

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

**CR NO: 650/13, 651/13, 160/14 & 225/14**

**POLICE**

v

**JOHN PEPE**

Date: 30 May 2014

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

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**SENTENCING NOTES OF JUSTICE DAME JUDITH POTTER**

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[1] John Pepe is before the Court for sentence on four charges. Possession of a class C controlled drug namely two cannabis plants which is an offence under s 7 of the Narcotics and Misuse of Drugs Act 2004. The penalty is a term of up to two years imprisonment or a fine not exceeding \$5,000.00 or both.

[2] Secondly, possession of a utensil, a bong, used for smoking controlled drug. That is an offence under s 13 of the same Act. It also carries a penalty of up to five years imprisonment or a fine not exceeding \$5,000.00 or both.

[3] Thirdly, contempt of Court on 19 April 2014, and fourthly, breach of a probation condition on the 14 May 2014.

[4] The cannabis plants found when Police executed a search warrant were 60 centimetres in height. Police found in addition to these two cannabis plants, three bongos which give rise to the possession of utensils charge.

[5] The contempt of Court and breach of probation charges relate to association with alcohol and breach of Court and probation conditions.

[6] Mr Pepe has entered guilty pleas to all four charges. This is his first drug related offending but he has a lengthy history of offending dating back to 2001 and has previously served four terms of imprisonment.

[7] Both the Probation Service and Mr Rasmussen, representing Mr Pepe this morning, urge on the Court a non custodial sentence. Mr Rasmussen referred to the observation in the Probation report, that the Probation services are concerned that a custodial sentence may hinder what little progress Mr Pepe has made to date. The Probation report does refer to positive changes that Mr Pepe has made in his lifestyle. However, at the age of 30 years with 11 appearances before the Court, it is a big ask for the Court not to pose a custodial sentence.

[8] The Police in their submissions seek a short term of imprisonment of one month.

[9] In light of the Probation report which is very carefully and thoroughly prepared, and in light of Mr Rasmussen's submissions, I am prepared to give you a final chance Mr Pepe and not to send you to prison this time.

[10] Your record is such that if you continue to offend whether of drug related offending or other offending, you are going to land up in jail. This is truly a last chance and I give you that warning.

[11] The sentence I impose is 12 months Probation supervision to commence now. It will run concurrently with the existing term of Probation supervision through to the 1 November 2014 and continue thereafter.

[12] The Probation supervision is to be subject to the same conditions as attached to the current sentence which I understand to be that Mr Pepe is not to enter any licensed premises and is not to purchase or to consume alcohol. Those conditions continue.

[13] In addition, I adopt the recommendation of the Probation Service in imposing the following condition: Mr Pepe is to attend counselling with Rotaianga Mens Support Group once a week as arranged by his supervising officer.

[14] You may stand down.

*Potter, J.*

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**Judith Potter J**