

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

**CR NO. 273/09**

**POLICE**

**V**

**RUSSEL CHARLES CORFIELD**  
**Defendant**

Senior Sergeant Manavaroa for Police  
Mr T Arnold for Defendant  
Date: 16 April 2009

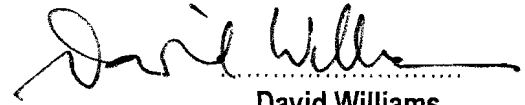
**SENTENCE OF DAVID WILLIAMS CJ**

1. Mr Corfield, you appear today for sentence having pleaded guilty to a charge of careless driving causing injury, an offence which carries a maximum penalty of 5 years imprisonment or a fine of \$1,000.
  2. You were on holiday in the Cook Islands in March last driving around looking at various attractions and you were on a side road at Avatiu, it's a two lane two way road and it's a T intersection with a Stop sign on the road on which you were driving. The Stop sign requires drivers to stop reaching the T intersection before making their turn.
  3. The evidence is that your speed was moderate, 25-30 kilometres. You did not stop at the Stop sign and in crossing the intersection collided with a motorcycle which was carrying also a pillion passenger. Both were thrown off the motorcycle and the rider sustained injuries requiring hospital treatment, a gash on the back of the head requiring three stitches, gash on the knee and abrasions to the left knee. The rider was in hospital overnight. Fortunately, his daughter, the pillion passenger sustained only minor abrasions.
  4. To your credit you have taken a most responsible attitude in this matter, first by admitting at once that you had gone through the Stop sign; secondly, by coming back to the Cook Islands to face the charge; thirdly, by paying the hospital
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expenses of the rider and finally by offering to pay the whole or part of the wages of the rider who was off work for what looks like about 3 ½ weeks or so.

5. The submissions made on your behalf focus on the nature of this intersection which I am told by counsel is one which has caused previous problems because of the undoubted fact, established by the photographs, that the Stop sign is virtually invisible until you get right up to the Stop sign. In addition, it is also demonstrated by the photographs that the road markings are poor. In short, this is a very poorly signposted intersection and one can readily understand visitors not appreciating the presence of the Stop sign.
  6. Bearing in mind also your low speed, your culpability here was low. The major cause of the accident was the regrettable inadequate sign posting and marking of the road. (I pause here to say that since this is apparently not the first time that such accidents have happened, I fervently hope that the authorities would do something to improve the signposting either by putting another Stop sign further back and/or by marking the road more clearly).
  7. In my view, as your counsel has said, there is a case for discharging you without conviction and that is what I am going to do. The reason I do that is the most responsible attitude you have taken to the matter and the very low level of culpability I am also very impressed by the fact that you have in New Zealand at Te Puke performed exemplary work with the Volunteer Fire Brigade over a period of 23 odd years. As well as that you have been a most responsible citizen and a successful business person. It is one of those cases where your service to the public is properly taken into account in assessing penalty.
  8. The order of the Court will be that you will pay by way of reparation the sum of \$2,208 to the motor cycle rider. So long as you do that, there will be no conviction and no penalty. You are discharged without conviction. I stress that this is an exceptional case; failing to stop at the Stop sign is of course obviously an important matter but here the circumstances are very unusual and have led the Court to impose an unusual sentence. I direct the Registrar that she may
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appropriate from the sum held as part of bail conditions, the sum of \$2208.00. The balance is to be paid to the defendant or in his absence to Mr Arnold on his behalf.



**David Williams**  
**Chief Justice**

