

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

**I TE KŌTI MATUA O AOTEAROA
NGĀMOTU ROHE**

**CRI-2024-043-1361
[2026] NZHC 2670**

THE KING

v

**STEFAN LEE HANNON-MCGINN
ETHAN HOWE**

Hearing: 1 September 2026

Appearances: C E Clarke, C S T Fatiaki, P M Lange for Crown
N J Manning and S Brickell for Defendant Hannon-McGinn
N M Dutch for Defendant Howe

Date 1 September 2026

SENTENCING OF McQUEEN J

[1] Welcome to the High Court. This is a difficult day for everybody here. I acknowledge that and I thank you for the respect that I know that you will show to the Court during the course of the sentencing process this afternoon.

[2] Stefan Lee Hannon-McGinn and Ethan Howe, you appear for sentence in relation to the murder of Sydney Ross Bridson and the offence of arson. Towards the end of this hearing, when I am about to impose sentence, I will ask each of you to stand. I will explain how I reach my final decision. Your lawyers will receive a copy of my sentencing notes in the next day or so. That will set out the substance what I say today although it will have footnotes for references where necessary and may be edited for grammar.

[3] I acknowledge the Bridson family in Court today and watching from other locations, and the profound loss that you have suffered. This afternoon, we have heard very moving victim impact statements read out from family members. And other statements have also been provided to the Court from family and friends, which I have read. I thank all those who have written statements, for the care and courage that has gone into their preparation. All the statements confirm the senseless loss of Mr Bridson and the pain that his family and friends now carry. Mr Bridson was a much-loved father, son, brother, uncle, and a member of a wider extended family and a dear friend—and no sentence that I impose today can make up for that loss.

[4] Mr Bridson's family describes him as a source of love, laughter and wisdom. Mr Bridson's sons talk about Mr Bridson as their role model, guide, support and the man they called when they got stuck. He was always willing to help, no matter how busy he was, believing in them and giving them confidence. They have lost not only their dad but a great friend and mentor. I note the anguish expressed by the family as to how hard it was to wait for formal confirmation that Mr Bridson was in the house at the time of the fire, and subsequently to find out he had been shot.

[5] Mr Bridson's mother has described him as a caring and loving person, extremely intelligent, quick to learn and retain knowledge and apply it. He was willing to teach others, always available with help or advice.

[6] Mr Bridson's sister spoke of the way in which she, her husband and their children have been deeply affected, requiring, as we have heard from her today, ongoing support for them all.

[7] The loss of the house and all the belongings in it, including family heirlooms, have greatly affected both Mr Bridson's family and Russell Zehnder's family. They have described the deep sadness at not having important items to help them remember Mr Bridson and Mr Zehnder.

[8] The Court's task this afternoon is to determine, on behalf of the community, the appropriate sentence to impose in accordance with the law in response to the

crimes of Mr Hannon-McGinn and Mr Howe. In this context I also acknowledge those who have come to Court today to support each of Mr Hannon-McGinn and Mr Howe.

[9] The jury found you each guilty of murder and found you, Mr Howe, guilty of arson. At the beginning of the trial, Mr Hannon-McGinn, you pleaded guilty to arson.

[10] The circumstances of the murder of Mr Bridson demand a sentence of life imprisonment. The focus of this sentencing today is the minimum term of imprisonment that you must each serve. As to arson, the maximum penalty is 14 years' imprisonment. Given that the murder and the arson flow from essentially the same events, the sentence for arson will be concurrent with the sentence for murder.¹

The offending

[11] I begin by describing what you did. The public nature of sentencing requires that I set out the relevant facts that arise from the evidence at your trial leading to guilty verdicts from the jury.

[12] Section 24(1) of the Sentencing Act provides that in determining a sentence, a court must accept as proved all facts that are essential to a finding of guilt and "may accept as proved any fact that was disclosed by the evidence at the trial". The facts otherwise reflect my own views of that evidence.²

[13] I have heard submissions from your counsel as well as for the Crown as to matters I should take into account. If the alleged fact which is the subject of submissions is a matter of aggravation, the court should act upon the version of events which is most favourable to the defendant, provided that it is not manifestly false or wholly implausible.³ If the alleged fact is a matter of mitigation, I do not have to accept the construction most favourable to the defendant; but can draw such inferences as are

¹ *R v Alahakoon* [2013] NZHC 2316; *R v Heremaia* [2025] NZHC 892; and *R v Brackenridge* [2019] NZHC 1627.

² It is the judge's responsibility to set out what they find to be established, provided that this is not inconsistent with the verdict of the jury: *B (CA58/16) v R* [2016] NZCA 432 at [75]–[76], citing *R v Connelly* [2008] NZCA 550 at [14].

³ *R v Newton* (1982) 77 Cr App R 13; and *A-G's References (Nos 3 & 4 of 1996)* [1997] 1 Cr App R (S) 29.

appropriate from the other evidence available to me.⁴ I will return later to these matters.

[14] At the time Mr Bridson was killed, your father, Mr Hannon-McGinn, was living at a remote rural address in the Waitaanga Valley.⁵ Mr Hannon's house overlooked the neighbouring property where Mr Bridson was living. Mr Bridson was about five feet tall and weighed 50 to 60 kilograms. He had become physically frailer as he was suffering from cancer. Mr Bridson was known to drink alcohol, and it is established that he was intoxicated the evening before he was killed. It is also established that there was limited cell phone coverage in the Waitaangas, including at the homes of Mr Bridson and Mr Hannon.

