

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

CR NO: 716/09

POLICE

V

MAIA RARUA YORO

Defendant

S/Sgt Manavaroa

for Police

Date:

20th November 2009

SENTENCE OF GRICE J

1. Mr Yoro you are charged with an offence of burglary, of breaking into the Matavera Village Store. This is very serious offence and you could go to jail for up to 10 years for an offence of burglary. It is not a good way to start your life, your father is very disappointed and angry with you. It must have been difficult for him coming here today and speaking on your behalf. He hasn't been in trouble and has never had to do this before.
2. You broke into the Matavera Store with three associates whom I understand are in the Children's Court. They were all younger than you. I understand the oldest was 16. You broke in, you helped rip the tin out and then you acted as a lookout.

3. You have absolutely no excuse for that. You knew what you were doing, you knew what was going to happen. As I said your family is very disappointed in you, it is a good family and you have had a good upbringing. Your father has come here to say that you are a good son, he has had no problems with you in New Zealand, you were good on the outer island and this is the first and he hopes the only time that you are going to get into this sort of trouble.
4. You are only 17 years and I take this into account. You have your whole life in front of you. It is your first offence and I take that into account. I am told you are a good boy otherwise and I take that into account. You have pleaded guilty and you have said that you are sorry for what you did. That is very important as well. I take that into account. The sergeant said that burglaries are a growing problem in the Cook Islands and is giving the Cook Islands a bad reputation. It makes people concerned about being here. Cook Islanders suffer because tourists will stay away and the place will get a bad name. There have been lots of these burglaries so it is quite important that there is a signal that they are not going to be tolerated.
5. I also take into account the fact that you have responsibly agreed to pay the restitution. Your father tells me he is actually going to pay and he is going to make you work it off; so I am giving you a chance.
6. I take into account those factors: your youth, the fact that it is a first offence, that you have pleaded guilty, that you have willingly accepted responsibility, you said you were sorry and are going to pay the restitution. I would have sentenced you to six months probation with community service, but taking those things into account I sentence you to:
 - i. Three months community service under s.8 of the Criminal Procedure Act; and
 - ii. To pay restitution as agreed at \$462.00.
7. I also order that the Defendant surrender his passport before 3pm today.
8. I hope this is the first and last time Mr Yoro that you are ever in a Court like this.



Grice J