

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

**CR 360/2010**

**POLICE**

**-v-**

**ANDREW TONORIO**

**Counsel:** Senior Sergeant R Hosking-Tane for Informant  
No legal representation on behalf of Offender

**Date:** 3 June 2011

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**SENTENCING NOTES OF HON HUGH WILLIAMS J**

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- [1] You appear here for sentence having pleaded guilty on 14 April this year to one count of burgling the Computer Man Shop on 4 June last year.
- [2] The charge has had a rather checkered history and it looks as though you have been remanded on about 11 occasions before coming up for sentence today, but most of those remands were caused by you and your indecision as to whether you were going to represent yourself or going to get a lawyer to act for you. Ultimately, you pleaded guilty partway through the defended case.
- [3] This burglary was committed during a period when you had escaped from jail. In the course of that escape you burgled Scott's Tool Store and the Aotearoa Maori Centre,

and the fact that you are serving time in jail at the moment is as a result of your being sentenced following pleas of guilty on those counts.

- [4] With the Computer Man Shop, you forced entry to the premises and stole quite a lot of computer gear and other gear, and also cash of over \$1,400 in US currency and another \$2,000 in Cook Islands currency.
- [5] You are only 22 and yet in the last few years you have accumulated quite a list of previous offending; an unlawfully taking and three burglaries in October 2006 and four thefts the next month, seven burglaries, breach of probation in January 2007, and then on 10 March 2010 you were given four years for 13 burglaries, three thefts, an unlawfully found on premises and unlawfully taking, wilful damage, possession of a utensil and a couple of counts of contempt. So, at the present time you are in jail until 9 March 2014.
- [6] If you continue to offend, you will continue to be sent to jail and are likely to spend a good deal of your life there unless you take steps to bring yourself up with around turn.
- [7] The Probation Service says you are doing well in jail to the point where you have been granted a number of privileges, but one of the important factors concerning this offence is that although you were caught only about 24 hours after you had committed this burglary. None of the stuff stolen from The Computer Man was recovered, and nor was the cash, which either means that you have managed to secret them somewhere or that you have got unnamed confederates who have taken them off you. That does not help your cause.
- [8] The Probation Service recommends that you be given a sentence of six months imprisonment cumulative on your present term. In the ordinary course of events six months in jail would be seen as far too lenient for somebody with your record and with an offence such as this one. But, given that you are in jail for another three years, in terms of the total time you spend in jail, the Probation Service recommendation is about right, so I will sentence you to six months imprisonment cumulative on the term you are currently serving.

- [9] When you get out in late 2014, as I have said, if you continue to burgle and commit offences of dishonesty, you will continue to come back here and be sent to jail for them.

A handwritten signature in black ink, appearing to read 'H Williams', written in a cursive style. The signature is positioned above a horizontal line.

**Hon Hugh Williams J**