

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

CR 357/01,359/01

POLICE

v

TAIMAU TAVERIO

Defendant

Sergeant Howard for Police
Defendant in person
Date: 29 November 2001

DECISION OF GREIG CJ

Taimau Taverio, you appear before me today on two charges in relation to cannabis. One is a charge of cultivating cannabis and the other is a charge of possession of a utensil in connection with the use and smoking of cannabis. The Police executed a search warrant on some premises and on your residence. As a result there was one cannabis plant found, it was about 115 cms high and it was thought therefore to be about three or four weeks old. In your bedroom there was found an empty can of coke, it had been flattened and holes had been put in it and so it was thought to be used for smoking cannabis. When you were interviewed you readily admitted that you had cultivated the cannabis and that you had used the coke can for smoking cannabis. You pleaded guilty to this charge.

You have appeared before this Court on other occasions but this is the first time you have appeared on a cannabis or narcotics charge.

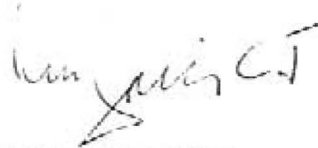
I have read the Probation Officer's report on this matter and although they note your previous record they make a number of recommendations which indicate that you have a good future. The important thing will be to give up

the cannabis and keep away from other offending. And I have said already this

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morning cultivating cannabis is a serious offence and the Prosecutor has indicated to me that there is more and more of this kind of offending in the island. It is a difficult thing to control or to prevent and so the Courts are often invited to give severe penalties to deter people. As I indicated earlier in the two previous cases, my hands were tied by the sentences that had already been imposed. For you, I am going to give you a chance. I will not send you to prison but I want to make it clear to you that if you come before the Court again, it's very likely that you will be sent to prison. I accept the recommendation of the Probation Service and you will be sentenced to 6 months community service to be followed by one year's probation. The probation includes the special conditions that you reside and work where the Probation Service approve and you will be notified of the times and the places that you've got to serve the community service. Now that's on the charge of cultivating the cannabis.

On the charge of the possession of the utensil, you will be convicted and discharged.


CHIEF JUSTICE