

**POLICE**

v

**WILSON RANI**

Date: 27 July 2018

Counsel: Ms J Epati for the Crown  
Mr M Short for the Defendant

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**SENTENCING NOTES OF DOHERTY J**

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[8:42:30]

[1] Wilson Rani, you are for sentence on a charge of forgery. Forgery in this country carries a maximum penalty of 10 years imprisonment. It is viewed very seriously therefore by this community.

[2] You are an habitual hunter for bats. It seems not to be just a hobby but a passion. And as I understand it, one of the ways of hunting bats is by shooting them and you need ammunition to do it. It appears at least from your point of view that the availability and standard of ammunition on the island is not consistent. The only thing consistent about it is the high cost. So to help with your hobby you have been over the last few years an importer of ammunition from New Zealand.

[3] In March of this year you applied for a permit to import that ammunition and that was approved by the Police on 29 March 2018. And a license was provided to you.

[4] The hunting season I understand commences about June or July and by May you were not able to get the ammunition in because you had not travelled personally to New Zealand. so you heard that one of your mates was travelling there and you decided to amend things so

that he could use your permit to bring in the ammunition. So what you did was download a PDF program from the internet which enabled you to take the document and to remove your name, put in the name of your friend and then forge the signature of the Police Commissioner who had signed your original permit. You gave the permit to your friend who went to New Zealand and brought the ammunition back for you. And when he did that he presented the false permit that you had forged.

[5] Police noticed the matter and arrived at your premises and uplifted the ammunition and thereafter you were charged.

[6] This is the first time you have been before the Courts.

[7] I have had the advantage of a probation report and the careful submissions of your counsel which include a raft of references from people for whom you work, people you know, and importantly from your partner.

[8] You are an achiever, you have done well in your academic achievements, you have attained a position as the manager for a local ministry's water division, you are a hydrological technician, you have worked and studied overseas to further your career at which incidentally helps the community of the Cook Islands and Rarotonga in particular. You are a family man, you have a number of children, you look after a wider family, you have done well in that you have been able to build a new home recently. You contribute to the community through your church and through your sporting association with the local fishing association and one of the local rugby league clubs.

[9] Counsel accentuates your remorse and that you are sorry for what you have done. I suspect though that a lot of your sorrow relates to your personal position. You were in a position of risking much. You did risk much.

[10] Of note there are a couple of matters I want to refer to. In the probation report the report writer said this, "Mr Rani appeared genuine in his statements during interview. Whilst remorseful he wished to relay to the Court that he had no intention of deliberately deceiving the laws of this country." How could you have thought you were doing anything else? You knew what you were doing. You are a sophisticated individual, an educated individual and you must have known what you were doing. You just took the risk.

[11] I note also in a letter that you wrote to the Police not long after you were arrested seeking diversion on this matter, you said, "I made the mistake of slightly amending the approval." It was not a mistake. You made a conscious attempt, a conscious action to forge a document. I cannot imagine what you were thinking. But it was not a slight mistake, it was not some little aberration. It was your conscious attempt to further your own interests because of your bat hunting habits.

[12] The Probation Service recommend a fine and probation. The Crown takes another view. The Crown takes an understandable view that forgery of a public document such as this is a significant matter and ought to be dealt with severely by the Courts. I am sure that you will have read their submissions but Crown counsel implores me that "having regard to the maximum penalty available, a term of imprisonment is the only appropriate sentence". So I have to weigh up with that sort of approach from those who represent the community. I have to bear in mind that Parliament saw fit to make this a significant crime by having a maximum sentence of 10 years imprisonment.

[13] The general principles of sentencing that apply to someone in your case is firstly to denounce your conduct. Secondly to hold you accountable and that is really what the Crown is saying, accountability and perhaps the third factor of deterrence. I do not for a moment think you will do anything like this again. I am sure this is going to be a marker for you. But the Court also has to think of the general community and who else might think that it is a good and easy thing to do; to be forging permits. I do not know either whether you gave any thought to your friend and what his role is in this and I have not heard from the Crown as to whether or not he has been prosecuted as being a party to this or not. But you must have known you were putting him in some jeopardy.

[14] The silly thing about this is that you were authorised to import. So you had been viewed by the Police as an appropriate person to be able to do this and to have this ammunition. You just did something stupid and illegal.

[15] I suppose this is a case where you did not forge something to get something that you were not entitled to. You were entitled to bring in the ammunition, you just went about it completely the wrong way.

[16] The aggravating features are your premeditation and the sophistication. You did this by downloading something from the internet that would enable you to pass off the permit as an original. This was not some rubbing out of a name and printing something else in or using some twink and over-writing. This was premeditated and sophisticated. It was an official document. As I have said, I suspect you gave no thought for the predicament that you might put your friend in.

[17] In mitigation of course there is your contrition and now remorse although, as I have said, I think that is primarily because of your personal situation. You are a first offender, you were cooperative with the Police and you pleaded guilty at the very first opportunity. Also of significance is that you have recognised the harm that you have done to not just the community but your family. You have risked much in their lives as well.

[18] So it comes down to where I put you on the spectrum. I think for significant premeditated sophisticated forgeries of official documents the starting point has to be imprisonment. In your case, the fact that this was not something which enabled you to get a benefit you are not entitled to is a factor that weighs significantly in your favour together with the issues in mitigation that I have already referred to.

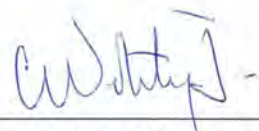
[19] So I think this is probably a rare-ish case where the Court can fall short of imposing imprisonment. But your spare time is going to be impinged upon. This is the bat hunting season.

[20] I am going to sentence you to show the accountability and deterrence part of the sentence to six months of community service which will start immediately. So I think your spare time will not be in bat hunting but it will be in doing work for the community.

[21] Together with that you are sentenced to 12 months' probation with two special conditions. One, you complete the Mou Piri Advocacy Services Program that you have started. And secondly, that you not leave the Cook Islands during the term of the sentence without the approval of the Cook Islands High Court.

[22] You are also ordered to pay Court costs of \$50.

[23] If it was within my jurisdiction I would disqualify you from holding a firearms permit or licence of any sort for some time. It is not within my jurisdiction but I would hope that the Cook Islands Police would look seriously at this conduct whenever there is an application for you for a firearms licence.

A handwritten signature in blue ink, appearing to read "Colin Doherty, J", written above a horizontal line.

**Colin Doherty, J**