



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

CR NO. 739/16

PROBATION

v

TAKAITI MARUAITI

Date: 1 December 2016

Counsel: Ms A Elisaia for Probation
Mr M Short for Defendant

**DECISION OF GRICE J
(Breach of Parole condition)**

[12:27:02]

[1] Mr Maruaiti you appear before me on one charge of your breach of parole. You breached a condition of your parole that you were abstain from alcohol. You were serving a sentence that had been imposed on you for rape. You were sentenced on the 8th September 2011 to 5 ½ years imprisonment.

[2] You were fortunate enough to obtain parole on 16 September 2016. You had obviously done well in prison to enable you to be granted parole. Therefore it is difficult to understand why you jeopardised all of that by breaching your parole conditions.

[3] Mr Short has said everything he possibly can on your behalf. It was a tragedy that your brother was involved in the shooting earlier this year, that must have been difficult for you and the family.

[4] However it is inescapable that the circumstances surrounding the breach of your probation were the very circumstances which the parole condition was imposed to ensure would not happen.

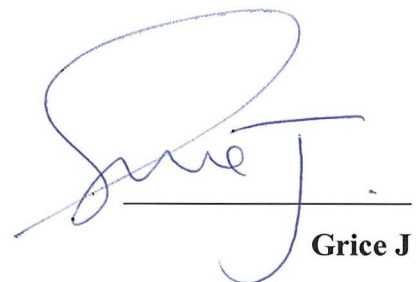
[5] The summary as set out in the probation report, your sponsor Joe Daniel made the complaint that you had failed to abstain from the consumption of alcohol. It was not just on one occasion but on three separate occasions that had occurred.

[6] The complainant Mr Daniel also said that you had stolen his motor vehicle without permission although you eventually returned it back but with damage.

[7] It seems that you got in with some of your friends and drove about in Mr Daniel's vehicle while drinking. Your behaviour was not good and apparently observers who saw you driving about with your friends indicated that it was clear you were intoxicated.

[8] All in all it is a shame that you did not think about what would happen. In the circumstances there is no option but to require you to return to serve the balance of your imprisonment. That imprisonment according to the probation officer is completed on 7th March 2017.

[9] Therefore your parole has been revoked and you are to return to serve the balance of your imprisonment.



Grice J