

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

**CR NO: 113/14 & 145/14**

**POLICE**

v

**CHRISTOPHER TANGATAKINO**

Date: 30 May 2014

Counsel: Mr T Manavaroa for the Police  
Mr N George for the Defendant

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**SENTENCING NOTES OF JUSTICE DAME JUDITH POTTER**

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[1] Christopher Tangatakino is before the Court for sentence on two charges.

[2] First possession of a utensil for smoking controlled drug which is an offence under s 13 of the Narcotics and Misuse of Drugs Act 2004. The penalty for that is a term of imprisonment up to five years or a fine not exceeding \$5,000.00 or both.

[3] He is also to be sentenced for assaulting a female which is an offence under s 214 of the Crimes Act and the penalty is imprisonment for a term not exceeding two years.

[4] The facts that give rise to this offending are that a search warrant was executed at the defendant's property and a homemade bong was found locked inside his room. He admitted that he was using the bong and said he was keeping it for his personal use.

[5] The assault charge relates to his partner. The defendant was pushed by his partner and he retaliated by punching her on the nose with the left clenched fist, which caused her nose to bleed. A friend intervened and separated the pair, but as his partner was led away, the defendant followed her and struck her again on the mouth. She was medically examined and discharged on the same day. The defendant was under the influence of alcohol at the time the assault occurred.

[6] Aggravating factors referred to by the Crown in submissions are that the assault was fuelled by alcohol, and also that this is the second appearance of the defendant for drugs related offending.

[7] He has in fact been before the Court on five occasions notwithstanding that he is only 21 years of age.

[8] On the 8 September, he was convicted of possession of cannabis and possession of a utensil. On 26 January 2012, he was convicted of fighting in a public place. Again on 1 March 2012 he appeared for assaulting a female and on 6 February 2013 he was back again on a charge of receiving. He has received a range of non custodial sentences. They have not acted as a sufficient deterrent.

[9] The Crown recognises the mitigating factors applicable here: the guilty pleas entered at an early stage and remorse shown by the prisoner, but remorse has to be questioned when this is the second occasion on which he has been before the Courts in relation to drug offending.

[10] Accordingly, the Crown submits that a short term of imprisonment of three months is appropriate followed by 12 months Probation supervision with conditions related to alcohol.

[11] Mr George for the defendant urges on the Court that he be convicted and ordered to come up for sentence if called upon within six months.

[12] Mr George's submission is that the defendant needs "a breather", that he has a good work history and a good reputation as evidenced by references attached to the Probation

report, and that he needs a chance to refocus his life rather than be subject to continuing sentences of Probation supervision.

[13] The Probation report, noting many of the matters I have referred to, recommends 12 months Probation supervision with an order that that period be served on Community service.

[14] The type of sentence advocated by Mr George is not appropriate for an offender who has been before the Court on five previous occasions, and who is here for the second occasion for drug related offending.

[15] I am inclined towards the Crown's submission that a short period of imprisonment is appropriate but I am very reluctant to send to jail for the first time a young man aged 21, notwithstanding his record to date.

[16] The alternative is to adopt the recommendation of the Probation Service which I will do. I want you to understand Mr Tangatakino that this is a last chance. I have considered seriously whether I should send you to prison today. I think you deserve to go to prison.

[17] I am giving you a last chance in terms of a non custodial sentence. I hope you will take advantage of it. The "breather" Mr George referred to your needing is in your hands, you must provide the breather, it is not up to the Court to provide that for you.

[18] The sentence I impose therefore is 12 months Probation supervision, to be served on Community service, the following special conditions are to apply:

- a) The defendant is to abstain from the purchase and consumption of liquor or non prescribed drugs;
- b) He is not to enter any licensed premises without the approval of his Probation Officer;
- c) He is not to associate directly or indirectly with Junior Marekino, Andrew Teroi, Ngatokotoru Teao and Matamua Teroi;
- d) He is to attend any workshop as directed by his Probation Officer.

[19] I order that the defendant pay the medical costs of his partner amounting to \$20.00 incurred in relation to the assault.

[20] You may stand down.

*Potter, J.*

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**Judith Potter J**