

IN THE HIGH COURT OF THE COOK ISLANDS

HELD AT RAROTONGA

(CRIMINAL DIVISION)

CR 172/2002

POLICE

v

NOOTAI HENRY

Mr Elikana for Police

Mr McDonnell for Defendant

Date of sentence: 28 November 2002

DECISION OF GREIG CJ

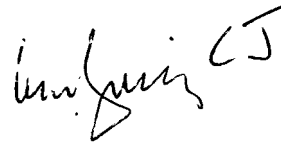
Nootai Henry, you are appearing for a sentence on a charge of receiving. This is what is sometimes described, I think in this case properly, as a washing up charge.

This matter started with a complaint of theft in March 2002 from a room in the Edgewater Resort. Included among this stolen property was some Euro currency in the amount of \$600. No one has ever been charged with that theft and you have not been charged with that theft. You at the time were a security guard at Edgewater. There was a search because you were under suspicion and a number of keys were found in your possession. You were charged with theft of those, you were convicted on that charge and I sentenced you to 1 year's imprisonment on that charge.

In or towards the end of March 2002, just a few days after the theft, you got a casual acquaintance of yours to take the 500 Euros to the bank and convert them into New Zealand currency. That came to about \$1,000 and your acquaintance gave them to you. She was not too happy about it and told some other people who knew who you were and you were then charged with

having receipt of that money knowing that it had been stolen. In the end you pleaded guilty to that. So this is all part of the earlier offending which took place in or about March.

If you had come before me as you did in June but on both the charges, I am satisfied that I would not have increased the sentence that I did impose upon you and that a one year sentence of imprisonment is appropriate for the whole of this. But it is necessary that there should be a penalty attached to this offence and so you will be sentenced to three months' imprisonment on this offence but to be served concurrently with your present sentence.



CHIEF JUSTICE