

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

CR NO: 236/14 (AITUTAKI CR 5/14)

POLICE

v

TEREAPII KARORE

Date: 26 September 2014

Counsel: Ms M Henry & Ms C King for the Crown
Mr B Mason for the Defendant

DECISION OF THE HONOURABLE CHIEF JUSTICE TOM WESTON

[1] Mrs Karore, you are here for sentence today having pleaded guilty on one charge of theft as a servant. The offence carries a maximum penalty of 5 years. The offending occurred while you were an employee of Westpac Bank.

[2] It seems you used your access to the Bank's money to fund your lunches from time to time. Generally speaking the monies would be refunded later on. Westpac Bank said there was a nett shortfall of some \$120 and you have since refunded that. Consequently, there is no issue now as to monies still being outstanding.

[3] Nevertheless, the aggravating factor in this case is the relationship of trust. And in normal course, theft as a servant attracts a term of imprisonment. In this case the Probation report indeed seeks a term of Community Service should be ordered.

[4] Fortunately for you, the Crown has recognised the particular circumstances of your case as entitling you to consideration for a relatively lenient sentence. The Crown has referred to the significant mitigating factors which it says are the repayment of outstanding

monies, the fact this is your first appearance, your age and your community involvement. They have also pointed the fact that you have paid your own way to get from Aitutaki to Rarotonga to appear for sentence.

[5] The Crown submits that, in all those circumstances, you should be convicted but then discharged pursuant to s 112.

[6] Mr Mason has referred me in his written submission to the relevant background details. He culminates with a submission that you should be discharged without conviction. It points to the fact that you were a junior staff member and it is alleged that your supervisor was the one who led the activities for which you are now being sentenced.

[7] In my view, it would be inappropriate to accept his submission. I do not believe you should be discharged without conviction because that would send the wrong signal. While you have appropriately acknowledged the wrongness of your acts, I think the Crown's submission as to sentence is appropriate. Accordingly, I enter a conviction in relation to your guilty plea, but discharge you pursuant to s 112 of the Criminal Procedure Act. So that means there is no penalty imposed on you Mrs Karore.

[8] You will need to pay Court costs of \$30.

[9] You may stand down.



Tom Weston CJ