not occur several years in the future. The best that can be done is to examine past conduct and to seek what expert assistance is available in relation to the prediction of future human activity.

[42] As is required in this context I have received reports from two health professionals, one of whom is a psychologist and one of whom is a psychiatrist. Both have been at something of a disadvantage in preparing their reports because you have declined to become involved in the interview process. This is notwithstanding the fact that your sentencing in February was adjourned on the basis that you had indicated a change of heart and a desire to engage with the health professionals in preparing their reports. When they sought to interview you again following that adjournment, you had apparently changed your mind and declined again to be involved in the process. As a result, the health professionals have been obliged to prepare their reports on the basis of such documentary material as is available on your file in relation to your present and past offending. Fortunately, given your contact with the criminal justice system over the last ten years, this has provided a reasonably comprehensive body of material from which the professionals have been able to prepare their reports.

[43] The psychiatrist's report is brief, as is relatively common in this context. This probably reflects the fact that the prediction of future human behaviour is really a matter of psychology rather than psychiatry.

[44] The psychiatrist advises that you told him that any information you would divulge during an interview would "complicate matters for [you] and result in the Judge giving [you] preventive detention". For this reason the psychiatrist's conclusion is limited to the following observations:

Therefore I am unable to assess Mr Williams and provide an in depth assessment of his sexual re-offending risk. However, I would like to draw the court's attention to the fact that offenders with history of prior sexual offending and those who chose strangers as victims carry higher risk of

sexual re-offending compared to other sex offenders. Also sex offenders who display antisocial traits evidenced by their antisocial life style and their past criminal records carry higher risk of re-offending including sexual re-offending compared to others. Mr Vinnie Williams's criminal records and the nature of his current charges and the way he went to commit them as described in the police summary of facts suggest strong psychopathic tendencies and indicate a high risk of re-offending.

[45] The psychologist's report is far more comprehensive. It provides very detailed information regarding your family, educational and occupational background. The psychologist also employed a number of assessment instruments or strategies in order to determine whether you present as a risk of further sexual offending in the future.

[46] First, she employed the *RoC\*RoI* test. This is an actuarial risk measure designed to assist in the accurate prediction of an offender's risk of serious recidivism. This measure is based on static predictors from criminal history information and has been found to be a reliable and accurate predictor of serious recidivism. Offenders under this measure are classified into one of five risk categories from low to very high risk of serious recidivism. Your score indicated a moderate to high risk of serious recidivism within five years at the least. That score does not, however, take into account your current offending, which would properly operate to increase your risk of serious recidivism according to this particular instrument.

[47] Next, the psychologist employed the *Automated Sexual Recidivism Scale* which is a brief actuarial instrument designed to estimate the probability of sexual recidivism among offenders who have already been sentenced for a sexual offence. It contains seven items that assess static factors relating to risk. The measure has been found to accurately classify offenders in the four risk categories from low to high risk of sexual recidivism. You were assessed as being in the medium to high risk category using this measure which takes into account your current offending. Published research indicates that individuals with similar ratings remain at risk of sexual reoffending for up to ten years after their release. Again, this probability is based solely on static risk predictors (ie those factors unchangeable by individual effort).

[48] The psychologist also notes that several relevant static risk factors exist that were not assessed by either of the two instruments to which I have referred. These include the fact that your current victims were both unrelated and were strangers to you. This sets you apart from any other offenders convicted of sexual offending and means that your potential pool of victims may be larger.

[49] Next, the psychologist employed the *Hare Psychopathy Checklist: Screening Version (PCL:SV)*. Overseas and New Zealand research has shown that high scores using this test are highly predictive of both serious offending and the speed of recidivism leading to imprisonment. Under this instrument you were assessed as having a high score, and individuals with high scores from New Zealand research are eight times more likely to reoffend, and six times more likely to be reimprisoned within five years of their release, than those with lower scores.

[50] The psychologist also points out that, whilst psychopathy is not directly linked to a higher risk of sexual reoffending, nevertheless research has found an interaction between psychopathy and sexual deviance and high rates of sexual recidivism. She points out that such individuals are likely to reoffend and to do so quickly. The psychologist points out that you have been found to have a high score in the *PCL:SV* as well as a significant pattern of sexual deviance based on your deviant thoughts, fantasy and behaviour, including your apparent pre-occupation with a woman whom you then raped using considerable violence.

[51] The psychologist also refers to the fact that you wrote sexually explicit letters to a woman over many months and then attempted to seek out that woman after having only been released from prison six days earlier. By this I take the psychologist to be referring to the woman whom you endeavoured to contact on the night of your current offending. When you failed to find this woman you then sought out somebody else with whom to have sex, regardless of whether or not they were consenting, and you then opportunistically came across the two children whom you indecently assaulted on this occasion.

[52] The psychologist considers that your present offending indicates that you were driven by your desire for sexual release and this is demonstrated by the fact that you approached many houses in an attempt to find an accessible victim.

[53] Finally, the psychologist employed a test called *STABLE 2007*. This test has been developed to assess dynamic predictors of sexual recidivism to add value to the assessment of static risk factors. It includes 13 items that measure five relatively stable factors. The balance are dynamic factors. The psychologist says that the scale has shown an acceptable ability to differentiate between sexual recidivists and non-recidivists.

[54] You were found to be in the high risk group using this measure. Numerous factors were identified as being problematic for you. These included significant intimacy deficits, a tendency to engage in impulsive acts, poor cognitive problem-solving skills, negative emotionality and hostility and evidence of sexual preoccupation and the use of sex as a coping mechanism. In addition, your deviant sexual interests were found to be an issue as well as your apparent failure to cooperate with supervisor authorities. Overall, this test predicts that you are at a high risk of sexual reoffending and your risk is higher than the base rate for sexual recidivism for similar offenders.

