

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

CR 194/2002

POLICE

v

FAIMOU PUPUKE ROBATI

Mr Elikana for Police

Mr Little for Defendant

Date of sentence: 28 November 2002

DECISION OF GREIG CJ

Faimou Pupuke Robati, you are now for sentencing on a number of charges. There is a charge of assault to which you pleaded guilty at the opening of the trial. There is a charge of threatening to kill upon which you were convicted by a jury after trial. There are charges in relation to firearms offences to which you pleaded guilty and which you have been referred to me for sentence by the Justice of the Peace. All of these charges arise out of an incident that happened on one night.

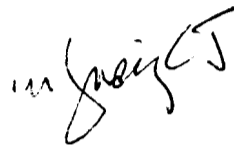
You and a friend had been drinking most of the day and towards the late afternoon you were asleep. Your partner had been at church. She came back to the house that you shared. You were still asleep but at a later stage when she turned the light on you woke up. You had a suspicion that your partner had been intimate in some way with a man friend who, also drunk, was lying asleep in your house. You then proceeded to assault your partner. It was a prolonged assault and violent. Fortunately she did not suffer any serious

injury but suffered severe bruising. She managed to escape and ran next door. You followed her, still assaulting her. She got into the house next door. You went back to your house and got a single barrel shotgun. It was unloaded but of course no one knows from the outside that a gun is unloaded. You brandished that gun in front of the occupants of the neighboring house including your partner and it was particularly during that time that by the words you spoke and your conduct that there was a threat to kill your partner. Fortunately, some other people arrived, your partner's brothers and mother and you were finally calmed down, the police came and the matters came then to Court.

You are a young man, but a man of some maturity and general knowledge. I got the impression during the trial that you were an arrogant young man. I am not going to sentence you because of that, but I think you have quite a lot to learn about being a proper and helpful and useful member of the community. It is said that you have made an amount of progress in that regard since these events. I am bound to say that it is not uncommon for people who are finally convicted of offences to show remorse and to attempt to take some steps to remedy what happened in the past. But that does not mean that you should avoid punishment for what you actually did. This was a serious assault accompanied in the end with a firearm and with a threat to kill.

I have listened very carefully to what your counsel has said and I read with care the Probation Officer's report. But I have come to the conclusion that it is necessary that there should be a custodial sentence in this case. Simply, community service or probation would not properly record the community views about this kind of assault and behavior, prolonged and violent as it was. You will be sentenced to 6 months imprisonment on each of the assault and threatening to kill charges. On each of the other charges, you will be sentenced to 1 month imprisonment, all those are to be served concurrently.

But I add to that an order that you will be under probation for 12 months following the completion of the custodial sentence and it will be on the special conditions that are set forth in the Probation Officer's report - to abstain from the purchase and consumption of alcohol, not to enter any licensed premises without the approval of the Chief Probation Officer, to continue counseling with Are Pa Taunga Counseling Centre, to attend to any training workshop as directed by the Probation Service and to reside and to work as may be approved from time to time by the Probation Service.



CHIEF JUSTICE