

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

CR NO: 670/09

CR 669/09

POLICE

v

ANDREA LEANN HEWITT

Defendant

Sgt Tuaine Manavaroa for Police
Counsel: In person
Date: 20 November 2009

SENTENCE OF GRICE J

These charges are very serious. The dangerous driving causing injury has a 10 year imprisonment and \$10,000.00 fine attached to it, as well as mandatory disqualification attached to it. So you could be disqualified for three years on that charge. Using the telephone in a disturbing manner is also a serious offence with a fine maximum \$1,000.00 and three months imprisonment.

These offences seem to be offences born of jealousy, vengefulness and passion, but there is no excuse. You have options, you know you have got options. You have told me you are under a lot of pressure. You have thought about putting a non-molestation

order out on the Complainant, that is one of the options available to you. Sorting out your relationship with your husband is another option available to you, but you do have choices. One of the choices is not taking the law into your own hands and injuring other people. You can't go around attacking people because you think they are doing something and that angers you. Even if they are doing something there are channels that you can take including going to the Police, and you know that.

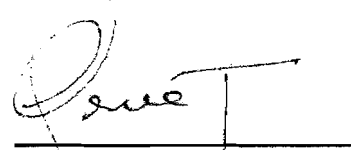
The dangerous driving charge, as I said was very serious and it involved you intentionally going back and running over the Complainant's motor vehicle, then you drove off and you don't even know whether she was OK. It seems it more luck than good management that she wasn't severely injured. You panicked and you left and that makes it very serious. You should have at least gone back, but you shouldn't have done it at all. You must be ashamed of this. It sounds as though your family are, and you have got now your 17 year old son who is going to learn all about that. You have clearly got some personal pressures which you told me about and you have told the Probation Officer about. But they are no excuse either.

In relation to the telephone offence, it is lesser than the transport offence, but nevertheless it is quite a serious offence. As I said you can't take the law into your own hands. The Probation Officer has recommended a stern warning. The Prosecution haven't urged that you face a jail sentence or anything similar, even though these are serious offences. But they can't go unpunished. I have taken into account what you have told me, that you pleaded guilty for which you are entitled to a credit, that you are showing some remorse, that it is your first offence, your first time in Court, that have got a business which you are trying to make work. But I don't take into account a mitigating factor that this is a domestic incident. It doesn't matter that it is a domestic incident, it is serious and it is not lessened by the fact that it is to do with your husband. I don't take that into account as a discount at all. You have a chance here Mrs Hewitt, but you will have some convictions on your previously unsullied record.

On the transport charge of dangerous driving causing injury. I going to disqualify you from holding or obtaining a drivers licence for three months starting from 9am tomorrow morning.

Secondly I fine you \$200.00 and order restitution of \$676.00 which is the amount of those invoices and medical expenses.

On charge of using the telephone I fine you \$50.00 and order the payment of Court costs of \$30.00.



Grice J