[15] Although they had previously had no problems as neighbours, in August 2023, Mr Hannon and Mr Bridson had some disagreements. These related to the use of their shared driveway as well as Mr Bridson's friends and family (and possibly others) hunting on the surrounding land. On 26 August, Mr Hannon and Mr Bridson had an altercation. Mr Bridson attacked Mr Hannon, causing him some injuries that were later patched up by another Waitaanga local, who was a nurse. During the altercation, Mr Bridson threatened to kill Mr Hannon. Mr Hannon became afraid of Mr Bridson. You, Mr Hannon-McGinn, went down to visit your father after that event because of this.

[16] Then, Mr Hannon-McGinn, on the evening of 10 October 2023, you received a call from your father. Mr Hannon asked that you come to his house in the Waitaangas because Mr Bridson had set fire to a car on his property for unknown reasons and Mr Hannon was worried for his safety. Your partner at the time said you told her that you were going to help your dad. Mr Howe, your former partner gave evidence that you later told her that Mr Hannon had asked Mr Hannon-McGinn to go and see him "to help him do a thing" or "sort this problem out" because of the arguments and because Mr Bridson had threatened to kill Mr Hannon.

⁴ *R v Moananui* [1983] NZLR 537 (CA) at 543.

⁵ From now on I refer to the Waitaanga Valley as the Waitaangas, reflecting the language used by the witnesses at trial.

[17] Mr Hannon-McGinn and Mr Howe, you were longstanding and close friends and spent a lot of time together, sometimes working together and often socialising together. At the time you received the call from your father on 10 October, Mr Hannon-McGinn, you were in Hamilton. You and Mr Howe had returned to your house after being at the pub. Sometime after the call, between 11 and 11.30 pm, you and Mr Howe started driving towards the Waitaangas. The two of you arrived at Mr Hannon's property in the early hours of 11 October 2023. You say, Mr Hannon-McGinn, that after talking to your father and watching some TV, you and Mr Howe stayed up, smoking some weed.

[18] Mr Hannon provided two firearms to you, a .308 rifle and a 20-gauge shotgun. You had ammunition at least for the .20-gauge shotgun that you took, Mr Hannon-McGinn. Mr Howe, you took the .308 rifle, according to the evidence of your former partner and the evidence of Mr Hannon-McGinn.

[19] Early in the morning of 11 October, taking the guns, you both made your way to Mr Bridson's house on foot. The route you took is disputed, but whether you travelled across bush and waterways or went via the driveway and raceway is not a fact that is essential to a finding of guilt as it is established that you both went to Mr Bridson's house that morning. However, I find that the description your former partner was able to give of the bush and waterways, Mr Howe, can only be as a result of you telling her about the terrain between the houses of Mr Hannon and Mr Bridson, which you would only be aware of if you had travelled that way at least in part. It is possible you travelled one way by the bush and waterways and the other via the raceway. That would explain the basketball shoeprint found at the scene, (that Mr Hannon-McGinn says was yours, Mr Howe) and is consistent with the way you, Mr Hannon-McGinn, said you both walked that morning, both to and from Mr Bridson's.

[20] It took you a while to reach Mr Bridson's house. Again, it is difficult to pinpoint the exact timing. However, similarly, the exact timing is not essential to a finding of guilt as it is established that you both went to Mr Bridson's house that morning. I am satisfied that you went early in the morning. I note your evidence Mr Hannon-McGinn that you looked out the window and saw a light on at

Mr Bridson's house and, despite the hour, concluded it was an appropriate time (at, you say, around 7.00 am) to visit him. However, you also said that you saw Mr Bridson's light was on as you arrived at your father's house in the early hours of the morning. This Court heard evidence from two truck drivers that there was a light on at around 3.00 am as well as evidence from a local driving past that she saw the light on at 5.00 am. I infer there was likely a light on all night at Mr Bridson's house. Importantly, Mr Bridson's house was not on fire at the times referred to by the truck drivers and the local. Given Mr Hannon's 111 call about the fire at 7.39 am, it can be surmised that Mr Bridson was killed and his house set on fire sometime between 5.00 am and 7.39 am.

[21] When the two of you arrived, you, Mr Hannon McGinn, say that you loaded the 20-gauge shotgun with ammunition that you had brought with you from Mr Hannon's house. The two of you then waited outside Mr Bridson's house and called for him to come outside. Mr Hannon-McGinn, your evidence is that you made Mr Howe knock loudly on Mr Bridson's door. I accept this is likely given that your evidence generally shows an attempt to minimise Mr Howe's involvement in the offending.

[22] When Mr Bridson did come outside, the two of you confronted him. You, Mr Hannon-McGinn, were in front, holding the shotgun, while you, Mr Howe, stood several metres behind your friend, encouraging and assisting him. I find it is established that an argument ensued.

[23] There is evidence from Mr Howe's former partner that you, Mr Hannon-McGinn, said to Mr Bridson "You wanna kill my dad?" followed by something like "Well, I'm gonna kill you", before you shot Mr Bridson in the abdomen at close range. Mr Bridson had been standing on the deck right outside of his door when he was shot.

[24] Mr Hannon-McGinn, you deny saying such words, instead recounting that you saw Mr Bridson reach for something from inside his house that you thought was a firearm, leading you, on your version of events, to discharge your gun in Mr Bridson's direction. On either version, it is plain that the jury was sure that the Crown had proved

beyond reasonable doubt that you were not acting in self-defence or that the force you used was not reasonable, in the circumstances as you believed them to be, and that you had murderous intent. I agree this was open to them on the evidence. I consider it is possible that your intent was formed closer to the moment of shooting Mr Bridson, Mr Hannon-McGinn, rather than when you left Mr Hannon's house. The jury also found you, Mr Howe, guilty of murder as a party through your encouragement and assistance to Mr Hannon-McGinn.

