

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

**CR NO'S 86/13 & 87/13**

**POLICE**

v

**MAARA TERITAITI**

Hearing: 10 May 2013

Counsel: Mr T Manavaroa for the Crown  
Mr W Rasmussen for the Defendant

Sentence: 10 May 2013

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**SENTENCING NOTES OF THE HON. JUSTICE DAME JUDITH POTTER**

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[FTR 11:27:42]

[1] Maara Teritaiti, you are before the Court having pleaded guilty to two charges, one of possession of cannabis which as you know is a class C controlled drug under the Narcotics and Misuse of Drugs Act 2004 and one of possession of a utensil a bong, which is an offence under the same Act. That offence carries a maximum penalty of 5 years imprisonment or a fine of up to \$5000.

[2] The possession of cannabis charge carries a maximum penalty of 2 years imprisonment or a fine of up to \$5000 or both.

[3] When Police stopped your vehicle on Friday 1<sup>st</sup> March 2013, you had a pink handbag and you admitted it contained a bong, cannabis and other items. You went to the Police Station when requested to do so by the Police. The cannabis was weighed and found to comprise .57 grams.

[4] The Crown submits appropriately that the sentencing or principles that apply are the need for deterrence, to deter you and other members of the community from committing these types of offences, to denounce your offending and to hold you accountable for your offending.

[5] On your behalf, Mr Rasmussen has noted your very early guilty pleas, that you are a young man aged only 18 years, that you have a child of 1 year and that you and your partner have a stable relationship going back some three years.

[6] Two references have been handed up to me today from your mother and your partner Credence Ngaamo. They support you, and your partner speaks of your being a very good father and extremely helpful around the home.

[7] All that is very fine, Mr Teretai, but if you become involved in criminal offending, it is hardly helpful to your partner or your little son or your wider family.

[8] This is the second time you have been before the Courts for this type of offending.

[9] On the 15<sup>th</sup> December 2011, you were sentenced to 12 months Probation supervision, the first 3 months to be served on community service, for offending very similar to that which brings you before the Court today.

[10] Understandably the Crown has suggested that a short sentence of imprisonment should be imposed although the amount of cannabis found in your possession was quite small.

[11] Mr Rasmussen seeks that a custodial sentence not be imposed, he being confident of your ability to reform and go forward with your life in a positive manner.

[12] I have decided not to send you to prison, though you probably deserve to go to prison.

[13] One thing is certain, if you come before the Court again with this type of offending, you will go to prison. If that were to happen, as I have already said to you, it will not be helpful to you, your family and in particular your young son for whom you have responsibility.

[14] So this is your last opportunity. I hope you will take it. I hope you will decide that your life in future has to be free of drugs and if that means separating yourself from some of your friends and peers who mess around with drugs, well then you had better do that.

[15] The sentence I impose on you is 15 months Probation supervision, the first 9 months to be spent on community service.

[16] There will be Court costs of \$30.

[17] Please stand down.



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**Judith Potter, J**