

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

**CR NO: 706/12, 150/14**

**QUEEN**

**v**

**PONATU U'A**

Date: 30 May 2014

Counsel: Mr M Henry for the Police  
Mr W Rasmussen for the Defendant

---

**SENTENCING NOTES OF JUSTICE DAME JUDITH POTTER**

---

[1] Mr Ua you are before the Court for sentence on 2 charges of receiving stolen property. They are serious charges as you would know. They both carry a maximum penalty of imprisonment of 5 years.

[2] You received stolen property from Mr Piniata, it was the property of Danielle Cochrane. The items stolen and received were a Nokia mobile valued at \$150.00, an IPOD valued at \$200.00, a purse valued at \$20.00, radio adaptor valued at \$80.00. The items were taken from her car.

[3] The second charge relates to property that was stolen and which you received from somebody who has not been identified. The stolen property was a PSP console valued at \$700.00, stolen from a home.

[4] Of the aggravating features of your offending, what stands out is your list of convictions. You have accumulated 11 convictions over the last 18 months approximately, and all of those are for dishonesty offending, most of them receiving.

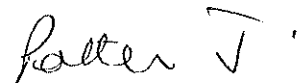
[5] You have received terms of imprisonment for receiving of 9 months, 8 months, 3 months. You have received sentences of Probation and Community Service. You have continued to offend. Some of that offending was committed while you were on Probation and Community Service.

[6] You have shown little respect for the law or for the sentences imposed upon you.

[7] In mitigation are your early guilty pleas to the charges and you are of course entitled for that to be reflected in your sentence. The Crown and the Probation Service both recognise that a custodial sentence is inevitable.

[8] Mr Petero filed excellent written submissions on your behalf and they have been addressed in Court today by Mr Rasmussen. Mr Petero states that you are optimistic that the Court would consider a non-custodial sentence. Believe me, if I had any appropriate opportunity to do so given your age of 20, I would but you leave the Court no alternative. You have thumbed your nose at rehabilitative sentences previously imposed; you have served terms of imprisonment and it seems to have made no difference.

[9] I have no alternative but to impose on you yet again, a sentence of imprisonment. I take a starting point of 18 months imprisonment, I allow a discount of approximately 25% for the guilty pleas, 5 months, leaving a sentence of 13 months imprisonment. That sentence is to be served concurrently on each of the two charges of receiving. It is also to be served concurrently with Mr Ua's existing sentence which I understand expires on the 25 September 2014.



.....

**Judith Potter J**