

POLICE

v

LATINI MONGA

Hearing date: 15 September 2017

Counsel: Mr T Manavaroa for Prosecution
Mr C Petero for Defendant

Sentence: 15 September 2017

SENTENCING NOTES OF THE HONOURABLE JUSTICE PATRICK KEANE

[9.08:24]

[1] Latini Monga, you are for sentence for possessing a utensil used to smoke cannabis, a bong, an offence against the Narcotics and Misuse of Drugs Act 2004.

[2] On Monday, 1st May 2017, the date of this offence, you were riding into Avarua on your motorcycle. You were stopped at a checkpoint. The police wanted to check your registration, which was under the seat. When the seat was lifted they discovered the bong.

[3] Your counsel said that came as a complete surprise to you and, when you were spoken to by the police, you admitted to owning the motorcycle but you denied that the bong was yours. You pleaded guilty to this offence on your second appearance, the first occasion on which your present counsel appeared. Your plea was entered on his advice.

[4] Your position is that you had lent your motorcycle to various friends, perhaps even the night before. One of them may have left it there. But you accepted that, because the motorcycle was yours and there was no other candidate, you had to accept responsibility.

[5] You have the benefit of a sympathetic pre-sentence report and the points made in that report, and those your own counsel makes in his submissions, largely coincide.

[6] At the age of 28 this is your first appearance for any offence and you still maintain your denial to actual ownership as I understand it.

[7] You come from a close and supportive family in New Zealand and you have been living here in Rarotonga to know better your father's family. Your report says, and your counsel confirms, that you have been in work although I gather that has been interrupted, in some degree, by the fact that you have had these appearances to make.

[8] You have very positive references. One from the Member of Parliament for your area here in the Cook Islands, who knows your family and you, and two from your boxing coaches, one in New Zealand and one here.

[9] Each speaks very well of you, not simply as a boxer but as a person. They consider you have strong and positive values. You are highly disciplined and your Auckland coach, who has known you I think for three years, says that she was shocked when she heard about this offence. It was so completely out of character.

[10] You have expressed regret that this offence happened although I understand, in your mind, you regret that you were perhaps too generous allowing others to use your motorcycle. That apart I do accept that this offending was completely out of character.

[11] Possession of cannabis, and possession of utensils to smoke cannabis, are serious offences in the Cook Islands. I have been supplied a range of decisions taken here which demonstrate that to be so. As the Chief Justice recently said, the starting point for these offences is imprisonment.

[12] In your case however, because you are a first offender, because the offence is so completely out of character, and because a conviction in itself for you is a serious matter (it could have an impact on your ability to box for the Cook Islands), I consider, as the police and your counsel agree, that a fine is the right penalty to impose on you.

[13] Set against the cases where fines have been imposed I consider that a fine of \$500 is appropriate for your offence. You will also pay Court costs of \$50. There will be an order for destruction of the bong.



Patrick Keane, J