[25] After Mr Bridson was shot, he fell to the ground. There is evidence from Mr Howe's former partner that he made gurgling noises although you do not accept that Mr Hannon-McGinn. I do not consider this an essential fact for the guilty verdict. You do accept, Mr Hannon-McGinn, that you nudged him with your foot. I am satisfied that you did nudge Mr Bridson with your foot, although I do not find it established that this was a "kick" in the sense of intending to denigrate Mr Bridson's body.

[26] Mr Hannon-McGinn, you have admitted dragging Mr Bridson's body inside the house and setting fire to it in order to destroy any evidence tying you to the crime. The evidence is that Mr Bridson was already dead when the fire began. He would have died rapidly from the injury to his aorta and the injuries to his liver and kidney. His body was incinerated in the fire.

[27] The jury found you, Mr Howe, guilty of arson, either as a principal or a party. This establishes that they were persuaded by the evidence from your former partner, and from Mr Hannon-McGinn's brother, that you, Mr Howe, either intended to damage Mr Bridson's house by fire or encouraged or assisted Mr Hannon-McGinn to do so. I find that the jury has not accepted Mr Hannon-McGinn's evidence that you simply ran away from the house immediately, at the time Mr Bridson was shot. Rather I find that the jury accepted the evidence from your former partner and from Mr Hannon-McGinn's brother that you were both present when Mr Hannon-McGinn set fire to the house. This encompasses you, Mr Howe, encouraging and assisting Mr Hannon-McGinn by words or conduct to damage the house by fire, knowing that he intended to do so.

[28] After the murder and arson, you both returned to Mr Hannon's address. Despite killing Mr Bridson and setting his house on fire, and you, Mr Hannon-McGinn, saying that you had told your father to call the fire service and the Police, you found time to load the V8 engine into your vehicle and take it back it with you to Mr Hannon-McGinn's address in Hamilton. Your explanation, Mr Hannon-McGinn, was that you had pressing debts to pay and that is why you took the V8 engine, selling it a few days later for \$12,000.

[29] The Crown says that some of your post offending conduct is relevant to sentencing. The Crown says Mr Hannon offered you money or something else to "help him with the neighbour", and that this was his way of paying you. This stems from the evidence of Mr Howe's former partner. However, I note she was unsure of what had been offered by Mr Hannon and her evidence was that you, Mr Howe, did not receive any payment in any event. In these circumstances, I do not find it established that either of you were paid for killing Mr Bridson through the provision of the V8 engine, although I do infer, Mr Hannon-McGinn, that you thought your father should not object to you taking it in the circumstances. Nor do I find it established that Mr Howe received any benefit from the sale of the V8 engine.

[30] On 14 October 2023, you both returned to Mr Hannon's address, with your then partner, Mr Hannon-McGinn, and collected the .308 rifle and the 20-gauge shotgun. Your evidence, Mr Hannon-McGinn, was that you did this because you thought it likely the Police would conduct a search warrant at your father's house. You took the firearms back to your Hamilton address, where you kept them in a bag in the garage. It is established that a day or two later, you removed the firearms from the bag and you both walked around with them for three to four minutes. Over the following months, you both again took the firearms out in the presence of others who were in the garage and walked around holding them. And I find these matters are established.

[31] In February 2024, there is evidence that you, Mr Hannon-McGinn, told one of your associates, in reference to the murder, "that's what you get for fucking with my family." When your associate asked who had done it, you replied that you had "sorted it out", while grinning and winking. You dispute this. The Crown invites me to infer that this is an aggravating factor. As that inference is contested by you, that fact must

be proven beyond a reasonable doubt. I am satisfied that this is the case although I record as Ms Manning submits that to a degree this likely reflects some youth and bravado on your part.

Approach to sentencing for murder

[32] In sentencing each of you for your offending, I must apply the Sentencing Act 2002.⁶ The main purposes of sentencing are to hold you accountable for the harm you have caused by your offending; to provide for the interests of the victims of the offending; to promote in you a sense of responsibility for and acknowledgement of that harm; to denounce and deter such conduct; to protect the community from you; and to assist you in your rehabilitation and reintegration.⁷ The particularly relevant principles under the Sentencing Act that I must consider are the gravity of your offending, the seriousness of the offences themselves, your degree of culpability and the need to achieve consistency with other sentences.⁸ I must impose the least restrictive sentence appropriate in the circumstances.⁹

[33] The usual sentence for murder is one of life imprisonment. The Sentencing Act contains a presumption that life imprisonment should be imposed.¹⁰ The strong presumption in favour of life imprisonment reflects the sanctity of human life.¹¹ It may only be displaced if a sentence of life imprisonment would be manifestly unjust.¹²

[34] Given the nature of the offending in this case, the Crown says, and your respective counsel accept, that the presumption of life imprisonment applies to both of you. I agree. As I have already mentioned, I must and will sentence you to life imprisonment.

[35] But this is not the end of the sentencing exercise. Where the Court imposes a sentence of life imprisonment on a charge of murder, it must also specify the minimum

⁶ I note that the version of Sentencing Act 2002 as at 1 March 2024 is applicable in this case given the offending occurred prior to the recent amendments to that Act.

⁷ Sentencing Act, s 7.

⁸ Section 8(a), (b) and (e).

⁹ Section 8(g).

¹⁰ Section 102.

¹¹ New Zealand Bill of Rights Act 1990, s 8.

