

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

**CR NO'S 358/12, 376/12
377/12, 552/12**

POLICE

v

KAPU TIANOA JOSEPH

Hearing: 7 September 2012
Counsel: Ms C King for Police
Mr N George for Defendant
Sentence: 7 September 2012

DECISION ON BAIL OF WESTON CJ

[1] Mr Joseph, you were remanded to today for sentencing on four burglary charges in which quite substantial amounts of property were taken over a short period in April 2012.

[2] Mr George is your appointed counsel. As was the case with Mr Bailey he cannot appear today because he is sick.

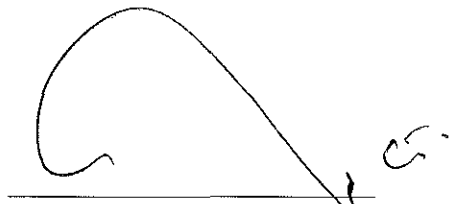
[3] As a consequence we need to remand you through to the next sitting of the Court at which time you will be sentenced. In doing so the Court needs to address the terms of your bail. Your existing bail terms were set back in April of this year at

which time you were ordered to reside with your mother, a curfew was ordered, and non-association orders were also made. Unlike Mr Bailey there is no subsequent charge that you had breached those conditions. However, I note that the charges for which you have now pleaded guilty were all committed while you were on probation terms from earlier offending.

[4] There is a balancing act that I must undertake for deciding whether you should be remanded in custody. You are 18 years. That is, you are slightly older than Mr Bailey but you are still under the age of 21 years. Against that is the serious offending for which you have pleaded guilty and the fact that that offending took place in breach of previous terms that were set.

[5] It seems to me almost inevitable that you will receive a significant term of imprisonment which is likely to be longer than that of Mr Bailey. Indeed I would be surprised if it was to be less than 12 months imprisonment.

[6] The next sitting of the Court is now some two months away. In all the circumstances I believe it appropriate that you be remanded in custody between now and then and I do remand you in custody and you are remanded through until the second Friday of the sitting, 9 November 2012.



Tom Weston
Chief Justice