

**POLICE**

v

**RIMAATI JUNIOR IOTUA**

Date: 13 March 2015  
Counsel: Ms C King for the Police  
Mr B Mason for the Defendant

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**SENTENCING NOTES OF THE HONOURABLE JUSTICE HUGH WILLIAMS**

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[1] Rimaati Junior Iotua, at the age of 24 and with a most unfortunate history, to which reference will be made. You come before the Court today for sentence on no fewer than 17 charges, 15 of which are burglaries committed between 23 July 2013 and 2 April 2014.

[2] The earliest of those charges was possession of a utensil, namely a bong, for which the maximum sentence is 5 years imprisonment. There was then a string of 13 burglaries, on each of which the maximum sentence is 10 years imprisonment. They run from 21 September 2013 to 22 February 2014, a period of some 5 months. You were then arrested on 21 March 2014 on a bench warrant for failing to appear and escaped from the Police Station that day. Escaping from lawful custody has a maximum sentence of 5 years imprisonment. Then, once bailed after that offence, you committed two further burglaries on 2 April 2014, and again, the maximum sentence is 10 years imprisonment on each of those.

[3] The history of your prosecution shows that you pleaded not guilty to begin with, bench warrants were issued, and it was only after the sentencing of your co-offender Mr Taru that you, on 28 November 2014, pleaded guilty to all the offences.

[4] Grice J was unable to sentence you on that occasion and remanded you through to today in custody. It seems that you have been in custody for “give or take” a few days, about a year on remand and come for sentence today.

[5] There are so many charges that I do not intend to rehearse the facts of each one. Ms King for the Crown has read the summary of facts to the Court a copy of the Police summaries will be attached to your sentencing notes.

[6] But, in addition to what she said, I note a number of matters. The offence under the Misuse of Drugs Act 2004 was discovered on execution of a search warrant.

[7] When you were apprehended for the burglary of the Manea Beach Villas on 21 September 2013, the first of the burglaries for which you are being sentenced, your fingerprints were identified and but notwithstanding that, you denied being responsible for the burglaries. In that burglary, as in most of the others, cash and items valuable to the owners was taken.

[8] The other burglaries show much the same pattern of the theft of large sums of cash, usually from tourists, and other items. It was designed to cause them the maximum upset and inconvenience.

[9] Another common feature is that with each of the burglaries you refused to speak to the Police or to make a statement. You are entitled to do that but nonetheless it shows stubbornness and an unwillingness to accept that you were responsible for a large number of burglaries causing distress to the persons from whom you stole.

[10] The third factor which needs to be mentioned is that in the burglaries you stole a total of over \$9,000 in cash. The Police seek reparation from you but it is all gone. You probably do not have 9,000 cents let alone \$9,000 particularly when you have been in jail for about a year.

[11] It is unfortunately far from the first time you have been before the Court. Between 2006 and 2013, you have been convicted on eight occasions for offences such as breach of community service or breach of probation. You have a previous conviction for possession of utensils. You have been convicted on over 20 occasions for burglaries or attempted burglaries, a couple of occasions for escaping from lawful custody, eight occasions for general dishonesty, theft, receiving, unlawful taking, conversion, matters of that type and two occasions for contempt of Court.

[12] Though you are only 24, you have been to jail no fewer than eight times already, mostly for shorter periods but on two occasions, in 2008 and 2010, for 12 months. You were only out of jail a few days before you embarked on this crime spree involving the large number of burglaries to which I have referred.

[13] In consequence of all of that, the Crown submits that the starting point for sentencing you should be near the maximum of 10 years imprisonment because this is what they describe as a “sustained criminal spree”. They suggested you were the ringleader, a point disputed by you and possibly validly disputed given there were only two of you involved in the offending, but it does seem that for the most part you were the one who actually committed the burglaries while your co-offender Mr Taru merely kept lookout.

[14] The Crown points, justifiably, to the fact that these were premeditated offences aimed at tourists. Stealing from tourists is a sneaky offence because the circumstances of that sort of offending are such that tourists are often reluctant to return to the Cook Islands to give evidence, so the chances of such as you getting away with it are increased.