¹² Sentencing Act, s 102(1).

period of imprisonment that the offender must serve before being eligible to apply for parole.¹³ This is called an MPI. It is important to understand the MPI that I impose is not the sentence. It is the amount of time that you must spend in custody before you can apply to the Parole Board to be released on parole. You will always be subject to a life sentence. You will be subject to recall to prison should you go on to commit any further offending while on parole.

[36] The MPI must be at least 10 years and must be the minimum term of imprisonment necessary to satisfy the relevant sentencing purposes—here, of the need to hold you accountable for the harm done to Mr Bridson, his family and the community, denouncing your conduct, and deterring you and other persons from committing similar offences and protecting the community from you.¹⁴

[37] Further, under s 104 of the Sentencing Act, the Court must impose an MPI of at least 17 years in cases which involve one or more of the aggravating factors listed in s 104, unless it would be manifestly unjust to do so.

[38] This means there are three questions I must consider in determining what MPI you must each serve:¹⁵

- (a) First, do any of the aggravating factors identified in s 104 apply to the facts?
- (b) Second, what MPI would be appropriate but for the application of s 104?
- (c) And third, if s 104 does apply, would an MPI of 17 years be manifestly unjust?

[39] I now turn to consider these questions.

¹³ Section 103(1).

¹⁴ Section 103(1) and (2).

¹⁵ *Davis v R* [2019] NZCA 40, [2019] 3 NZLR 43 at [25].

Do any of the aggravating factors in s 104 of the Sentencing Act apply?

[40] The Crown says that s 104 applies to you both because the murder involved unlawful entry into, or an unlawful presence in, a dwelling place,¹⁶ was committed with a high level of callousness,¹⁷ and because of the particular vulnerability of Mr Bridson.¹⁸

[41] Before I do consider these factors, however, Mr Hannon-McGinn, as counsel have discussed today, in your sentence indication hearing, the Crown proceeded on the basis that s 104 did not apply. The Crown's position has changed. Given you did not accept the sentence indication, it is open for the Crown to take a different view now.¹⁹ Even if the Crown had not raised it as a possibility, the wording of the Sentencing Act makes it clear that, in sentencing you, I must consider whether any of the aggravating factors in s 104 apply in your case. Mr Howe, I must also take the same approach for you.

Section 104(1)(c)

[42] I start with s 104(1)(c), which focuses on whether the murder involved the unlawful entry into, or unlawful presence in, a dwelling place. Counsel have provided me with several cases concerning this provision.²⁰

[43] And you may have heard counsel talking about *Pahau v R*,²¹ where Mr Pahau pursued the deceased up a driveway and caught up to him as he was trying to climb through a window into a friend's house where he thought he might be safe. Mr Pahau fatally stabbed the deceased while he was halfway into the window, with the

¹⁶ Sentencing Act, s 104(1)(c).

¹⁷ Section 104(1)(e).

¹⁸ Section 104(1)(g).

¹⁹ *Simon v R* [2017] NZCA 277 at [28]-[30].

²⁰ *Iongi v R* [2024] NZCA 522; *Pahau v R* [2011] NZCA 147; and *R v Pukeroa* HC Rotorua CRI-2009-063-697, 10 December 2010.

²¹ *Pahau v R*, above n 20.

deceased's body partly in and partly out of the house. Even though Mr Pahau was not "in" the house, because he reached towards someone who was trying to avail himself of the sanctuary of the home, s 104(1)(c) was held to apply.²²

[44] In *Longi v R*,²³ while the victim was shot in her house, there was no evidence any of the defendants entered the house, instead merely entering an enclosed yard. There the Court of Appeal concluded that s 104(1)(c) was not engaged.²⁴ The Court relied on the legislative history to s 104(1)(c) as strongly suggesting an enclosed yard is not part of the dwelling house.²⁵

[45] Here, Mr Bridson was inside his house, so you called out to him, and you, Mr Howe, knocked on the door. After Mr Bridson came out of the door, you, Mr Hannon-McGinn, then shot him at close range. Mr Howe, during this time, you were several metres behind Mr Hannon-McGinn, assisting and encouraging him.

[46] Ms Lange submits that as you called Mr Bridson out of his home and he was shot just outside the door, there is no practical difference between being in or out of the dwelling. While I accept that is a fine difference, I consider that such an approach would impermissibly extend the statutory wording of s 104(1A)(c), which is focused on the "unlawful entry into, or unlawful presence in, a dwelling place". Neither of you were unlawfully in Mr Bridson's house when you, Mr Hannon-McGinn, shot him.

[47] I therefore conclude that the aggravating factor specified in s 104(1)(c) does not apply to either of you.

²² At [74]. See also *Pahau v R* [2011] NZSC 88 at [4] where the Supreme Court, in dismissing a sentence appeal, accepted that there is a sanctuary purpose implicit in the term "dwelling house" that will be of significance in marginal cases.

²³ *Longi v R*, above n 20.

²⁴ At [148].

²⁵ At [148]. The Crown submitted that, as the Supreme Court allowed a further appeal and quashed the appellant's conviction on grounds relating to party liability (see *Longi v R* [2025] NZSC 191), this statement was no longer an accurate reflection of the law. I do not accept this submission.

Section 104(1)(e)

[48] I turn now to s 104(1)(e), which focuses whether the murder was committed with a high level of brutality, cruelty, depravity or callousness. The Court of Appeal has said that while:²⁶

... There is no such thing as a murder which is not, in some sense, brutal, cruel, depraved or callous. What the statute points to is the requirement that there be a “high level” of the requisite conduct. The provision has to be approached purposively, rather than mechanically. ...

