

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

CR NO: 605/2014

POLICE

v

JACOPO DOZZO

Date: 08 July 2015

Counsel: Ms P Dengate-Thrush and Mrs C McCarthy for the Police
Mr M Short for Defendant

DECISION OF THE HONOURABLE MR JUSTICE COLIN DOHERTY

[1] Jacopo Dozzo, you have pleaded guilty this morning to possessing an amount of a class B drug. It was part of a consignment sent to you by someone from United States.

[2] The drug that you have been charged with possessing is what is known as cannabis wax. It appears to be a substance with a relatively high THC content namely the strength of the cannaboid in it.

[3] You received this from someone you say that you met in the course of your job here in Rarotonga. This is on your own admission a second package that has arrived and you have used the substances for pain relief and that is not disputed by the Crown. You apparently have a degenerative condition of your lower spine. It appears that this substance is a preparation which may or may not be legally prescribed in the United States, it is certainly however illegal here, other than under local prescription.

[4] You were intending to defend charges which related to the possession of a class C drug namely some cannabis plant that was already in this package as well.

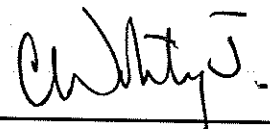
[5] Ordinarily those who plead at a very late stage do not get any credit for their plea. However, it is clear that the prosecution has changed its line and this is now a class B drug and you have pleaded guilty the moment that the charge was amended and was put to you. So you do get a credit for your guilty plea. That has probably saved you \$500.

[6] I am going to deal with this by way of a fine, the maximum fine is \$5,000, a maximum sentence of 2 years imprisonment. You are a first offender, you have got a job, you appear to be a well adjusted and contributing member of society apart from this lapse. There is no suggestion by the Prosecution that your possession of this was to pass on or to deal with it. It is merely to use for your pain relief.

[7] You are convicted. I think a significant fine is appropriate to mark the fact that the Court has a deterrent element toward sentencing but others who might think it is appropriate to keep and use this material should know that if they come before the Court there will be a relatively stern approach.

[8] You are fined \$1500.00 I am giving you a credit of \$500 for your plea so it would have been \$2000 if you had not pleaded. \$1500.00 and Court cost of \$30.

[9] You may stand down.



Colin Doherty, J