[15] The Crown also points to the fact that burglary is an ongoing and a major problem in the Cook Islands, involving an impact on the security, not only of the whole of the Rarotonga community, but on tourism which is a major stream in the Cook Islands economy. They direct me to cases such as Police v Bailey HCCI CR 461/12 Grice J 9.11.12, Police v Maka HCCI CR 43, 134-5, 778/11, 45/12 Hugh Williams J 22.6.12 and Police v Kakino HCCI CR 385-6, 434, 436-7, 444-6/11, 14, 15, 154-5, 310-3/12 Grice J 8.11.12 where relatively short terms of imprisonment were imposed.

[16] In the Crown's submissions aggravating factors are the scale of your offending, the prevalence of burglaries, the fact that many occupants were in the premises you burgled at the time, the premeditation, the fact that you were on bail - you were offending on bail for many of the offences - and your list of previous convictions. So they suggest that I should start with a sentence of about 6 years imprisonment for the burglaries, and after giving some discount for the fact that you pleaded guilty, come to an end sentence on those offences for about 5 years.

[17] Mr Mason on your behalf - and Ms King acknowledged that - argued that there is a comparison that needs to be undertaken between the three year sentence imposed on your co-offender Police v Taru HCCI CR 184,196-9, 211-9/14 Weston CJ 22.9.14 on 15 burglaries and the sentence to be imposed on you. Mr Taru's case was different in the sense that there were fewer burglaries, he had no extra offences like possession of utensils and escaping and he was prepared to co-operate with the Police to the point where he was, at least at that age, (since recanted) prepared to give evidence against you. The Crown suggests that the sentences for the escape and the utensils might well be cumulative on the sentence to be imposed for the burglaries.

[18] Mr Mason suggested that your offending was towards the lower end but realistically accepted that the starting point for the sentences on the burglaries should be at least 3 years imprisonment and the aggravating features might well lift the sentence by a year. He stressed Mr Taru's position including the fact that you were apparently released from jail in order to be present when Mr Taru was sentenced by the Chief Justice, and your pleas followed that sentencing. So there should be some comparison undertaken with the Taru sentence. He drew attention to the unfortunate personal background you have had and acknowledged that you, if not already, are fast becoming a "lost cause". He suggested that your presence at the birth of your second child towards the end of last year may do something to bring you to your senses and cease your re-offending.

[19] I am required to try and fashion a sentence which brings about accountability on your part for the harm your offending has done to the victims and to the community, to try and promote a sense of responsibility in you, provide for the victim's interest and denounce and deter your conduct. Denunciation is certainly a major feature with a background such as this and where you are being sentenced for as many crimes as you have committed.

[20] This is all serious offending and, with the number of burglaries set against the previous convictions and your drug and escaping offences set against the previous convictions for those offences, this is clearly a serious matter when it comes to working out the appropriate sentence. Under the New Zealand statute, the aggravating factors which are present and they operate in the Cook Islands as well are the possibility of violence, unlawful entry into a place where people were living, offending whilst on bail and the extent of the loss or harm, here the theft of over \$9,000 in cash plus other items like ipods and mobile phones which would be valuable to the owners.

[21] As I mentioned on each of the burglaries you face a possible sentence of 10 years imprisonment. In Police v Maka I said that the time has come for the Court to take a short term of imprisonment as a starting point for offending such as this, and I also note that the cases to which the Crown referred me are all now of some age, two, three, four years old. Although periods of imprisonment were involved in all those cases, it seems to have done nothing to deter you from your crime spree. Perhaps more appropriate is Potter J's sentencing of Police v Tutakiao HCCI CR 612 & 918/12, 90, 103-105/13 Potter J 10.5.13 where on four burglaries plus other charges he was sentenced to 3 years, 9 months imprisonment. So burglars in the Cook Islands need to recognise the sentences are steadily increasing and will continue to increase until burglary no longer becomes such a prevalent offence.