[49] Some, but not all, of the caselaw in relation to s 104(1)(e) focuses on the attributes of the murder in a physical sense, for example on multiple stabbings.²⁷ But that is not the only way a murder can be assessed for this purpose.

[50] Callousness has been referred to by the courts as a “hardened state of mind”, a want of feeling and insensibility, and a “numbness of the soul”.²⁸ Ultimately it is about the perpetrator’s attitude to the offending.²⁹ The authorities are clear that it can be demonstrated by the subsequent conduct of a defendant.³⁰ Again, counsel have referred me to several cases.³¹ I note two of particular assistance.

[51] In *Marong v R*, after killing his victim by strangulation, Mr Marong dumped his victim’s body on a roadside, doused it with petrol, and set it alight.³² When seen in light of the manifestly callous comments that he had made to prison officers and the victim’s vulnerability, this was found sufficient to engage s 104(1)(e).³³

²⁶ *R v Slade* [2005] NZLR 526, (2005) 21 CRNZ 600 (CA) at [40]. See also *R v Gottermeyer* [2014] NZCA 205 at [79(a)], where the Court of Appeal identified callousness as “insensitive and cruel disregard for others”.

²⁷ Mathew Downs (ed) *Adams on Criminal Law – Sentencing* (online ed, Thomson Reuters) at [SA104.01].

²⁸ *R v Mason* [2012] NZHC 1849 at [44]; and *R v Christison* [2013] NZHC 2813 at [38].

²⁹ *Kempson v R* [2020] NZCA 656 at [164].

³⁰ *Roigard v R* [2019] NZCA 8 at [113]; and *Marong v R* [2020] NZCA 179 at [32].

³¹ *R v Frost* [2008] NZCA 406; *Kempson v R*, above n 29; *Marong v R*, above n 30; *R v Alahakoon*, above n 1; *R v Carroll* [2017] NZHC 2691, upheld in *Carroll v R* [2018] NZCA 320; *R v Kumar* [2015] NZHC 954, upheld in *Kumar v R* [2016] NZCA 329; *R v Beer* [2024] NZHC 2618; *R v Marsters* [2021] NZHC 2117; *R v Heremaia*, above n 1; *Hayde v R* [2025] NZCA 607; and *R v Patuwai & Gibson-Park* [2021] NZHC 675.

³² *Marong v R*, above n 30, at [6].

³³ At [33].

[52] In *R v Alahakoon*,³⁴ the two offenders drove to the deceased's property where they spent the evening drinking alcohol with him before he lay down to rest in the early hours of the morning.³⁵ At least one offender repeatedly stabbed him, inflicting a deep and fatal wound across the throat. One of the offenders then retrieved a can of petrol that they had brought and set the deceased's body alight in an attempt to destroy evidence.³⁶ The Court there considered that the murder met the threshold of a high level of callousness or cruelty.³⁷ The deceased was attacked while asleep or resting, intoxicated, and therefore particularly vulnerable. While the physical evidence did not suggest a high number of stab wounds, the fatal throat cut demonstrated an intention to execute the deceased.³⁸

[53] The question is therefore whether your actions reach the high threshold of callousness required by s 104. Ms Lange says that they do, characterising the offending as a deliberate execution of Mr Bridson or at least an ambush by calling him out of his home in the early hours of the morning. She says this is exacerbated by your post-offending conduct, including the dragging of Mr Bridson's body into the house and setting the house on fire. Ms Lange also refers to your return to Mr Hannon's property to recover the murder weapons with you, Mr Hannon-McGinn, then concealing them at your Hamilton address, where over the following months, you walked around your garage with the guns, in the presence of friends and associates.

[54] Your counsel say that the high threshold of callousness is not engaged. For you, Mr Hannon-McGinn, Ms Manning says the burning of Mr Bridson's body was reactive and not pre-planned, and the present circumstances do not compare to the relevant case law.

[55] For you Mr Howe, Mr Dutch refers to your former partner's evidence of your shock and upset when Mr Hannon-McGinn shot Mr Bridson. Mr Dutch says your reaction and your expressions of distress to your former partner and your sister means

³⁴ *R v Alahakoon*, above n 1.

³⁵ At [9].

³⁶ At [10].

³⁷ At [40]–[50].

³⁸ At [9].

there is no evidence of your callousness comparable to the caselaw where this factor has been found established.

[56] Mr Bridson was murdered by a single gunshot wound and there was no prolonged attack or torture. Nonetheless, I consider that Mr Bridson's murder was callous and s 104(1)(e) is therefore engaged. I focus in this regard on your attitude to the offending. You say, Mr Hannon-McGinn, that you went to visit Mr Bridson to reach a "mutual resolution" about the differences between your father and Mr Bridson. But both of you left Mr Hannon's house very early in the morning (on any account), with guns, to have this so-called conversation. Both of you, by knocking and calling out, brought Mr Bridson out of the safety of his home, to just outside his door. You, Mr Hannon-McGinn, admit to holding a loaded shotgun. I accept that these circumstances can be likened to an ambush. While, as I have said, they do not in my view engage the factor in s 104(1)(c), there is a high level of culpability attached to them under the factor of callousness because of the nature of the home as a sanctuary. And the arson is a seriously aggravating factor.

[57] This is combined with your return to Mr Hannon's property to recover the murder weapons and conceal them at the Hamilton address. You later brought those guns out, walking around with them in your garage in the presence of friends and associates.

[58] Taken together, I consider that this evidence is sufficient to engage s 104(1)(e) in relation to both of you.

Section 104(1)(g)

[59] I now turn to the final aggravating factor that the Crown says applies; s 104(1)(g). This focuses on murders in which the deceased was particularly vulnerable because of his or her age, health, or because of any other factor.

