

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

CR: 212/10

IN THE MATTER

BETWEEN

COOK ISLANDS POLICE

AND

KAVEAO KAVEAO

Date: 23 April 2010

Court: Weston J

Appearances: Sergeant Manavaroa for Police
Mr C Petero for Kaveao Kaveao

ORAL JUDGMENT OF WESTON J

- [1] Mr Kaveao, sadly, you appear in front of me for sentence, having previously appeared before me on a similar type of offending. You've pleaded guilty to burglary in which you took some items, although these items have been recovered.
- [2] You appeared in front of me in September 2007 and at that time related the offending to your father's death. I don't know if you recall, but I do, having quite a discussion with you about that and you told me I'll never see you again, but here you are. I would like to think that today is the last time that that happens and that from now on you will turn life around. But unfortunately, you're now at a point where something needs to be done about the long history of offending that you have.

- [3] The Police seek 18 months in prison which, Mr Kaveao, is an awfully long time and it would be a long time for you to reflect on what we've done but fortunately for you I think that is too long a period even though you have been given a lot of chances in the past and have still let us down.
- [4] As Mr Petero says your last offending was in September 2008 and you were sentenced to three months imprisonment and you kept out of trouble after that and you looked after your family as a man should do and as I hope you will do again in the future when Keta takes you back on.
- [5] Now Mr Petero submitted that in accordance with the usual sentencing provisions, we should start with six months to recognise this burglary and its seriousness at the lower end of the scale. There should then be account taken of aggravating features which is the history of offending and a discount for the early plea and I agree with that analysis. My thought coming on to the bench this morning was that a period of imprisonment of six months would be appropriate and that of course is what Mr Petero has submitted
- [6] So, Mr Kaveao, I'm going to sentence you to six months in prison. When you come out of prison there will be a period of probation for twelve months and the terms of that probation are: one, that you will abstain from purchasing and consuming alcohol or drugs during that period; secondly, you will not enter licensed premises; third, that there will be a curfew from 7 in the evening to 6 in the morning; fourth, that you will reside at premises as directed by a Probation Officer; and the fifth point that I add to the terms of probation, is that you are to attend any workshop or training organised by the Probation Service.



Weston J