[22] Aggravating factors - those making the sentence to be imposed heavier in your case - are the sheer number of burglaries, 15 over 7 months, eight committed on one night, several committed when you were on bail. Those factors alone indicate the appropriate sentence would be a lengthy term of imprisonment on each of the burglaries.

[23] Secondly, there is a nature of the offending: each of the burglaries involves breaches of people's privacy, a breach of security to which they were entitled, in most cases entry into what was at the time a private dwelling in the sense of people living in a villa or a lodge. Nearly all of these offences targeted tourists. They were aimed deliberately at the tourist industry and that is a despicable aspect of your offending.

[24] There was premeditation on your part to target tourists because you knew it would minimise the chance of your conviction and maximise the likely return because tourists bring

quite large sums of money when they come here on holiday. Tourism is a vital factor in the Cook Islands economy, so you were offending against the whole of the Cook Islands community. Were it to become known internationally that tourists are preyed on by sneaky thieves like you when they are here, that could do incalculable harm to the tourism industry of these islands.

[25] Although the cases I have mentioned as I said were about 3 years old, they have had no discernible effect in reducing the number of burglaries and certainly no effect on you.

[26] The next aggravating factor is that you have got something like 61 previous convictions. You have been to jail eight times, but it seems to have no effect on your criminal behaviour and reoffending.

[27] And the final factor which needs to be taken into account as aggravation, is the comparison with Taru, I will come back to that. The only mitigating factor Mr Mason can put forward on your behalf is your pleas of guilty and you are certainly entitled to a reduction in the sentence for that, and particularly because getting convictions against you for the reasons I have mentioned, may not have been certain. But the pleas were late, months after you were originally charged and to that point, you had steadfastly refused to acknowledge your responsibility.

[28] So in my view, the starting point for imprisonment on the burglaries, should be about twice the sentence imposed on Mr Taru of 3 years, ie about 6 years, possibly, given your record and given the number of burglaries a little higher. So the starting point in my view should be something over 5 years imprisonment for the burglaries and possibly as high as about 6 ½ years.

[29] As the Crown says, the utensil offence and the escaping from custody are offences which are completely different in nature to the dishonesty offences, and on their own, again given your background, warrant cumulative sentences of perhaps 3 months for the utensils and 6 months for the escape.

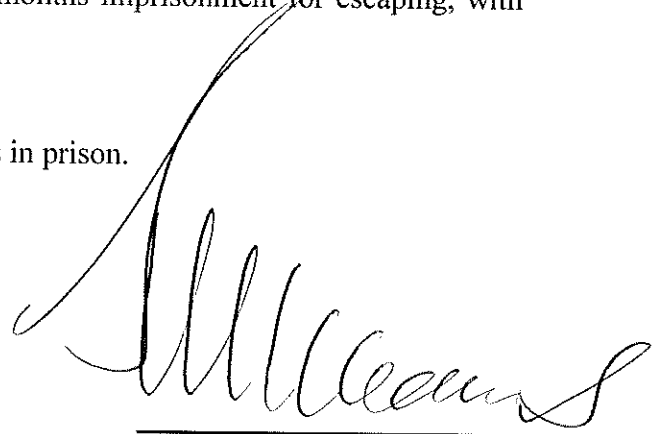
[30] All of that would suggest that the total sentence ought to be over 6 years, but, I am required to look at the totality of the offending and a sentence of over 6 years would be too

long in the circumstances. I am also required to look at Mr Taru's sentence. Offenders who are prepared to co-operate with the Police can expect a significant reduction in their sentence - in some cases as much as half - and although the Chief Justice does not mention the co-operation and although Mr Taru has since failed to co-operate it was obviously a factor which influenced the length of the term of imprisonment to which he sentenced Mr Taru.

[31] In looking at the appropriate sentence also, I need to take into account that you have been in custody on remand for "give or take" a year, and that, unusually and arguably unjustly, Cook Islands Law does not automatically deduct from a sentence imposed the time spent by an offender in custody on remand.