[60] Section 104(1)(g) is not restricted to cases involving infants or persons with disabilities. The words "or because of any other factor" can engage a wide range of circumstances. The assessment of the degree of a victim's vulnerability involves an

objective evaluation of the victim and their surrounding circumstances at the time of the offending.³⁹

[61] A key debate surrounding s 104(1)(g) is whether the vulnerability of a victim should be assessed objectively or subjectively. I am going to discuss some of the case law about that in my written remarks but will not read this out now.

[62] [This issue was briefly discussed in *Marong v R*, in which the Court declined to determine the issue but took a “cautious approach” and excluded the victim’s cerebral palsy condition in the assessment of the extent of that victim’s vulnerability.⁴⁰ While in *Phillips v R*, the Court of Appeal stated that the assessment of the degree of a victim’s vulnerability involves an objective evaluation,⁴¹ it does not appear the issue as to whether an objective or subjective test ought to be applied was argued in that case. Similarly, in *Tu v R*, although the Court of Appeal referred to the objective vulnerability of the victim, who was asleep at the time of the attack,⁴² the issue discussed in *Marong* does not appear to have been argued.]

[63] However, I consider it is appropriate to take the same cautious approach adopted by the Court of Appeal in *Marong* and therefore not to consider the frailties of Mr Bridson that might not have been apparent to you, namely his cancer diagnosis.⁴³ But that does not completely answer the vulnerability issue.

[64] Mr Bridson was alone at his isolated rural property with limited cellular reception when he was confronted by two younger, larger, armed offenders who had deliberately travelled to his home and called him out of it. Mr Bridson was a small man, unarmed and unable to defend himself. I consider that this would have been apparent to both of you even if there were lowlight conditions. Taken together, these factors served to make Mr Bridson particularly vulnerable.

³⁹ *Phillips v R* [2023] NZCA 588 at [19]. For general examples of situations where s 104(1)(g) will apply see *R v Nelson* [2012] NZHC 3570 at [28(a)]; and *Jury v R* [2024] NZCA 320.

⁴⁰ *Marong v R*, above n 30, at [37].

⁴¹ *Phillips v R*, above n 39, at [19].

⁴² *Tu v R* [2023] NZCA 53 at [41].

⁴³ This is consistent with the approach adopted in *R v Smith* [2024] NZHC 1289 at [73].

[65] Accordingly, while it is a high threshold, I am satisfied that the aggravating factor specified in s 104(1)(g) is engaged and applies to both of you.

What MPI would be appropriate under s 103?

[66] I now turn to consider the second question for each of you. I must consider what MPI would be appropriate for each of you on the basis s 104 is not engaged. This is done by considering the aggravating and mitigating features of the offending and comparable cases and what MPI was imposed in those. It involves setting a starting point MPI in your cases. before considering what adjustments need to be made to that starting point to take into account each of your personal circumstances.

Aggravating and mitigating features of the offending

[67] There are several aggravating features of the offending, some of which I have already mentioned in the context of addressing s 104. The following aggravating features are present:

- (a) the actual use of a weapon;⁴⁴
- (b) the enormous loss caused to Mr Bridson's family through his death and also the loss of Mr Zehnder's house and both his and Mr Bridson's personal belongings;⁴⁵
- (c) Mr Bridson's vulnerability through being alone and called out of his home in the early hours of the morning;⁴⁶
- (d) premeditation and planning and deliberately going to Mr Bridson's house with the guns, although as I said earlier, your intent, Mr Hannon-McGinn, may have been formed closer to the time of the shooting.⁴⁷

[68] It is not suggested there are any mitigating features of the offending.

⁴⁴ Sentencing Act, s 9(1)(a).

⁴⁵ Section 9(1)(d)

⁴⁶ Section 9(1)(g)

⁴⁷ Section 9(1)(i)

Relevant caselaw

[69] Counsel have provided caselaw they say is relevant to checking what the appropriate MPI start point for each of you is.⁴⁸

[70] I do not propose to go through all these cases in detail. No two cases are exactly the same. However, I have found the cases of *R v Alahakoon* and *R v Phillips* to be a helpful reference point.⁴⁹

[71] I have already discussed the facts of *Alahakoon*. Owing to the vulnerability of the victim, the level of planning involved, and the fact that the defendants used arson to dispose of the body in an attempt to avoid detection, the Judge concluded that if s 104 did not apply, a minimum starting point MPI of between 14 to 16 years would be appropriate.⁵⁰

[72] I consider that your offending is fairly comparable to that case. While *Alahakoon* involved a breach of trust and a clear premeditated intention to execute, the callousness of the attack there is similar to that on Mr Bridson,⁵¹ as was the level of vulnerability of the victim. Like the defendants in that case, the two of you attempted to avoid detection by burning your victim's body. As a result of your arson, Mr Bridson's family had to wait two months for his remains to be formally identified and released by the coroner. Your actions mean that their families of Mr Bridson and Mr Zehnder have no belongings to remember them by and the Court must be concerned to deter that type of conduct.

[73] In *Phillips*,⁵² the defendant decided to confront the victim regarding a longstanding dispute. Armed with a shotgun and ammunition, the defendant pursued the victim's vehicle and fired several shots, before fatally shooting the victim in the

⁴⁸ *R v Phillimore* [2023] NZHC 2225; *Skinner v R* [2011] NZCA 655; *R v Robinson* [2021] NZHC 1605; *R v Marsters*, above n 31; *R v Heremaia*, above n 31; *R v Alahakoon*, above n 1; *R v Carroll*, above n 31; *R v Kumar*, above n 31; and *Hayde v R*, above n 31.

