

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

**CR NOS. 82.83/06**

**POLICE**

**V**

**ANDREW TAMATOA**

**Defendant**

Sgt Howard for Police

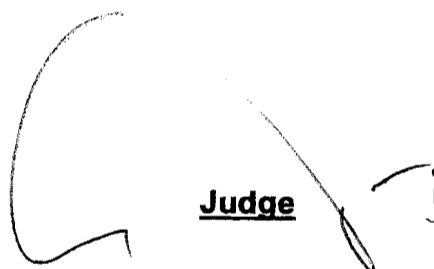
Mr Andrew Tamatoa, in person

Date of Sentence: 27 October 2006

**SENTENCE OF WESTON J**

1. Mr Tamatoa you have pleaded guilty to one offence of burglary and that carries a maximum penalty of 10 years in prison and there is also one offence of assault which carries a maximum of twelve months.
2. The record shows that you have a history of burglary although not of assault, so this assault is the first time you have done that. I accept that the assault was more in a nature of scuffle but it is still regarded by the law as an assault and that is going to go in your record and that is not a good thing for you.
3. The report describes you as lacking initiative and as being lazy and it also says you have got no remorse but today you have expressed your apology for what you have done.

4. You have committed these offences while already under probation and the law does not regard that very happily and I also note that you had previously been ordered to make reparation and while you have made one payment, you have not gone on and finished that. So, you are not coming here with a head-start, you are coming here behind the play.
5. It seems to me that you have got two choices now. You can keep heading in this direction and you will keep fronting up either me or to other judges and you will go to jail and that seems to me a pretty stupid thing to do does it not, you don't want to go to jail do you?
6. So it is probably time Mr Tamatoa you grew up and got on with things and make a better fist of it than you have so far.
7. The Probation Service through Mr Henry has made various recommendations and I think those recommendations are fair and I propose to follow those. So what I am going to sentence you to, is 6 months of community service. You will have a period of 18 months probation which starts now and as conditions of those probation, you are not to consume or purchase alcohol, and you are not to associate with three people and their names are Daniel Atera, Punata Ua and Marcus Enoka.

  
Judge