

**NOTE: PUBLICATION OF NAMES, ADDRESSES, OCCUPATIONS OR IDENTIFYING PARTICULARS OF VICTIMS PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011.**

**NOTE: PUBLICATION OF NAMES, ADDRESSES, OCCUPATIONS OR IDENTIFYING PARTICULARS OF ANY VICTIMS UNDER THE AGE OF 18 YEARS PROHIBITED BY S 204 OF THE CRIMINAL PROCEDURE ACT 2011.**

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**I TE KŌTI PĪRA O AOTEAROA**

**CA359/2022  
[2022] NZCA 524**

BETWEEN                      COREY JOHN TAYLOR  
Appellant

AND                              THE KING  
Respondent

Hearing:                      25 October 2022  
  
Court:                              Collins, Muir and Cull JJ  
  
Counsel:                      E J Forster for Appellant  
                                        C Ure for Respondent  
  
Judgment:                      4 November 2022 at 10.00 am

---

**JUDGMENT OF THE COURT**

---

**The appeal against sentence is dismissed.**

---

## REASONS OF THE COURT

(Given by Collins J)

### Introduction

[1] After obtaining a sentence indication Mr Taylor pleaded guilty to 18 charges that covered a range of sexual offending against 14 victims whose ages ranged from eight through to their “twenties or thirties”.<sup>1</sup> Mr Taylor was sentenced by Cooke J to 14 years’ imprisonment with the condition he serve a minimum period of imprisonment (MPI) of nine years before he is eligible to be considered for parole.<sup>2</sup> The appeal concerns the length of the MPI imposed on Mr Taylor. It is submitted on his behalf that the nine-year MPI, which comprises 64.29 per cent of the determinate sentence, is manifestly excessive.

[2] In his sentence indication the Judge said that he was likely to impose a sentence of “15 years’ imprisonment subject to further reductions for personal mitigating circumstances revealed by reports”.<sup>3</sup> When indicating an MPI would be imposed, the Judge said:<sup>4</sup>

My preliminary view is that there should be a minimum period of imprisonment representing at least 50 per cent of the proposed sentence. But it may be higher than this especially if the sentence is further reduced for personal factors. I can indicate, however, that the minimum period of imprisonment will be no higher than nine years.

[3] The fact Mr Taylor pleaded guilty after receiving a sentence indication does not affect his right to appeal the sentence imposed.<sup>5</sup>

---

<sup>1</sup> *R v Taylor* HC Whanganui CRI-2021-083-1583, 13 April 2022 [Sentencing indication] at [4].

<sup>2</sup> *R v Taylor* [2022] NZHC 1471 [Sentencing notes].

<sup>3</sup> Sentencing indication, above n 1, at [23].

<sup>4</sup> At [22].

<sup>5</sup> Criminal Procedure Act 2011, s 245.

## **The offending**

[4] The summary of facts that Mr Taylor accepted when he pleaded guilty identified the following offences:

- (a) eight charges of sexual violation by rape;<sup>6</sup>
- (b) four charges of sexual violation by unlawful sexual connection;<sup>7</sup>
- (c) two charges of sexual conduct with a young person between 12 and 16 years of age;<sup>8</sup>
- (d) two charges of exposing a young person to indecent material;<sup>9</sup>
- (e) one charge of indecent assault of a young person between 12 and 16 years of age;<sup>10</sup> and
- (f) one charge of indecent assault of a young person under 12 years of age.<sup>11</sup>

One of the rape charges was laid on a representative basis.

[5] The offending commenced in 2009 when Mr Taylor was 18 years old. The last of his offending occurred in 2021 when he was 30 years old.

[6] Mr Taylor's offending comprised a number of instances of violent rape and coercion of mainly young teenagers to have sexual relations with him. The Judge fully explained Mr Taylor's offending in his sentencing decision and it is therefore not necessary for us to repeat all the details. The following examples of Mr Taylor's conduct suffice to convey the gravity of his offending.

---

<sup>6</sup> Crimes Act 1961, ss 128(1)(a) and 128B.

<sup>7</sup> Sections 128(1)(b) and 128B.

<sup>8</sup> Section 134(1).

