

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

**CR NO'S 1/12, 12/12
27/12 & 28/12**

POLICE

v

TEREAPII TANGATA VAVIA

Hearing: 22 March 2012
Counsel: Mr Manavaroa for the Crown
Mr Little for the Defendant
Sentence: 22 March 2012

SENTENCING NOTES OF THE HONOURABLE TOM WESTON CJ

[1] Mr Vavia you are here today for sentencing having pleaded guilty to four charges. Three of them arise out of the same incident which occurred on 5 January this year, when you went around to your partner's house, assaulted her, damaged a door, and then wilfully set fire to quite a large amount of her property. The fourth charge relates to an incident a few days later when you breached the non-molestation order by going to see her and, as you say, attempting to apologise for what you had done.

[2] Mr Little has emphasised that the offences are out of character, that they were fuelled by alcohol, and you are now seeking treatment for that alcohol problem. But I think you will agree that what you did was pretty disgusting. You do not treat a woman like that, and burning anyone's goods because you have got an alcohol problem is a pretty poor state of affairs as well. So none of this is very impressive.

[3] The most serious offence of the three, and the one I will treat as the lead offence, is the assaulting of Ms Robinson, and for that you could be sent to prison for two years. So what you did is regarded as pretty serious. In relation to that, I am going to accept the Crown's submission that you should be sentenced to a term of four months Community Service, and there are various conditions that the Crown have suggested in paragraph 5.5 of the Crown's submissions, and I adopt those.

[4] I need to make it clear that in ordering Community Service, Mr Vavia should not be required to undertake that on Saturday for so long as he is operating his store selling handicrafts and coconut oil.

[5] In relation to the other offences, that is, wilfully damaging the door and wilfully setting fire to the property, I think it will suffice if I enter convictions on those and then order restitution in the amount claimed, and that is set out in paragraph 5.6 of the Crown's submissions.

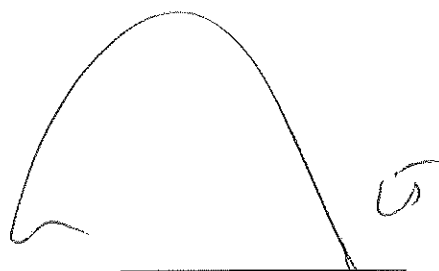
[6] I have directed counsel to do a calculation, whereby the US dollar amount is converted to New Zealand currency as at today's date. I will be advised of that figure, and the restitution order will comprise the figure agreed to between the Crown and Mr Little.

[7] Mr Vavia will make payment into a bank account belonging to Ms Robinson at the rate of \$200 a month. That will need to be set up to occur automatically. I had originally thought I would direct what day of the month that would occur, but that may give rise to time problems. I leave it to Mr Little to make arrangements to ensure that those automatic transfers occur.

[8] Ms Robinson advised that she would be leaving the country in May, and as she understands it, she may be required to close her account. I direct that to the extent necessary, her account in the Cook Islands should remain open so that payments can be made into it, in the manner now directed.

[9] In relation to the fourth charge, that is, the breach of the non-molestation order on 8 January, I enter a conviction but otherwise discharge the accused.

[10] Now the sum of \$30 Court costs is payable in relation to each charge, so Mr Vavia that means there are four charges and you will need to pay \$30 Court fee in relation to each of those.

A handwritten signature in black ink, consisting of a large, sweeping arch that starts with a small flourish on the left and ends with a small flourish on the right. The signature is positioned above a horizontal line.

Tom Weston

Chief Justice