[32] All of that leaves me to conclude that the appropriate sentence to be imposed upon you for each of the burglaries is one of 5 years imprisonment. In the circumstances given your background and the different nature of the offending, you are sentenced to 3 months imprisonment for possession of the utensils and 6 months imprisonment for escaping, with those terms to be cumulative on the 5 year term.

[33] In the result, you will spend 5 years 9 months in prison.

A handwritten signature in black ink, appearing to read 'H Williams', written in a cursive style. The signature is positioned above a horizontal line.

**Hugh Williams J**

## COOK ISLANDS POLICE

## CAPTION SHEET

**NAME:** Rimaati Junior IOTUA                      **D.O.B/Age:** 21.05.1990, 23yrs  
**OCCUPATION:** Unemployed                      **ADDRESS:** Avana, Ngatanglia.  
**CHARGE:** Possession of Utensil  
**ACT/SECTION:** Narcotics & Misuse of Drugs Act 2004, Section 13 (1) (a) & 2  
**PENALTY:** 5 years imprisonment  
**PROSECUTION:**  
(Decision)  
**EXHIBITS:** BONG

<b>WITNESSES:</b>	<b>Address:</b>	<b>Occupation:</b>
Epil Poila	Ruatonga	Police Officer
Rimamingi Tuaval	Nikao	Police Officer
Vainenoora Ngametua	Nikao	Police Officer

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SUMMARY OF FACTS

At 9:00am on Tuesday the 23<sup>rd</sup> July 2013, Police executed a search warrant on Rimaati Junior IOTUA's address in Avana, Ngatanglia.

There, the Police found a utensil (bong) inside the defendant's caravan on the floor next to the bed where he slept.

The utensil was manufactured out of a plastic power raid bottle with a pipe sticking out on the side of the bottle.

The defendant when interviewed admitted taking the bong into his caravan.



## COOK ISLANDS POLICE

## CAPTION SHEET

**NAME:** Rimaati Junior IOTUA                      **D.O.B/Age:** 21.05.1990, 23yrs

**OCCUPATION:** Inmate                                      **ADDRESS:** Arorangi Prison

**CHARGE:**                      Burglary – Manea Beach Villa  
**ACT/SECTION:**              Crimes Act 1969 Section 263

**PENALTY:**                      10 years imprisonment

**PROSECUTION:**  
(Decision)

**EXHIBITS:** BONG

<b>WITNESSES:</b>	<b>Address:</b>	<b>Occupation:</b>
Vainenooroa Ngametua	Nikao	Police Officer
Johnny George	Arorangi	Police Officer

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**SUMMARY OF FACTS**

On the 21<sup>st</sup> of September 2013, a burglary that occurred on the Manea Beach Villa was reported to the Police.

Police investigation revealed that, the intruder entered the building through the kitchen window which was close but unlocked. Scene examinations were conducted where several finger prints were lifted from the kitchen window.

While inside the building the intruder searched through the whole house and stolen, 1 x Ipad, 1 x Ipod , shave Razor and mobile phones.

From there he climbed back out through the Kitchen and left house.

On the 28<sup>th</sup> of January 2014, finger prints result came back which watch to the defendant Rima IOTUA. He was uplifted and he was brought to the Police station for questioning.

When questioned, the defendant strongly denied being responsible for the burglary on the Manea Beach Villa.

The defendant is 24 years of age, an inmate in the Arorangi Prison

He has previously appeared before this court



Johnny GEORGE D/Sergeant Avarua

12/03/2015



Police inquiries revealed that the offender and his associate IOTUA walked to the Kiikii motel.

At the Kiikii motel his associate Rima IOTUA approached the front window facing the road and found the bottom louvers missing.

IOTUA entered the building and unlocked the sliding door from the inside for the offender to enter.

They stole the grey aluminium safe from underneath the table inside the main office and carried it to the beach not far from the Kiikii motel.

