

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

CR NO'S 387 & 388/13

POLICE

v

ZIONA MAURANGI

Hearing: 13 September 2013

Appearances: Ms C King for the Crown
Mr C Petero for the Defendant

Sentence: 13 September 2013

SENTENCING NOTES OF WESTON CJ

[1] Mr Maurangi you are here today for sentence having pleaded guilty to a charge of threatening to kill and a charge of assault on a female. The Crown submits that, on the facts of this case, the threatening to kill charge is the lead offence and on the basis of my understanding that appears to be correct.

[2] The Police Statement of Facts sets out what it is you are said to have said against your partner and it is pretty offensive and quite unnecessary. It seems it was the result of alcohol. You have told me today that you will not be doing this sort of thing again and that you have learned your lesson.

[3] The assault charge appears to be relatively minor although of course any assault is to be taken seriously. It is said by the Police that you pushed your partner towards the end of your verbal abuse to her. You say you have got no memory of that and your partner has a similar view. Even if that did happen as the Police say, it is clear to me it is a minor assault as these things go.

[4] I have heard today that you are a hardworking man. You work seven days a week in two jobs, both as a builder and as a kitchen-hand in a restaurant. I commend you for that. Too many defendants in this Court do not have that record.

[5] The Crown submitted that you should be sentenced to a period of probation for 12 months with the first 6 months to be served by way of community service.

[6] Mr Petero submitted that there should be no community service and explained that an important reason for his submission on this was that you work on Saturdays and that community service would interfere with that.

[7] Having discussed the matter both with Mr Petero and with you, I have formed the view that you should receive a period of community service. When I came onto the bench I was minded to accept the Crown submission that you should get 6 months community service. However, having listened to Mr Petero and, as I say, spoken with you, I think it is important that we discount the period of community service to reflect the fact that you have pleaded guilty at the first opportunity, that you and your partner have been working through your difficulties with counselling, and you say you want to resume your relationship and think you will do so, and that you are working hard and making a valuable contribution to the community.

[8] For these reasons I enter a conviction on each charge and sentence you to 12 months probation including 1 month community service on the threatening to kill charge. That is at the low end of any period of community service. As I said to counsel, I thought there should be some period of community service and I have been persuaded that it should be at the low end of the scale rather than the 6 months sought by the Crown. In that sense it is reasonably nominal. It is intended to remind you of your obligations to your partner. It is never acceptable to threaten to kill anyone but particularly the person you live with.

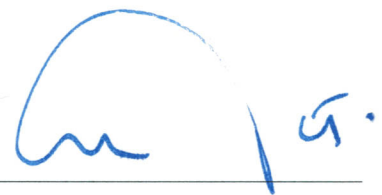
[9] There is no separate sentence on the assault charge for which you are sentenced but discharged.

[10] The terms of your probation are these:

- (a) You are to abstain from the purchase or consumption of any intoxicating liquor or drugs.
- (b) You are not to enter any licensed premises without the approval of the Chief Probation Officer with the exception of your employment at the Vaima Restaurant on Wednesday to Sunday each week between the hours of 5.00 pm and midnight. You are not to be present in the restaurant other than for the purposes of work.
- (c) You are to attend any counselling as directed by the Chief Probation Officer.

[11] I hope you have learned your lesson. You need to know that if you come back before the Court again for this sort of offending there is a very real prospect that you will go to prison for that. I hope you take this opportunity that I have given you to get things right and make a good go of it.

[12] You are to pay \$30 Court costs.



Tom Weston
Chief Justice