

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

CR NOS. 434,437-444,453-
455,457,460-461,463,465-
469,471-473,475,477-
478,480,482,484-485,487,489-
491,493,495-496,499/2007

POLICE

V

SHARNA MATAPUKU
Defendant

Mr Elikana for Police

Mr s Hood for Defendant

Date of sentence: 14 September 2007

SENTENCE OF WESTON J

1. Miss Matapuku, it is my unpleasant job to sentence you in relation to 40 charges of dishonesty to which you have pleaded guilty: 9 of forgery, 3 use of document for your pecuniary advantage and 28 obtaining credit fraudulently. This is your first appearance and you have been assessed as being at low risk of re-offending.
2. The total amount involved in your fraud was \$32,536.36, which, in Cook Islands terms, is a significant sum of money. These monies have now been repaid except as to the sum of \$1500.00 which remains to be paid once the correct payee is identified. These monies have been re-paid only because your parents have once again, in your life, come to your rescue, raised the money

and paid it. I feel very strongly for their predicament. They have gone further than many parents could or would go, and I have heard too that they have been ostracized for what has occurred, which really seems more than a parent should have to bear.

3. Your high skills and talents have been spoken off and I have read the references and looked at your CV. I see that you returned to Rarotonga in 2005 because you had lost control of your finances and your parents helped you then as well. So this is the second time, in reality, that you have failed to understand the consequences of your actions.
4. Mr Hood has very strongly pressed that you have now learnt that lesson but I must confess I have still got reservations. This was a very significant pattern of offending over what seems to be about an 18 month period. It was described by the Probation office as "*incredibly systematic*" and I think that is a fair assessment. The fact that it may have been easy or straightforward was no excuse whatsoever. Despite what I heard from Mr Hood, I do discern a sense in which you are still inclined to blame others for what really are your own faults.
5. I have read the Victim Impact reports and, even though monies have been repaid, these are people who have been seriously affected by what you have done.

6. Mr Hood has submitted that there should be 12 months community service and 12 months probation following that with counselling built into it.
7. Mr Elikana has submitted that a term of imprisonment is inevitable and that also is the point taken by the Probation office.
8. Mr Elikana submitted that the starting point for my purposes was a term of 3 years imprisonment reflecting the fact that public monies were involved; the systematic nature of the fraud; the period over which it had occurred and so on.
9. For myself, I think that is probably too high. I would have pitched it perhaps around the 2 year level but it is still a significant term whichever figure you take. You are obviously entitled to a significant discount because of what your parents have done in standing behind you and because of your guilty plea and your co-operation but I regret I cannot get to a point where imprisonment is avoided. I will send you to prison.
10. The period for which I will send you is a difficult one. The frauds were so systematic that when I came on to the bench I was contemplating a term as high as 12 months.
11. I have listened to everything that Mr Hood has said and I do not think I can give any greater explanation for the figure I arrive at than to say that I have been persuaded that my original assessment is too high. I am going to sentence you to 3 months

in prison, followed by 12 months probation. I hope that you will be able to maintain counselling throughout that period. I appreciate that, for you, imprisonment will be a huge burden but my job as a judge is not simply to let my heart strings dictate the outcome. I have to take account what you have done and the public interests that are involved and the need for deterrence. I regret that in sentencing you I have put a further burden on your parents but, again, while I have taken account of their circumstances, there is nothing more that I can do that would ease their burden.



Judge