[55] Having carried out those tests and reviewed your history, the psychologist states her conclusion as follows:

71 Mr Williams is assessed as being at high risk of further sexual offending following release from prison. Given his lack of participation in the current assessment, it is difficult to ascertain his level of motivation to engage in psychological intervention to address the antisocial beliefs, attitudes, behaviours and personality features that have facilitated his current offending. This intervention would need to be intensive and Mr Williams' prognosis would depend on his willingness to meaningfully engage in such treatment. He has shown interest in intervention in the past and has successfully completed a motivational intervention and a number of psychological treatment and bicultural therapy sessions although the maximum number of sessions he has completed in succession has been eight sessions. Given his current sexual offending occurred only six days after being released on parole, after receiving significant judicial sanction for previous sexual offending, Mr Williams' risk of serious sexual offending must be seen as likely to endure without intensive, targeted intervention.

[56] Mr Williams, the way in which your current offending occurred so soon after release from prison, coupled with the similarity with your earlier offending, leaves me with real concern regarding the likelihood of sexual offending in the future. The material in the psychologist and psychiatrist's reports, intensifies that concern. I am left in very little doubt at all that without targeted intervention in an intensive manner, you are at high risk of sexual reoffending within a very short time of release from prison.

*d) The absence of, or failure of, efforts by the offender to address the cause or causes of the offending*

[57] This is a difficult issue in your case because you have clearly undergone some courses whilst in prison on the previous charge of rape. It appears, however, that such courses as you undertook were not directly targeted towards sexual offending. You believe that this is because you did not present during the previous period of imprisonment as a serious sexual offender who qualified for such treatment. Ironically, you say that the fact that you have now been convicted of offences involving children will give access to the treatment that you require.

[58] I am not prepared on the material presently available to say that you have failed to address the causes of your offending because I am not satisfied that any targeted programme has ever been offered to you. Nevertheless, that amounts to an absence of the causes of your sexual offending being addressed, whether or not that was your fault. The reality is that you have not undergone intensive treatment of the type necessary to address the offending that you have committed in the past.

*d) The principle that a lengthy determinate sentence is preferable if this provides adequate protection for society*

[59] This factor really speaks for itself. It suggests that where a finite sentence that meets society's demands can be imposed, then that is the sentence that the Court should adopt. The difficulty with that in the current context really arises from the relatively short nature of any sentence that the Court could impose.

## *Conclusion*

[60] I have already stated my conclusion that you are, in my view, at high risk of reoffending in a sexual way after release from prison unless the causes of your offending are targeted in an appropriate manner. For this reason, I am satisfied that the statutory test has been met. The only issue is whether I should exercise my discretion in favour of the sentence of preventive detention rather than the finite sentence of three years eight months imprisonment.

### **Exercise of discretion**

[61] My conclusion on this point is virtually inevitable, Mr Williams. In this context I am entitled to have regard to all of your previous convictions and not just those that relate to sexual offending. These show a relatively anti-authoritarian attitude for a considerable period. You have been convicted of breaching periodic detention orders and orders that you be disqualified from driving. You have engaged in antisocial activities such as wilful damage and trespass. Of real concern in the present context is the fact that, having served over seven years imprisonment, you were released on parole and you then offended again within a relatively short time.

[62] You also breached the terms of your parole by failing to report. This led to your recall to prison in September 2007 to continue serving the sentence for rape. That fact alone probably answers your counsel's submission that a finite sentence coupled with an extended supervision order would be sufficient to safeguard the community from future offending. If you were not prepared to abide by the terms of your parole when you knew what the consequences of that would be, then I can have no confidence at all that you would abide by the terms of any extended supervision order.

[63] I have no doubt that your underlying problems will require intensive targeted therapy. To date, you have shown a tendency to disengage from therapeutic processes. I draw that conclusion from the fact that, whilst you were on parole and having attended a number of sessions with a psychologist, you indicated that you did



not wish to continue with that course. I am also concerned regarding the way in which you have declined to be interviewed by the health professionals prior to your current sentencing, although I understand that you may well have believed that those interviews could only lead to a sentence of preventive detention being imposed.

[64] Overall, my concern is two-fold. First, I have a concern that a sentence of three years eight months imprisonment, even if completed in full, will be too short to provide you with the kind of therapy you need. Secondly, and more importantly, I believe there is a real risk that, if you receive such a sentence, your current determination to undergo therapy may dissolve. You will know that all you have to do is see out your full term and then the prison authorities will have no option but to release you. Once you are released, there is very little that anybody can do to keep control of what you do. Should that risk eventuate, I have no doubt that the community would be in grave danger upon your release. This is exemplified, as I have said, by the fact that you offended seriously again just six days after being released from your previous sentence of imprisonment.

[65] That being the case, I have no doubt that a sentence of preventive detention is required. That is the only sentence, I believe, that will persuade you to engage in a meaningful manner in therapeutic processes. It will force you to realise that the only way in which you will gain release from prison is by addressing your underlying issues in an honest and determined way. For these reasons, I do not accept that a finite sentence would be appropriate and I must impose the sentence that the Crown seeks.

### **Sentence**

[66] On each of the charges of indecent assault, you are sentenced to preventive detention. I direct that you are to serve a minimum term of imprisonment of five years.

[67] On each of the burglary charges, you are sentenced to three years imprisonment.

[68] All sentences are to be served concurrently.

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Lang J