

**POLICE**

v

**MARIE TERANEA MATAURARII WOONTON**

Hearing date: 7 May 2021

Counsel: A Maxwell-Scott and M Iro for the Crown  
W Rasmussen for the Defendant

Sentencing date: 7 May 2021 (via Zoom)

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**SENTENCING NOTES  
OF THE HONOURABLE JUSTICE DAME JUDITH POTTER**

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[10.14.51]

[1] Marie Woonton is before the Court for sentencing on two charges to which she has entered guilty pleas.

[2] She is charged, first, with driving with excessive breath alcohol pursuant to s 28(a) of the Transport Act 1966. That offence carries a maximum penalty of 12 months imprisonment or a fine not exceeding \$1000, and there is mandatory disqualification from holding a drivers licence for a period of 12 months. The level of the maximum sentence and fine indicate the seriousness with which Parliament views this offence.

[3] She is, secondly, charged with careless driving pursuant to s 30 and 124 of the Transport Act, and that carries a maximum fine of \$100.

[4] Ms Woonton having pleaded guilty, is convicted on both charges.

[5] I have had the benefit of full and thorough submissions from the Crown and Mr Rasmussen has made verbal submissions this morning. I also have a helpful pre-sentence report.

[6] The facts leading to these charges may be summarised as follows. On Thursday, 26<sup>th</sup> September 2019, Police investigated a crash on the main road at Muri.

[7] Ms Woonton had been driving her motorcycle from Matavera towards Titikaveka. She lost control of the vehicle and crashed into a concrete barrier causing both her passenger and herself to fall into a creek.

[8] As a result of the crash, Ms Woonton sustained a cut on her forehead while her passenger, who I believe to be her son, received injuries to his hand. The injured persons were taken to hospital.

[9] In hospital an evidential blood test was conducted and returned a reading of a 135 milligrams of alcohol per 100 millilitres of blood in respect of Ms Woonton.

[10] Ms Woonton is 42 years of age with two dependants. She is employed as a dental therapist at Te Marae Ora, the Ministry of Health. She is remorseful for her offending for which she must now take responsibility and I take into account the purposes and principles of sentencing as set out in the New Zealand Sentencing Act.

[11] Accountability and deterrence are both relevant principles in this case; deterrence of you Ms Woonton from further offending in this way, but also deterrence generally.

[12] The Crown have made recommendations for sentence which are consistent with the pre-sentence report. I have discussed these with Mr Rasmussen who, on behalf of Ms Woonton, does not take issue with the recommendations. I believe they reflect a fair and just sentencing result in this case.

[13] Therefore Ms Woonton, having been convicted on both charges:

- i) You are fined \$135.

- ii) You are disqualified from driving for 12 months, and
- iii) You are ordered to pay reparation of \$170.

[14] Thank you Ms Woonton, you may stand down.

*Potter, J.*

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**Judith Potter, J**