

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

CR NO. 132/02

POLICE

V

NOOTAI HENRY

Defendant

Mr Elikana for Police

Mr McDonnell for Defendant

Date: 27 June 2002

DECISION OF GREIG CJ

Nootai Henry, you are appearing before me on one charge of theft. It was a matter that was canvassed at a defended hearing before the Justices of the Peace and you were found guilty. The charge has some rather serious aspects to it in that the offence is the theft of 30 house keys, the property of the Edgewater Resort.

At the time you were a security guard or security officer at the Edgewater Resort. The implication clearly is that this was an offence which might have facilitated other thefts from rooms in the Resort. You are not charged and I am not sentencing you for any other offences like that.

Your background is somewhat unfortunate as it appears but your background of criminal history is a serious one. There are a number of offences of

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dishonesty including theft which you have been sentenced upon. Some of these more recently have provided an opportunity for you to take a chance or to be given a chance. But in that period there have been a number of breaches of the terms of the probation supervision.

In my view the only appropriate penalty is a penalty of imprisonment in this case and I am not accepting the Probation Services recommendation. You will be sentenced to 1 year's imprisonment.

Wm Gavis CJ

CHIEF JUSTICE