

POLICE

v

MANATU TAUMAA

Sentence: 5 December 2017

Counsel: Mr T Manavaroa for the Crown
Mr C Petero for the Defendant

SENTENCING NOTES OF THE HONOURABLE JUSTICE CHRISTINE GRICE

[09:14:48]

[1] Mr Taumaa, you are appearing today to be sentenced on one charge of possessing cannabis. You pleaded guilty to this charge. This is an offence under s 7(1)(c) of the Narcotics and Misuse of Drugs Act and carries a maximum period of imprisonment of 2 years, and a maximum fine of \$5,000 or both.

[2] The outline of the facts indicate that the cannabis was found in a bag of yours when there was a search of the house. Drug offending is dealt with very seriously in the Cook Islands. A few years ago Parliament increased all the penalties, to take steps to ensure that drugs were stamped out as far as possible in the Cook Islands.

[3] In this case I have heard from your lawyer, Mr Petero, and from the police. They both said that it was a very small amount of cannabis involved.

[4] Your counsel, Mr Petero, also says that you were very cooperative with the police and that is confirmed in the police outline. You made an early admission of guilt for which you will get credit.

[5] Mr Petero has also said that you are a quiet man but you contribute to the sporting life of the community. He has produced some references which reflect that. He says that you understand the seriousness of what you have done and that you have apologised to your family and friends for what you have put them through due to this offending. They are concerned for you.

[6] While it is your second offence, the first one was an alcohol related offence some time ago, so it is not directly related. One of the principles of sentencing is the more often you offend the more seriously the offending is treated.

[7] I accept that this offence was at the lower end of the scale and I take into account the principles of sentencing: to hold you accountable for this offence, to deter you and others in the community from this type of offending and to send a message to the community on behalf of the community that this offending is not acceptable.

[8] But I must also consider your circumstances and put the least restrictive sentence on you. In that respect Mr Petero has told me that you are starting a job on Monday and that you will be getting a good salary, so any sentence that I impose should not interfere with your starting that job on Monday.

[9] The pre-sentence report referred me to a number of cases on this type of offending, most of which were dealt with by reasonable fines at the lower end of the offending.

[10] In this instance it appears appropriate that a period of probation be imposed but no community service, so it will not interfere with your job. And I also propose to fine you but the Probation Service will make arrangements for you to pay that by instalments and you have told Mr Petero that you are able to afford about \$50 a week, but you can discuss that with the Probation Service when you know what your financial circumstances are.

[11] I am going to impose a sentence of 12 months' probation (starting today) with the special conditions that:

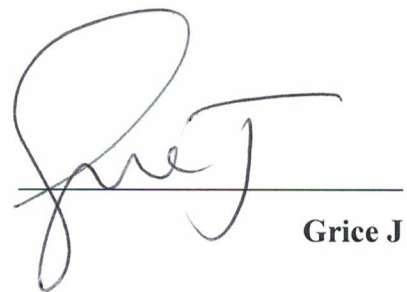
- a) you will undertake any training that the probation officer tells you to; and
- b) you will not leave the Cook Islands without approval of this Court.

[12] I also impose a fine of \$100 to be paid by instalments after discussion with the Probation Service.

[13] I also impose Court costs of \$50.

[14] You need now to talk to the Probation officer and Mr Petero.

[15] You may stand down.



Grice J