

POLICE

v

ROURU TARA MAEU

Date: 30 November 2020
Appearances: Ms L William for the Crown
Mr M Short for the defendant
Sentence: 30 November 2020

SENTENCING NOTES OF WOODHOUSE J

[10:19:27]

- [1] Mr Maeu, you are for sentence for possession of four cannabis bongs.
- [2] You first appeared in Court on 13 August 2020. You entered a guilty plea soon after that, on 10 September.
- [3] The facts of the offence are as follows. Four cannabis bongs were found in your bedroom at your grandmother's home. You admitted to police that they were yours, that you had made them yourself, and that you used one or more of them to smoke cannabis about two weeks earlier.
- [4] I would just add there, that one of the serious facts that I need to deal with is that not only did you have the bongs, which in itself is an offence, whether you used them or not, but that you did use them to smoke cannabis. You are not charged with smoking cannabis, or having possession of it, but they are background facts that are relevant.

[5] The maximum penalty Rouru is 5 years imprisonment. You need to think about this, and I want you to think about it. This indicates the seriousness of the offences.

[6] On the other hand, the sentence depends on all relevant factors of the offence and also all relevant facts relating to you personally.

[7] You are 19 years old, single and employed as a groundsman. You have no previous convictions of any nature. You entered a very early guilty plea and you were very open with the police.

[8] Mr Short has made comprehensive submissions this morning about your background and they persuade me that – the submissions he makes, and the recommendation of the probation officer, and the submission of the Crown, are all to the same effect – that here should be a non-custodial sentence.

[9] Trying to summarise the important aspects of what Mr Short submitted to me, I would say this. It appears that up to the age of perhaps 16 or so, you were doing well. However, your biological father died and then your grandfather died – the grandfather who had taken care of you when your parents had both left the Cook Islands. You lost your grandfather, and the care and direction you were getting seems to have dropped away, although your grandmother – you were living in your grandmother's home and I make absolutely no criticism of her. You lost your way a bit.

[10] What is particularly important, in terms of what I have heard this morning, is that an uncle has now taken you in hand, and you are living with him, and you have responded very positively to the support he has given and the steps he has taken on your behalf and that you have had to be involved in. In particular your uncle arranged for you to get counselling. You took part in the course, followed all instructions and have responded positively to that.

[11] All the indications now are that you are back on the right track and it is most important that you stay on it, and a sentence that would not help that would be a wrong sentence. Given these circumstances, I agree with the submissions I have heard.

[12] The sentence I impose is as follows:

- (a) Rouru, you are convicted, which means that you have a record for this offence.
- (b) There is no further sentence except that you will be brought back for sentencing and further penalties will be imposed if there is any further offending within six months.
- (c) Other than that there is no further penalty. It is a suspended sentence of six months.

[13] What I say to you – and it is not for me to lecture you – but I encourage you to take on board all the help you have got from others, not just what I have said, and stay on a straight path from here on.

[14] You can come out of the dock.



Peter Woodhouse, J