

IN THE HIGH COURT OF THE COOK ISLANDS  
HELD AT RAROTONGA  
(CRIMINAL DIVISION)

**CR 388/2001**

**POLICE**

**V**

**ALLEN WILLIAM**  
**TEWAIATUA ERU**  
**HARRIS**

Mr Elikana for Police

Mr Little for Defendant

Date of hearing: 28 November 2002

**DECISION OF GREIG CJ**

Allen Harris, you are appearing as a very young man for the first time in this Court for what is a serious charge. Receiving is serious because the people who receive stolen goods are assisting the thieves and that's why the penalty for receiving are high.

You, according to the material before me, were with a couple of other people outside Vonnias at half past two in the morning when you should have been in bed of course and not roaming around with nothing to do. The other two with whom you had had a very short acquaintance, broke into Vonnias, stole a number of things, handed you six t-shirts and a bush knife and you then went on round the market where the others apparently were going to break into or did break into another shop. You got injured in the course of this last

episode, still kept the shirts and the knife, but stuck them into a bush near your house.

You have recently come to the Cook Islands and I accept that you are still trying to find your way. This is not a good beginning, this is a bad start on your career for the future. The recommendation of the Probation Service is that you should be fined. Having regard to your youth and to the very small part that you had in this whole event and because a conviction would do you no good, and, bearing in mind that in other jurisdictions like New Zealand that have diversion schemes you could well have been a candidate for such a scheme.

Now Allen, I am going to give you a chance, I'm going to be very lenient to you this morning and to give you a chance and you must take that with both hands and make sure that you do not offend in this sort of way at all. What I'm going to do is to discharge you without conviction under s.112 of the Criminal Justice Act. That is deemed to be an acquittal so that there will not be a conviction against your name. Now I am going to order that you pay the sum of \$50.00 as a reparation to Vonnias. I am going to make an order in any event for the return of the property to Vonnias but you must pay \$50.00 in reparation to Vonnias and in addition to that I want you to pay \$50.00 towards the cost of the Court and the costs of the Prosecution. So you will have to pay a total of \$100 and you are going to get this chance.



**CHIEF JUSTICE**