

**NOTE: PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF
COMPLAINANTS PROHIBITED BY S 139 OF THE CRIMINAL JUSTICE
ACT 1985.**

IN THE COURT OF APPEAL OF NEW ZEALAND

**CA579/2013
[2014] NZCA 28**

BETWEEN GLEN JAMES GAGE
 Appellant

AND THE QUEEN
 Respondent

Hearing: 13 February 2014

Court: White, MacKenzie and Mallon JJ

Counsel: P J Kaye for Appellant
 M E Ball for Respondent

Judgment: 24 February 2014 at 10.00 am

JUDGMENT OF THE COURT

The appeal against sentence is dismissed.

REASONS OF THE COURT

(Given by White J)

[1] Following a trial in the High Court at Hamilton, Glen Gage was convicted on 49 counts of domestic offending against five female partners over a 15 year period (1996–2011), encompassing repeat acts of rape, sexual violation involving objects and penetration of the anus, indecent assault, injuring with intent to injure and assault (the violence often preceding the rapes) and, in relation to some of the victims, kidnapping and threats.

[2] Mr Gage was sentenced by Asher J to 19 years' imprisonment with a minimum period of imprisonment of nine and a half years.¹ He appeals on the grounds that the sentence was manifestly excessive and that the minimum period of imprisonment was too long.

[3] Mr Kaye endeavoured in his written submissions to bring Mr Gage's offending below band four of this Court's guideline decision in *R v AM (CA27/2009)*.² At the hearing of the appeal, however, Mr Kaye responsibly accepted that none of the points raised in the written submissions was sufficient to achieve this outcome. We are satisfied that Mr Gage's offending was squarely within band four and that when all the relevant culpability factors are taken into account the sentence of 19 years' imprisonment at the upper end of the band was fully justified.

[4] Mr Kaye also responsibly accepted that it was open to Asher J to impose a minimum period of imprisonment in the circumstances of this case and that a period of nine and a half years, being 50 per cent of the 19 year term of imprisonment and less than the 10 year maximum available, was not inappropriate.³ We agree.

[5] Mr Gage's appeal against sentence is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent

¹ *R v Gage* [2013] NZHC 2053.

² *R v AM (CA27/2009)* [2010] NZCA 114, [2010] 2 NZLR 750 at [47]–[49], [90] and [108]–[112].

³ Sentencing Act 2002, s 86(4)(b).