

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

CR NOS. 774,831,827,828,
787,844,830,829,
832,845/09

POLICE

V

TEREMOANA SADDLER
Defendant

Senior Sergeant Manavaroa for Police
Ms Rokoika for defendant
Date: 10 December 2009

SENTENCE OF HUGH WILLIAMS J

1. Teremoana Saddler, you appear this morning, 10 December, for sentence on some 10 charges. With the amendments that had to be made to the Information's' charging the offences which I discussed with the Senior Sergeant the whole of the offending now looks as though it took place between 19 October when you burgled Li Jiansi's house and Paloma Keil's house and took a pickup truck from Paloma Keil and 7 or the early hours of 8 November when you escaped from Arorangi Prison and committed a whole lot of other burglaries either that night or the early hours of the following morning.
2. You face a maximum sentence of up to 10 years imprisonment for the burglaries, 5 years for the theft or unlawful taking of a motor vehicle and 5 years for the escape.
3. The police summary of facts shows you broke into Paloma Keil's house while she was asleep and stole some brandy and a phone and a stereo sound system, only the last of which has been

recovered. You took her pickup truck to transport the stolen goods back to a friend's place and then returned the truck undamaged.

4. Nearby at Li Jiansi, when no one answered your knock on the door you broke into the house and took a Playstation, also not recovered.
5. You then pleaded guilty to that offending on 23 October 2009, and were remanded in Arorangi Prison to be sentenced but on the 7th of November you escaped - although fortunately you were recaptured the following day.
6. With the burglary of Jodie Hoff, you broke into the house to make a telephone call to a friend and took a cap.
7. Then you broke into the office of the Ministry of Infrastructure and Planning looking for some keys to take a car, found nothing but then broke into the workshop next door and tried to kick start a motor cycle which you later abandoned.
8. Shortly after midnight you burgled the Sunhaven Motel and took food and alcohol about \$100 in value saying you were hungry, then walked out of the office, got into a Nissan van and started it with the key in the ignition and drove off.
9. Burglaries of this sort and associated offending - taking motor cars and the like - are apparently prevalent here in the Cook Islands and the Senior Sergeant makes it clear that a sentence which would in usual terms be regarded as a severe sentence in other jurisdictions is probably justified here in the Cook Islands.
10. You are no newcomer to the Justice system. In October 2008 you were given community service and probation for a burglary but obviously within a few months you were committing a burglary that

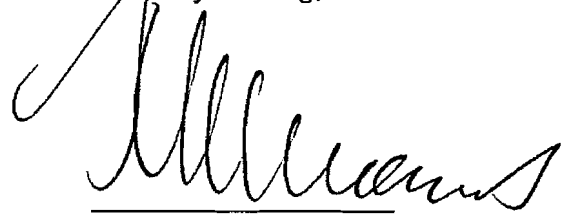
you are being sentenced on today. It is a burglary while you were on the run. The Probation Service tells me you have been convicted on a number of occasions in December 2008 and May you came to Court and for an unlawful taking given 3 months in jail. So it is clear that going to jail before has not deterred you. Your family has done what they can to help but has reached the point where your mother and your partner in a letter they have written to the Court simply say that they cannot have any trust or faith in you because you are deceitful. Your mother says "we do not know what else we can do to help Tere, we just pray that he learns that he is like all of us who have to obey in respect to rule of law in the society that we live and share". That is a perfectly appropriate comment for your mother to make and it is unfortunate that you find yourself in this position and obviously facing quite a lengthy additional jail term.

11. Ms Rokoika filed some helpful submissions on your part setting out the circumstances of the offences, pointing out that they are of nuisance value rather than major offences of the type, without large amounts of property taken or confrontation with householders, forced entry or the like. But nonetheless you find yourself facing serious offending.
12. Before when you were out in the community, you enrolled in the Te Tumanava programme, but seemed to lack concentration and were discharged for unstable behaviour.
13. Your explanation in all of this is that you were simply offending and giving the goods to some criminal overlord whom you say threatened your parents if you did not do what he wanted. Even if that is true, you are not going to be able to comply with the requirements of some criminal overlord for sometime in the future.
14. The Police recommend a starting point on the burglary charges as being the lead offences of 5 years imprisonment. The aggravating

features - those that made it worse for you - is that there is very little remorse on your part. These are people who saved and by their hard work, managed to buy themselves a house with some property. You just went in and take and plunder their houses and goods without any feeling on your part that you should not have been doing.

15. The sentence that needs to be imposed on you needs to denounce that conduct, try to deter you from doing it again and of course to punish you for what you have done. The aggravating features, - those which make it worse - include the earlier offending which you obviously have not learnt. The mitigating features - those that reduce the sentence - that you are to receive include - that you pleaded guilty to everything at a very early opportunity, and your youth; you are still only I gather about 19 years of age.
16. As I said, these are things that are not the most serious of the kind but they are offences where householders and property owners feel violated by the kind of thing you did.
17. The Police suggest, - and it is an appropriate suggestion - that the starting point on the burglaries should be a five year sentence. You are entitled in my view to about a reduction of a third of that sentence for the early pleas of guilty and for your age, which brings it down to a sentence of 3 years and 4 months imprisonment.
18. On the theft, you are sentenced to 1 year and 8 months imprisonment.
19. All those sentences will be concurrent, that is to say they all run together but the 3 years 4 months sentence should be cumulative, that is added on to the sentence you are currently serving.

20. Ms Rokoika makes the point that you spent a month in custody awaiting sentence and accordingly that needs to be deducted. So overall on the burglaries you are sentenced to 3 years and 3 months imprisonment. On all the other charges you are sentenced what would be half that without the reduction for the time of remand, 1 year 8 months. They are all concurrent but the 3 year 3 month sentence is added to the sentence you are currently serving, that is to say it is accumulative.



Hugh Williams J