

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

**CR: 999/08, 1112/08, 47/10, 52-54/10,**  
**59/10, 61/10, 121/10**

**IN THE MATTER**

**BETWEEN**

**COOK ISLANDS POLICE**

**AND**

**DANIEL HEWETT**

Date: 23 April 2010  
Court: Weston J  
Appearances: Senior Sergeant Howard for Police  
Daniel Hewett for self

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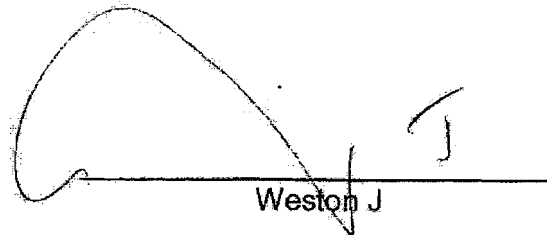
**ORAL JUDGMENT OF WESTON J**

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- [1] Mr Hewett, you appear before me today for sentence on eight charges, two of which are drugs-related and those led to a further charge that you have breached your probation; three charges associated with taking or stealing things; a charge that you hit your partner and a charge that you threatened Police when they attended a domestic incident. You pleaded guilty to those and you are entitled to a considerable credit for doing so.
- [2] Now, I understand that you have a history of mental illness and that is a matter that always needs to be taken into account. Part of the problem here is that you do not want to take medication and that when you consume alcohol and cannabis that often leads to aggression on your part.

- [3] The Police say the burglary charge is the most serious but, in my mind, the assault on your partner is just as serious because no matter how angry you are, you should never hit the person you live with.
- [4] I need to look at the totality of the offending with which you were charged and your long history of previous offending. I take into account that and your early guilty pleas and the mental health difficulties that you have to struggle with each day.
- [5] The Police have asked that you be sentenced to three years in prison, which would include the time you'd already served since January. I believe that is considerably too high a figure for any sentence. I can understand why the Police have asked for it, but the fact remains that in a bigger community with more health resources, there might be a greater chance of dealing with your mental health issues and you can't be held responsible for that.
- [6] I believe an appropriate sentence is that of six months in prison which would take account of the three months approximately that you've already served and the exact figure will need to be calculated so that you have approximately three months in prison from today onwards that you'll still have to serve and at the end of that, you will be released on probation which will go for 12 months and there will be terms to that probation.
- [7] Mr Hewett, while I'm sure you know well the terms of probation but for the record, first, you are to abstain from purchasing and consuming alcohol and I'll add to that that you shouldn't consume drugs such as cannabis. Second, you are not to enter any licensed premises. Thirdly, will be a curfew between 7 p.m. and 7 a.m. Fourth, you are to live at premises as directed by the Probation Service, so they're tell you where you can live and then finally, you are to go to any courses or workshops that the Probation Office direct you to attend.

- [8] The term of probation that I impose is intended to follow after the existing probation term ends but not beyond a total figure of 12 months from the end of serving your six months sentence in prison.
- [9] While you are in prison and also while you are on probation, I direct the Health Service to do what they can to assist you with your mental health issues. They are also to make available to you the ability to attend meetings of Alcoholics Anonymous. So you will be able to do that and the prison will make that available to you and that will be, as I understand it, twice a week for the rest of your sentence and again, when you are out on probation. I also direct that you should continue to attend Alcoholics Anonymous for as long as the Probation Service think is appropriate.
- [10] So, Mr Hewett, you must understand that the community is entitled to say to you, you shouldn't do these things and we are going to send you to prison to mark that but equally it's going to try and help you deal with some of your issues as well and you have got to help yourself with that in this because you're a Dad now and that's a pretty important thing, isn't it. So you've got to do that right for your family.



Weston J