

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

CR NO. 196/03,235/03
236/03

POLICE

v

TEREMOANA RATUMU
Defendant

Mr Tetava for Police
Mr Little for Defendant
Date of Sentence: 21 May 2004

DECISION OF GREIG, CHIEF JUSTICE

Teremoana Ratumu, you are now for sentence on the three charges which have been mentioned, cultivation of cannabis, possession of cannabis leaf and the possession of a utensil for the use of cannabis which was a glass pipe.

The facts of the cultivation which is clearly the most serious offence of the three is that there were some 65 plants planted out in a plantation. They varied in height from half a metre to a bit over one and a half metres in height. That indicates a range of maturity and a certain sophistication in the cultivation. When the stakeout occurred a number of watering buckets were seen and you were actually seen taking one of the buckets and watering the plants so that you were truly caught in the act of cultivation because watering the plants is part of the cultivation. Clearly that cultivation had occurred over some months. There was also a very small quantity of dried leaf in your house when that was searched and the glass pipe.

Sixty five plants is a substantial number and the clear implication is that this was for commercial use, perhaps that's all the more so because there were such a small quantity in your house. This was a commercial venture in which the product was being sold.

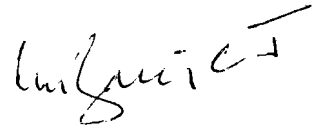
You have suggested that others were concerned but as I say you were caught in the act and although the evidence was not called because of your plea of guilty, there was to be called evidence from other people to whom you had made admissions of cultivation of the cannabis. I do not think there is any doubt at all that you were at least one if not the principal cultivator of this cannabis.

Quite a bit has been said about the fact that you at first ran away and that you took some time to come forward and that it was at a very late stage that you finally admitted to the inevitable.

I do not sentence you or add to your sentence for these matters. Mitigation, reduction of a sentence sometimes comes with early pleas of guilty but your behaviour ensures that you are not entitled to any reduction on that score. You made a guilty plea and there is some mitigation in the sense that you saved a lengthy trial. You are aged 38, you have never appeared in Court before and it may be surprising that you have succumbed to this form of lawbreaking because that is what it is; crime, to make money.

It is a serious matter, it is important that the Court should impose sentences which will I hope deter other people as well as punishing you for what has occurred. I am quite satisfied that in the circumstances a custodial sentence is necessary but I do not impose a sentence to make an example of you. I impose a sentence which will punish, will act as a deterrent and which in my judgment is no longer than is appropriate in the particular circumstances of this case. I take into the account the fact that you have been in custody since you have pleaded

guilty earlier this month. On the charge of cultivation, you will be sentenced to 9 months imprisonment. On the other two charges you will be sentenced to 1 month imprisonment on each charge, those to be served concurrently.



CHIEF JUSTICE