At the beach they forcibly opened the safe using a spade that they stole from the Kiikii Motel shed.

After opening the safe they disposed the spade into the bush area nearby and left the safe on the beach.

They stole all the New Zealand currencies from the safe and left the assorted foreign currencies.

They shared the cash between them and used it for themselves.

The defendant Dominique TARU when interviewed admitted to the facts as outlined above.

The defendant Rima IOTUA when interviewed refused to make a statement to the Police.

#### **Burglary on the Are Ariki Holiday Home.**

On the 2<sup>nd</sup> April 2014, a burglary complaint at the Are Ariki Holiday Homes in Turangi, Ngatangiia was reported to the Police.

Police inquiries revealed, that the defendants went to the Are Ariki Holiday homes in Turangi.

There the defendant TARU acted as a lookout while the defendant IOTUA broke into a van and stole a black Nokia mobile phone and also a white Core mobile phone.

The defendant IOTUA walked to the front of the building facing the beach side and stole 2 bottles of 1125ltr Jim beam on the table outside.

The defendant IOTUA gave the bottles of Jim Beam to the defendant TARU.

IOTUA, then walked to the back single door of the building, opened the door and he entered the house.

The defendant IOTUA came back out through the same door he went in without any properties.

After committing the offence, the defendant IOTUA gave the defendant TARU the black Nokia mobile phone from in the van.

They walked home at their friend's house the same night and consumed the 2 bottles of Jim beam.

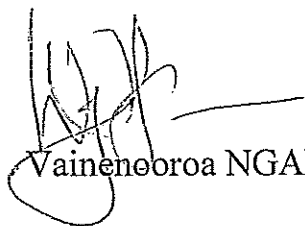
The defendant TARU when interviewed admitted to the facts as outlined above.

The defendant IOTUA when interviewed refused to make a statement to the Police.

The defendant TARU is a single man, unemployed and reside in Turangi,  
Ngatangiia.

The defendant IOTUA is living in a de-facto relationship, unemployed  
and reside in Ngatangiia.

Both defendants has previously appeared before this Court.



Vainenebroa NGAMETUA Det Sgt

Avarua

10.09.14

POLICE DEPARTMENT

CAPTION AND SUMMARY OF FACT

NAME: Rimaati Junior IOTUA DOB/AGE: 21/05/1990, 24yrs

OCCUPATION: Unemployed ADDRESS: Turangi, Ngatangia

CHARGE:

3. Burglary on the Pacific Divers.(05/02/14)
4. Burglary on the Vaiakura Holiday Homes two story unit. (14/02/14)
5. Burglary on the Vaiakura Holiday Homes single unit. (14/02/14)
6. Burglary on Peter Graham rental house. (14/02/14)
7. Burglary on the Ra Mura Holiday Homes. (14/02/14)
8. Burglary on the Aroa Beachside Inn Unit 101. (14/02/14)
9. Burglary on the Aroa Beachside Inn Unit 105. (14/02/14)
10. Burglary on Jan Mellor rental house. (14/02/14)
11. Burglary on the Puaikura Reef Lodge room 7(14/02/14)
12. Burglary on the Puaikura Reef Lodge room 6(14/02/14)
13. Burglary on the Sunrise Bungalow Villa 5.(22/02/14)
14. Burglary on the Sunrise Bungalow office unit. .(02/04/14)
15. Burglary on the Avana Condos. (02/02/14)

ACT AND SECTION: Crimes Act 1969 Section 263.

PENALTY: 10 years

WITNESS NAME:

OCCUPATION:

ADDRESS:

Dominique TARU  
Damon TAMARIKI  
Taneao NGAMATA  
Vainenoora NGAMETUA

Unemployed  
Carpenter  
Police Officer  
Police Officer

Ngatangia  
Arorangi  
Matavera  
Nikao.

EXHIBIT:

Witnesses statements

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SUMMARY

1. Burglary on the T.Vaiora Holiday Homes. (11/01/2014)

At about 1:00am on the 11th January 2014, the defendants IOTUA and his associate walked to the T.Vaiora Holiday homes in Ngatangiia to steal something of interest to them.

