

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

**CR NOS. 364,365,366,367/06**

**POLICE**

**v**

**KAROMATANGI WEBB**  
**Defendant**

Sgt Howard for Police  
Mr Arnold for Defendant  
Date of Sentence: 20 October 2006

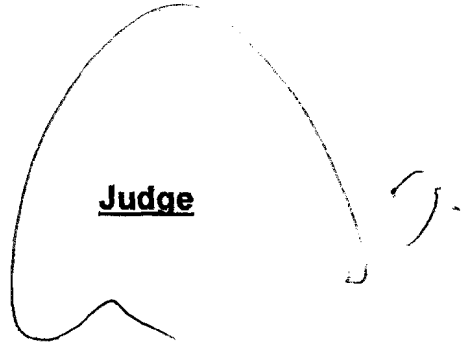
**SENTENCE OF WESTON J**

1. Mr Webb, you are here for sentence today in relation to a number of offences, the most significant of which of course is that of dangerous driving causing death and I will sentence you cumulatively, rather than by reference to the individual provisions and that is how I will be approaching this.
  2. I have read the Probation report. It speaks of the great qualities that you have and I have taken all of those into account. It also sets out in very considerable detail the support both from your family, and from that of the deceased's family. I note the problems that your friend who survived the accident has had, due to the injuries to his hand, although counsel has invited me to postpone sentencing to see how that turns out. In my opinion that is not going to alter how a sentencing Judge would approach it, so I believe I can quite properly sentence you today, but noting the continuing problems that the survivor of this terrible accident had.
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3. Driving is a huge problem on this island. I have been a Judge here for a short while. It has become very quickly apparent to me, just how much of a problem it is. There is often simply plain bad driving on the part, particularly, of young males. Much of it involves drunken driving and to your great credit Mr Webb, you are not a drinker and this is not a case of drunken driving.
4. Speed, though, is often a big problem, and in your case it was a problem. I accept that it is possible that the wheel blew out, but if you had not been going at 70 kilometres per hour, that probably would have not resulted in the accident that it did.
5. So, as you have responsibly, through counsel, and through your Probation report, accepted you are responsible for this accident and it is going to be something you will have forever. And whatever I do today, if I sentence you to jail, whatever I did, is not going to make a scrap of difference to that.
6. I also do not think that whatever I do today will make a scrap of difference to how you live the rest of your life. I think you are going to be a good and positive citizen and will be a great credit to the Cook Islands and this will be just one of those terrible things that you will carry with you forever.
7. So, deterrence is obviously important, but in my opinion, is not really what I am here to deal with today. I have listened very much to what Mrs Dashwood said and I am very grateful for her to speaking. It is great having that sort of feed-back from the family and that is very important and the love and support that you have got from your family is something that I would value in this sentencing process.

8. I have read all the materials in the Probation report, including the references, the school reports, I do not think I need to say anything more about those.
9. The proposed sentence of 6 months community service plus a further, in effect, 18 months probation is, I think, too much. Sentencing in a case like this is I have said, is an almost impossible task, but what I want to get out of a sentence is a recognition for the community that an appropriate penalty has been passed, that is the deterrence aspect, but then also to see what we can make of this.
10. What I would like Mr Webb, as part of the sentence is, if the Police or the Probation Service or whoever controls this, could get you along to the school, to Tereora College and get you to talk to the students, and tell them, as someone who has made a horrible mistake through speed, what cars can do. Because if the young boys on this island are going to listen to anyone, it is going to be people like you who are about their age, who have been there and done that.
11. So, what I am going to sentence you is to 3 months community service followed by another 12 months probation supervision. The 3 months community service will be out of the way by the time, with any luck, you get to go to university, and I hope you do, and if there is a question of probation at that time Mr Arnold, there will not be too much difficulty sorting that out. In my view, the question of the university study, if it can be arranged, has a very high priority in this case.
12. Finally Mr Webb, there will be some who will no doubt criticize me for being lenient on you. You have been given a great opportunity here. I am putting a lot of trust in you, so, don't let me down, good luck.

13. I am going to disqualify you from holding a license for two years.



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