⁴⁹ *R v Alahakoon*, above n 1; and *R v Phillips* [2022] NZHC 2037.

⁵⁰ *R v Alahakoon*, above n 1, at [52].

⁵¹ The fact that the deceased was in his house when he was killed went to the callousness of his murder rather than engaging s 104(1)(c).

⁵² *R v Phillips*, above n 49.

head from a distance of one metre.⁵³ An MPI of 14 years was imposed by this Court and upheld by the Court of Appeal.⁵⁴

[74] While the level of violence in *Phillips* was higher, the degree of callousness and vulnerability are comparable to the present case. As I have already mentioned the burning of both Mr Bridson's body and his house is an aggravating factor and this was not present in *Phillips*.

MPI under s 103

[75] Bearing in mind this caselaw and the purposes for which an MPI must be set under s 103, I now assess the MPI for each of you. This involves first setting a notional MPI and then considering any relevant personal factors.

[76] The Crown says that the appropriate MPI is 18 years for each of you. Ms Lange says that this is also required under s 103 because of the significant aggravating factors of the offending.

[77] For you Mr Hannon-McGinn, Ms Manning submits that a starting point of between 13 and a half and 14 years' imprisonment would be appropriate and reflects the caselaw.

[78] For you Mr Howe, Mr Dutch submits that 18 years is far too high in all the circumstances and a lower starting point is appropriate, leading to an outcome of a final MPI of somewhere around 10 years.

[79] Mr Hannon-McGinn, it is you who directly killed Mr Bridson, firing at him from close range with a shotgun. In contrast, Mr Howe, you did not open fire on Mr Bridson, instead standing back in order to encourage and assist.

[80] These facts are reflected in your respective roles as principal and party to the murder. Although the general rule is that a party is just as culpable as the principal offender, a party's culpability or degree of involvement may call for a lesser

⁵³ At [17].

⁵⁴ At [65].

sentence.⁵⁵ Distinguishing between you comes down to the facts. I am satisfied here there is a real difference between you.

[81] Mr Hannon-McGinn, it is clear that you were the instigator of the events. You convinced Mr Howe to come with you to the Waitaangas. You convinced him to go over to Mr Bridson's house with you, taking guns. And it was you who fired the shot that killed Mr Bridson. Having compared your offending with the offending in the caselaw that I have considered, I consider that a notional starting point MPI of 14 years is appropriate.

[82] Mr Howe, you got in the car with Mr Hannon-McGinn late at night to travel to the Waitaangas and then, as shown by your guilty verdict for murder, took steps that encouraged and assisted him in the murder of Mr Bridson. Nonetheless, you did not shoot Mr Bridson. Nor is there any specific evidence of planning by you. I consider that the actions referred to by Mr Dutch for you after the fact in confessing to both your partner at the time and Mr Hannon-McGinn's brother demonstrates that your actions have affected you deeply.

[83] Mr Howe, I accept therefore that your culpability for the murder of Mr Bridson is less than that of Mr Hannon-McGinn. I therefore consider that an appropriate notional starting point for your MPI is 12 years' imprisonment.

[84] I do not accept the submissions for the Crown that 18 years is appropriate in the circumstances, having considered the caselaw that Ms Lange took me to.

Aggravating and mitigating circumstances

[85] I now consider any aggravating and mitigating circumstances that arise from each of your individual circumstances. While the conventional discounting formula for personal factors does not apply to sentences of life imprisonment and minimum periods of imprisonment,⁵⁶ the Court can adjust an MPI for personal mitigating factors.⁵⁷

⁵⁵ *R v Afamasaga* [2014] NZHC 2142 at [38], citing *R v McNaughton* [2012] NZHC 815 at [9].

⁵⁶ *Hohua v R* [2019] NZCA 533 at [44].

⁵⁷ Sentencing Act, s 9(2).

Mr Hannon-McGinn

[86] Mr Hannon-McGinn, I begin with you.

[87] You are 28 years old. You have nine previous convictions, and you are not entitled to any credit for a previous good record.

[88] As for potential mitigating factors, I have considered the pre-sentence report and the psychiatric report that has been provided. Mr Hannon-McGinn, you have expressed deep sympathy for Mr Bridson's family and have said that you wish you could undo what you have done. Despite the conflict in the pre-sentence report where you refer to acting in self-defence you also appear to recognise that you are guilty of a reckless murder. In these circumstances, I consider that your expressions of remorse can be given some weight.

[89] Your upbringing included instability and abuse. You experienced care and protection concerns in your early years and prolonged separation from your biological father leading to a complex relationship with him which Ms Manning has emphasised on your behalf. You grew up in an environment characterised by substance abuse, domestic violence and excessive physical discipline. These experiences occurred during crucial developmental years and appear to have had enduring psychological consequences. While you left school without formal qualifications, you have been able to work, most recently in the building industry. You have experienced ongoing substance abuse problems, exacerbated by the death of your mother, and you have expressed a willingness to engage in rehabilitative treatment.

[90] Your counsel, Ms Manning, submits that these factors together provide a proper basis for some allowance to reflect reduced moral culpability and rehabilitative prospects.

[91] The Crown acknowledges your personal circumstances but emphasises that none of these factors can be seen as having a causal connection with the offending. I do not accept that.

[92] In the circumstances, I consider that an allowance of one year is appropriate for your personal circumstances including remorse, Mr Hannon-McGinn, particularly your difficult upbringing and ongoing substance issues. This would result in a final MPI under s 103 of 13 years' imprisonment.