<sup>9</sup> Section 124A.

<sup>10</sup> Section 134(3).

<sup>11</sup> Section 132(3).

## **Victim A**

[7] The offending against Victim A occurred when Mr Taylor was 26 years old and she was 17 years old. At the relevant time they were staying at an address in O. During one evening, Mr Taylor became intoxicated and consumed a small blue pill.

[8] The pair engaged in a period of consensual sex until Mr Taylor ejaculated. Victim A asked if they could stop as she was sore. Mr Taylor told her he was not done with her.

[9] Mr Taylor pinned Victim A's arms above her head on the bed and forced his penis into her vagina, having sex with her again until he ejaculated. He placed his penis in her mouth and demanded she perform oral sex on him, causing her to gag. Mr Taylor then again forced his penis into Victim A's vagina. She tried to fight and asked Mr Taylor to stop. He refused and continued to have sex with her. Mr Taylor grabbed Victim A by the waist and rolled her onto her stomach. He forced his penis into her anus from behind and had anal sex with her. Mr Taylor continued having vaginal, anal and oral sex with Victim A in this manner for approximately 14 hours. She was left raw and bleeding. She became pregnant as a result of this episode and now has a three-year-old child.

## **Victim B**

[10] Mr Taylor's offending against Victim B commenced when he was 29 years old and she was 16 years old. At the time they were living together at Mr Taylor's aunt's address in O.

[11] Victim B was often threatened or abused if she refused to submit to Mr Taylor's demands for sex. On one occasion Victim B returned home to find Mr Taylor in an intoxicated state. He demanded she have sex with him. She said she did not want to. He became angry, grabbed her by the waist and forced her onto the bed and removed her clothes. Mr Taylor then forced his penis into her vagina and had sex with her until he ejaculated.

### **Victim C**

[12] Victim C was a 13-year-old boy at the time Mr Taylor offended against him. Mr Taylor was 29 years old. Mr Taylor was in the habit of supplying Victim C with alcohol. On one occasion Mr Taylor and his then girlfriend (Victim B) were lying on his bed watching TV. Victim C was in the room. Mr Taylor began having sex with Victim B in front of Victim C and instructed Victim B to perform oral sex on Victim C. At Mr Taylor's insistence Victim B masturbated and performed oral sex on Victim C while Mr Taylor had sex with her from behind until he ejaculated.

### **Victim D**

[13] At the time of his offending against Victim D Mr Taylor was 28 years old. Victim D was 13 years old and would frequently visit his address. On one occasion Mr Taylor took Victim D for a drive. When they arrived at a secluded spot, Victim D got out from the car and walked down a small path. Mid-way along the path Mr Taylor grabbed Victim D by the waist, pushed her to the ground, and forcibly removed her pants. He then inserted his penis into her vagina and had sex with her until he ejaculated.

### **Victims F and G**

[14] The offending against Victims F and G involved instances of indecent communications. Mr Taylor would send them a series of messages on Facebook in which he made reference to their bodies and, in respect of one victim, request that she send him images of her partially nude. One of the victims was just 12 years old.

### **Victim H**

[15] The offending against Victim H occurred when she was 16 years old. Mr Taylor was 18 years old. Victim H and Mr Taylor began spending long periods of time together in a sleepout at his parents' address. During this time Mr Taylor raped Victim H on at least five occasions.

### **Victim I**

[16] The offending against Victim I occurred when Mr Taylor was still in a relationship with Victim A. At the time, Victim A was six months' pregnant and Victim I was three months' pregnant. All three went to stay at a motor camp together. While at the camp Mr Taylor became intoxicated and asked Victim A to participate in a threesome with Victim I, who declined. Mr Taylor pinned Victim I against the side of a car. He removed her pants and forced his penis into her anus as she cried from the pain. Mr Taylor then forced his penis into her vagina until he ejaculated.

### **Victim J**

[17] Victim J had also been in a relationship with Mr Taylor. They shared a child. After the relationship ended Mr Taylor went to Victim J's address, where he inserted his fingers into Victim J's vagina. She grabbed Mr Taylor's hand and said no before removing his hand from her pants. She got up and walked away. Two weeks later Mr Taylor visited Victim J again. On this occasion Mr Taylor raped Victim J in her bedroom.

