

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

CR 782/08

POLICE

V

TAURI OKIANGA
Defendant

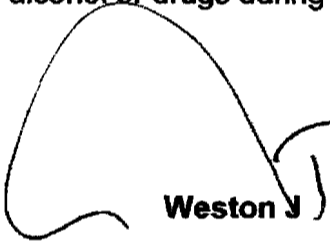
Senior Sergeant Manavaroa for Police
Mr Little for Defendant
Date: 10 October 2008

SENTENCE OF WESTON J

1. Mr Okianga you are for sentence on a charge of possession of a utensil which carries a maximum term of 5 years imprisonment. You have one previous conviction from an offence of this sort. You pleaded guilty at the earliest possible time and that is obviously a factor in your favour.
2. The major problem facing you as I see it is that in May 2007 you came before Nicholson J on what was then your first charge of possession of a utensil. At that time you were fined \$600.00 plus Court costs of \$30.00 and Nicholson J said that if you came up for a similar offence again, you risked going to prison. It seems that notwithstanding that clear warning, you have continued to use marijuana. Although you are not charged with use or possession of marijuana it is clear that that lies behind your current charge to which you have pleaded guilty. It seems that you spend time with friends who smoke marijuana.
3. Mr Little has pointed out that you may have an addiction problem and that, whatever else I do, it is appropriate that it is part of a Probation Order you should be directed to attend the course the Probation Office send you on. I think that is a valuable submission and something I intend to take further.

4. The Police have asked for a custodial sentence of four weeks to give you a wake up call and to give some weight to what Nicholson J said. I have reflected long and hard on that point. I was initially very tempted to send you to prison because I thought you did need to learn a lesson.

5. Mr Little has persuaded me that that would be going too far so I do intend to sentence you to a term of community service. The Probation Service have recommended four months, Mr Little said two months would be enough. I do not believe it would. For myself, I believe a longer term even than four months would be justified. However, I am conscious that there is a last chance available to you to save your marriage and that whatever sentence I impose needs to give some credit for that. So what I propose doing is sentencing you to 4 months community service together with 12 months probation which is to run concurrently with that and the terms of the probation are to include the following:
 1. You should attend any programme to which you are directed by the Probation Service;
 2. That you are not to consume alcohol or drugs during that period.


Weston J