While at the Holiday home, the defendant walked to the southern side window of the house and removed the mosquito screen of the window and climbed into the house.

Whilst in the house the defendant stole a black leather wallet containing \$300NZD, credits cards, C.Is drivers licence and other assorted business cards.

After stealing the properties, he ran out through the inner sliding door that he had opened.

The defendant refused to provide any explanation regarding this matter.

Reparation of \$300.00 is sought by the Police on behalf of the complainant.



4. Burglary on the Vaiakura Holiday Home (Two story unit) in Arorangi. (14/02/14)

Just before 12.00am on the 14<sup>th</sup> February 2014, the defendant and his associate rode a black Tiger Smart motorcycle to the Vaiakura Holiday homes in Arorangi from Turangi with intent to steal something of interest to them.

The defendant parked their bike on the beach side not far from the Two Storey Vaiakura Holiday Homes and walked along the beach to the premises.

The defendant approached the northern side of the premises and climbed onto two large gas bottles to reach the top floor balcony.

The defendant walked into top floor room through an open sliding door and stole cash of \$150.00 from inside the complainant handbag located on the floor.

The defendant walked downstairs and took a bottle of Bundaberg rum, 1 x bottle Jim Beam, black sunglasses and packets of UHT milk.

The defendant then exited the premises through the same way he entered. The defendant and his associate shared the cash and consumed the alcohol.

The defendant when interviewed refused to provide any explanation about this matter.

Reparation of \$150.00 is sought.

#### **5. Burglary on the Vaiakura Holiday Homes ( single unit) in Arorangi. (14/02/14)**

After committing the burglary at the Two Storey Vaiakura Holiday Homes, the (14/02/14), the defendant and his associate walked to a Single Unit also owned by the Vaiakura Holiday Homes with intent to steal something of interest to them.

The defendant IOTUA approached the sliding door on the western side of the premises and reached through an open window to unlock the door from the inside.

The defendant then entered the unit through the sliding door and stole \$460.00 cash and a black Nokia mobile phone and took it for himself.

The defendant then walked out of the premises through the same way he entered the unit.

Reparation of \$460.00 is sought.

The defendant when interviewed refused to say anything.

**6. Burglary on Peter Graham rental house in Arorangi. (14/02/14)**

After committing the burglary on the Single Unit for Vaiakura Holiday Homes, the (14/02/14), defendant and his associate walked to Peter Graham rental house next door with intent to steal something of interest to them.

There the defendant approached the west facing single door and cut a hole through the insect screen door and reached through to unlock it from the inside.

The defendant entered the premises and stole a black Quick Silver leather wallet containing \$NZD1,000.00 and \$AUD500.00 which is equivalent to \$NZD530.00, Cook Islands currency and assorted business and bank cards.

Whilst inside the defendant was disturbed by the complainant and the defendant escaped.

Reparation of \$NZD1,530.00 is sought.

The defendant when interviewed refused to provide any explanations about this matter.

**7. Burglary on the Ra Mura Holiday Homes in Arorangi. (14/02/14)**

After committing the burglary on Peter Graham's premises at Betela, the (14/02/14), defendant and his associate walked to the Ra Mura Holiday Homes nearby.

There the defendant approached the east facing single door and entered the premises as the door was closed but unlocked.

Inside the premises he stole a total of \$270.00 cash and a Samsung Duo cell phone.

The defendant exited the premises through the western side sliding door.

The defendant refused to provide any explanations regarding the burglary

Reparation of \$270.00 is sought.

**8. Burglary on the Aroa Beach side Inn Unit 105 in Arorangi. (14/02/14)**

After committing the burglary on the Ra Mura Holiday Homes in Betela, the (14/02/14), defendant and his associate walked across to the Aroa Beachside Inn Unit 105, with intent to steal something of interest to them.

The defendant approached the main entrance and cut a hole through the insect screen door and reached in to unlock the door.