### **Victim K**

[18] Victim K had been in a relationship with Mr Taylor for approximately seven months during which time she was subjected to extensive physical and psychological abuse by him. Between one to two months after their relationship commenced she woke one night to find Mr Taylor having sex with her. She repeatedly told him that she did not wish to have sex but he continued to do so until he ejaculated.

### **Victim L**

[19] Victim L and Mr Taylor were in a relationship during parts of 2020 and 2021. On one occasion Mr Taylor became highly intoxicated and started arguing with Victim L. The police were called to the address and Mr Taylor was removed from the house. He returned later that evening and had aggressive sex with Victim L during which time he ignored her pleas to stop and that he was hurting her.

## **Victim M**

[20] Victim M was just 11 years old when Mr Taylor performed indecent acts upon her. Those acts included him touching her vagina from underneath her underwear, sucking the young girl's breasts and rubbing her vagina.

## **Victim N**

[21] Victim N was just eight years old when Mr Taylor rubbed her vagina from over her clothes.

## **Sentencing**

[22] There was no dispute that Mr Taylor's offending fell within band four of *R v AM (CA27/2009)*,<sup>12</sup> and therefore warranted a starting point of between 16 to 20 years' imprisonment.

[23] The Judge observed that some of Mr Taylor's offending involved gratuitous violence and cruelty. The offending against the younger vulnerable victims involved significant breaches of trust. Some of the offending also involved high levels of premeditation.<sup>13</sup>

[24] After referring to authorities, the Judge adopted a starting point of 18 years' imprisonment for all the sexual violation charges. He increased this by two years to reflect Mr Taylor's other sexual offending.<sup>14</sup>

---

<sup>12</sup> *R v AM (CA27/2009)* [2010] NZCA 114, [2010] 2 NZLR 750 at [90].

<sup>13</sup> Sentencing notes, above n 2, at [51].

<sup>14</sup> At [56].

[25] The deductions made from the 20-year starting point comprised:

- (a) 25 per cent for Mr Taylor's guilty plea;<sup>15</sup> and
- (b) five per cent to reflect Mr Taylor's ADHD, depression and difficult upbringing. Also built into this discount was an acknowledgement that some of Mr Taylor's offending occurred when he was 18 years old.<sup>16</sup>

[26] The discounts produced the determinate sentence of 14 years' imprisonment.<sup>17</sup>

[27] The Judge explained an MPI was necessary because the determinate sentence was not sufficient to hold Mr Taylor accountable or denounce his conduct.<sup>18</sup> These are two of the factors set out in s 86(2) of the Sentencing Act 2002 that are relevant when deciding whether an MPI should be imposed.<sup>19</sup>

[28] As we noted at [1] above, the MPI imposed in Mr Taylor's case amounted to nine years.

[29] It is helpful to set out the provisions of s 86(2) of the Sentencing Act:

The court may impose a minimum period of imprisonment that is longer than [the period provided for in the Parole Act 2002 when calculating when an offender is eligible to be considered for parole] if it is satisfied that [the normal period of imprisonment prior to being considered eligible for parole] is insufficient for all or any of the following purposes:

- (a) holding the offender accountable for the harm done to the victim and the community by the offending:
- (b) denouncing the conduct in which the offender was involved:
- (c) deterring the offender or other persons from committing the same or a similar offence:
- (d) protecting the community from the offender.

---

<sup>15</sup> At [58].

<sup>16</sup> At [60]–[64].

<sup>17</sup> At [65].

<sup>18</sup> At [66]–[67].

<sup>19</sup> Sentencing Act 2002, s 86(2)(a) and (b).



[30] The maximum term of any MPI is prescribed in s 86(4) of the Sentencing Act. An MPI must not exceed the lesser of:

- (a) two-thirds of the full term of the sentence; or
- (b) 10 years.

[31] Thus, the MPI of nine years imposed on Mr Taylor is close to the maximum that could be set under s 86(4) of the Sentencing Act.