Mr Howe

[93] Mr Howe, I now turn to you.

[94] You are 27 years old. Like Mr Hannon-McGinn you have previous convictions, and of course you are not entitled to any credit for a previous good record.

[95] I have considered the pre-sentence report and psychological report provided for you.

[96] Mr Howe, you have expressed sorrow for the pain and turmoil experienced by Mr Bridson's family and friends. While the presentence report seemed to suggest that you continue to deny any involvement in the offending, Mr Dutch has explained the nature of that by reference a summary of facts, and that you are remorseful. I accept in the circumstances that some allowance for remorse is available.

[97] You were exposed to a number of traumatic events during your youth. These experiences appear likely to have contributed to longstanding difficulties with anxiety, psychological distress, and low self-worth. You have been diagnosed with PTSD and exhibit numerous symptoms of it. You have experienced ongoing and serious substance abuse problems.

[98] The psychological report records that in exploring the relationship between you and Mr Hannon-McGinn, you were adamant that there was no difference of power between you, and you were able to resist his influence. However, the psychologist assesses that the friendship assumed an increased importance in the period prior to the offending when you were experiencing substance abuse difficulties, poor mental health, occupational instability and social decline, concluding that you more often followed the lead of Mr Hannon-McGinn.

[99] During psychological testing, you were also found to have a “Very Low working memory and processing speed”. and the psychologist observes that these difficulties, particularly when compounded with the effects of intoxication, are likely to have reduced your capacity to appraise a rapidly evolving and high-pressure situation, to anticipate its consequences, and to disengage. I consider this finding is relevant to the circumstances of Mr Bridson’s murder and provides a causal connection to your offending.

[100] I acknowledge the letters of support provided to the Court from your family and friends, which describe you as a kind and caring person.

[101] Your counsel, Mr Dutch, submits that these personal mitigating factors warrant an allowance being made. The Crown emphasises that none of these factors can be seen as having a causal connection with the offending, but I do not accept that.

[102] As for the time you have spent on a restrictive EM bail, I consider a reduction of eight months is appropriate.⁵⁸ With a further reduction of one year for your background factors, mental health and the psychological findings, this would result in a final MPI under s 103 of 10 years and four months’ imprisonment.

Would an MPI of 17 years be manifestly unjust?

[103] I then turn to consider the final question which is whether an MPI of 17 years would be manifestly unjust. This has been discussed by the Court of Appeal in the case of *R v Williams* which I will not read out but will be in my written remarks.

[104] [In *Williams*, the Court of Appeal stated:⁵⁹

[67] ...a minimum term of 17 years will be manifestly unjust where the Judge decides as a matter of overall impression that the case falls outside the scope of the legislative policy that murders with specified features are sufficiently serious to justify at least that term. That conclusion can be reached only if the circumstances of the offence and the offender are such that the case does not fall within the band of culpability of a qualifying murder. In that sense they will be exceptional but such cases need not be rare. As well, the

⁵⁸ This equates to a 45 per cent credit for time spent on EM bail. At the hearing, I referred to a reduction of *seven* months being appropriate. This was in error, but it does not affect Mr Howe’s final sentence, as I had already calculated it on the basis of an eight-month credit.

⁵⁹ *R v Williams* [2005] 2 NZLR 506 (CA).

conclusion may be reached only on the basis of clearly demonstrable factors that withstand objective scrutiny. Judges must guard against allowing discounts based on favourable subjective views of the case. The sentencing discretion of Judges is limited in that respect.

[68] Beyond that, what level of disparity amounts to manifest injustice remains a matter of sound sentencing judgment that is not capable of precise determination. ...]

[105] Mr Hannon-McGinn, I conclude that it would be manifestly unjust for a 17-year MPI to apply to you. In reaching that decision I have taken account of all the circumstances of the offending and your personal circumstances. This includes a recognition that the jury's guilty verdict may have been reached on the basis of a murderous intent formed only just before you shot Mr Bridson. It also recognises your age, prospects of rehabilitation, and a degree of remorse.

[106] Mr Howe, in your circumstances I also conclude it would be manifestly unjust to impose a 17-year MPI on you, given all the circumstances of the offending and your personal circumstances. I have already discussed the way in which I am satisfied that your culpability for the offending is reduced. My decision also recognises your age, prospects of rehabilitation, and a degree of remorse.

[107] To Mr Bridson's family, I want to say this decision that a minimum non-parole period of 17 years would be manifestly unjust does not mean I have overlooked your views. The Court is required to balance all the matters I have mentioned, and I reiterate that both offenders will be subject to a life sentence.

Firearms prohibition order

[108] There is no objection to the making of a firearms prohibition order, in relation to each of you, where here murder is a qualifying offence under s 39A(1)(a) of the Arms Act 1983.

Imposition of sentences

[109] Mr Hannon-McGinn and Mr Howe, would you please stand.

[110] Stefan Lee Hannon-McGinn, I sentence you to life imprisonment for the murder of Sydney Ross Bridson. You must serve a minimum period of imprisonment of 13 years. You are also sentenced on the charge of arson to seven years' imprisonment. These sentences are to be served concurrently.

[111] I also make a firearms prohibition order under s 39A(1)(a) of the Arms Act 1983.

[112] Ethan Howe, I sentence you to life imprisonment for the murder of Sydney Ross Bridson. You must serve a minimum period of imprisonment of 10 years and four months. You are also sentenced on the charge of arson to seven years' imprisonment. These sentences are to be served concurrently.

[113] I also make a firearms prohibition order in relation to you.

[114] You may both stand down.

McQueen J