

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

CR 107/2004.177/2004

POLICE

V

KAVEAO KAVEAO
Defendant

Sgt Howard for Police
Mr Brandts-Giesen for Defendant
Date of sentence: 9 July 2004

DECISION OF GREIG CJ

Kaveao Kaveao you are appearing this morning on two charges of burglary. Both occurred at the beginning of December last year, the first was the Sails Restaurant to which it is said you threw a rock through the window, entered, took some liquor and then consumed it with some friends. Some five days later the same occurred at the Muri Mart and again some liquor and cigarettes were taken. As well on both occasions it is suggested that some money was taken from the Sails Restaurant, a money box and from the Mart a sum of coins or other money out of the cash box.

You entered a plea of guilty, you have considerable support from your friends and family and I accept that you have contributed well in the church and in other parts of the community and that they have regard for you in that area. I am prepared to treat these events as isolated contrary to the character that you have shown before and I treat these charges therefore as first offences and ignore what appears to be some traffic offence some years ago.

Burglary is serious and it causes inconvenience and harm to those who are involved. They lose the value of the assets and that is of some importance to them as well.

Having regard however to your previous conduct and general good character I am prepared to accept on this occasion the recommendation of the Probation Service but I think in addition to that that there ought to be a term of reparation. It is unsatisfactory that this question has only been raised now at this hearing. There is nothing from Sails Restaurant as to the value of what they lost, there is a figure from the Muri Mart but once again it seems of some difficulty in interpretation on the figures that have been presented to me.

The sentence of the Court is that you will serve 12 months probation supervision, the first six months of that will be served on community service. In addition to the normal terms you are not to purchase or consume alcohol and you are not to enter licensed premises without the approval of the Probation Officer and in addition you are not to associate with any person or persons who is disapproved of by the Probation Officer and finally I am going to order that you make reparation in the sum of \$300.00 to be divided equally between the two victims, Sails Restaurant and the Muri Mart 6/11.

W. J. Quinn
CHIEF JUSTICE