### **Appeal**

[32] Mr Forster, counsel for Mr Taylor, accepted that an MPI needed to be imposed in this case. The only issue is whether the nine-year MPI is manifestly excessive.

[33] Mr Forster drew attention to a number of sentencing decisions concerning serious sexual offending in which the MPI reflected lower percentages of the determinate sentence. For example, in *R v G*,<sup>20</sup> the MPI was 60 per cent of the determinate sentence of 11 years and eight months and, in *R v Rose*,<sup>21</sup> the MPI of nine years and four months imposed on one of the offenders reflected 40 per cent of the determinate sentence of 23 years and five months.

### **Analysis**

[34] *R v Rose* is of little assistance because the determinate sentence was 23 years and five months and the MPI, which was close to 10 years, had to comprise a lower percentage of the determinate sentence in order to comply with s 86(4) of the Sentencing Act.

[35] This Court has on a number of occasions upheld high MPIs in cases involving serious sexual offending.

[36] In *I (CA70/2008) v R*,<sup>22</sup> this Court agreed with an MPI of 10 years, which reflected 63 per cent of the determinate sentence in a case where the offender

---

<sup>20</sup> *R v G* [2021] NZHC 3527.

<sup>21</sup> *R v Rose* [2021] NZHC 2110.

<sup>22</sup> *I (CA70/2008) v R* [2009] NZCA 101.

committed serious sexual offences against his stepdaughter over a four-year period. In *Pomare v R*,<sup>23</sup> a case that involved sexual offending against one victim over a 14-year period, this Court said an MPI of 60 per cent, whilst at the higher end of the available range, was generally consistent with the terms of MPIs imposed in similar instances of serious sexual offending.<sup>24</sup> In *Z (CA586/2012) v R*,<sup>25</sup> this Court endorsed an MPI of eight years, which was 64 per cent of the determinate sentence, where the offending involved a gross breach of trust in a family setting.

[37] In assessing the appropriateness of the term of the MPI imposed in this case, it is necessary to assess the factors set out in s 86(2) of the Sentencing Act against the nature of Mr Taylor's offending and his personal circumstances.

[38] The seriousness of Mr Taylor's offending cannot be overstated. It comprised:

- (a) offending over a 12-year period;
- (b) 14 victims;
- (c) in many instances, the use of significant force and violence that caused injuries to his victims;
- (d) victim A becoming pregnant from one instance of Mr Taylor's offending. Her child is a permanent reminder of the sexual abuse she endured; and
- (e) for the offending against the youngest victims, gross breaches of trust.

[39] Although we have not had to consider a cross-appeal, the determinate sentence imposed in this case was generous. A determinate sentence of 16 years' imprisonment would have been unimpeachable. Although Mr Taylor's previous convictions include

---

<sup>23</sup> *Pomare v R* [2015] NZCA 191.

<sup>24</sup> At [20]. See also at [15]–[19], citing *I (CA70/2008) v R*, above n 22; *R v AM*, above n 12; *Z (CA586/2012) v R* [2012] NZCA 607; *R v Te Au* [2012] NZHC 2705; and *R v Petera* [2013] NZHC 2170.

<sup>25</sup> *Z (CA586/2012) v R*, above n 24.

just one instance of domestic violence, this was a case in which preventive detention may well have been a realistic outcome.

[40] The pre-sentence report prepared by the Department of Corrections concluded that Mr Taylor poses “a high likelihood of re-offending”. A report prepared by Mr Prince, a clinical psychologist, noted Mr Taylor lacked insight, or at least did not demonstrate insight, into his offending.

[41] Of the factors listed in s 86(2) of the Sentencing Act, protecting the community is of paramount significance. This is a case in which the courts need to ensure the community is protected from Mr Taylor. In light of the fact that a generous determinate sentence was imposed, the need to protect the community can only be achieved by imposing a long MPI. Although the MPI imposed is close to the maximum available under s 86(4) of the Sentencing Act, it is a proportionate response to Mr Taylor’s offending and the risk he poses to the community.

[42] The MPI of nine years is not manifestly excessive.

## **Result**

[43] The appeal against sentence is dismissed.

Solicitors:

Crown Law Office | Te Tari Ture o te Karauna, Wellington for Respondent