

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

CR NO. 270/2024

R

v

LAURIDS RASMUSSEN

Hearing: 30 September 2024
Appearances: Ms C Evans for the Crown
Mr M Tangimama for the Defendant
Sentence: 01 October 2024

SENTENCING NOTES OF DOHERTY J

[11:59:41]

[1] Mr Rasmussen, you are now for sentence. I found you guilty after a hearing on a charge of careless driving causing injury. I will not traverse the facts, except to say that your driving fell well short of a reasonable prudent and skilled driver in the circumstances. I am surprised that the Police did not lay a dangerous driving causing injury charge.

[2] The manoeuvre that I found you carried out to cross the centre line into an oncoming lane, albeit with no traffic coming towards you, and then cutting straight back across another traveller behind you – who you had not seen, is, in my view, at the higher end of carelessness.

[3] You are a young man who has never been in trouble before, at least to the extent of having a conviction, this is your first appearance I am told. You are in employment, you appear to come from a good background and social circumstances, as far as I can tell.

[4] What would normally happen in this situation is that you would get a hefty fine and ordered to pay reparation, and be disqualified from driving. Well, two of those are going to happen.

[5] The main issue to be determined is how much reparation you ought to pay. There is
5 no real argument about the repairs of the victim's bike, \$1,101, and his medical expenses of \$30. The major factor is that the Crown seeks reparation for loss of income.

[6] Regrettably, the Crown has not been able to make inquiry about it, and relies on two
10 claims from the victim himself. The first in April of this year, where he claims loss of income at a certain calculation for a nine week period; and then later in September of this year, another claim for another higher hourly rate at a longer period of 28 weeks that he has apparently been off work. There has been no verification of that by the Crown. He seeks also loss of income for his wife, but that too is unverified. The claims for repairs of the bike and medical costs remain the same.

[7] I think the Court's position is to impose a sum which is reasonable in the current
15 circumstances. That does not mean that you will not have to pay more than that, because the victim can take civil action against you in the Courts to recover more, but he would have to be proving it.

[8] I think all up, when I consider it, an order in relation to loss of wages of \$5,000.00 is
20 appropriate, and I make that order; together with the repairs of the bike of \$1,101, and the medical expenses of \$30. That means you will pay a total amount of reparation of \$5,131, and the Probation Service can attend to that.

[9] The question is whether or not I should also add a fine to that amount. I have decided
25 not to because \$5,000 is quite a considerable sum, and I have to take into account your means of paying it. While you have some savings which will go substantially towards it, that is a significant factor. You are also getting good wages for workers on the Island.

[10] I have decided that \$5,131 is sufficient. You are also ordered to pay Court costs of \$50. There will be no fine.

[11] Because of the nature of the driving manoeuvre and your driving itself, you are disqualified from holding or obtaining a motor vehicle driver's licence for a period of 12 months from now. Thank you.

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

Doherty J.