The defendant entered the Unit and stole \$620.00 from inside the complainants Hand bag.

The defendant walked out through the same way he entered the unit and closed the door behind him.

The defendant when interviewed refused to say anything.

Reparation of \$620.00 is sought

**9. Burglary on the Aroa Beach side Inn Unit 101 in Arorangi. (14/02/14)**

After committing the burglary on Unit 105, the (14/02/14), the defendant walked to Unit 101 with his associate with intent to steal something of interest to them.

The defendant approached the main entrance and cut a hole through the insect screen door and reached in to unlock the door.

The defendant entered the Unit and stole \$AUD850.00, which is equivalent to \$NZD 901.00 and \$NZD340.00 from inside the complainants Hand bag.

The defendant walked out through the same way he entered the unit and closed the door behind him.

The defendant when interviewed refused to say anything.

The defendant when interviewed refused to provide any explanation.

Reparation of \$1241.00 is sought

**10. Burglary on Jan Mellor rental house in Arorangi. (14/02/14)**

After committing the burglary on Unit 101, the (14/02/14), the defendant walked across to Jan Mellor's rental house next door with his associated with intent to steal something of interest to them.

The defendant approached the western side single door and cut through the insect screen of the window next to the door and reached through to unlock the door from the inside.

The defendant entered the premises and stole \$USD2, 000.00 which is equivalent to \$NZD 2406.00 and an Apple iPad from inside the premises.

The defendant exited the premises through the same way he entered.

The defendant TARU when interviewed refused to comment on this matter.

Reparation of \$2406.00 is sought.

#### **11. Burglary on the Puaikura Reef Lodge Unit 7 in Arorangi. (14/02/14)**

After the committing the burglary on Jan Mellor rental home, the (14/02/14) the defendant and his associate walked Room 7 of the Puaikura Reef Lodge in Arorangi with intent to steal something of interest to them.

The defendant approached the sliding door on the northern side of the premises which was left ajar and reached through to unhook the chain of the door.

The defendant entered the premises through the door and stole \$96.00, a Wifi card and men's deodorant.

The defendant came out through the same way he entered the Unit.

The defendant refused to comment about the matter.

Reparation of \$96.00 is sought.

**12. Burglary on the Puaikura Reef Lodge Unit 8 in Arorangi. (14/02/14)**

The defendant walked to Unit 8 and approached the main entrance. He opened the sliding door which was closed but unlocked and entered the Unit.

The defendant could not find anything to steal as the Unit was unoccupied.

The defendant exited the Unit through the same way he entered.

The defendant when interviewed refused to comment on the matter.

**13. Burglary on the Sunrise Bungalow Villa 5 in Ngatangia. (22/02/14)**

At about 1:00am on the 22<sup>nd</sup> February 2014, the defendants IOTUA an associate walked to the Sunrise Bungalow Villa 5 in Ngatangia.

There the defendant walked to the northern side mosquito screen sliding door of the house and removed the mosquito screen and walked into the house.

Whilst in the house the defendant stole \$NZD7 ~~60~~

~~60~~ and \$AUS30 which is equivalent to \$NZD31.00 from inside the bag.

After stealing the properties, he ran out through the same door he entered the Villa

The defendant refused to provide any explanation regarding this matter.

Reparation of \$ NZD791.80 is sought by the Police on behalf of the complainant.

**14. Burglary on the Sunrise Bungalow office unit in Ngatangia. .(02/04/14)**

At about 11:00pm on the 2<sup>nd</sup> April 2014, the defendants IOTUA an associate walked to the Sunrise Bungalow office unit in Ngatangia.

There the defendant walked to the southern side mosquito screen sliding door of the house and removed the mosquito screen and walked into the house.

Whilst in the house the defendant stole \$NZD200 from inside the wallet.

After stealing the properties, he walked out through the same door he entered the unit.

The defendant refused to provide any explanation regarding this matter.

Reparation of \$ NZD200 is sought by the Police on behalf of the complainant.

**15. Burglary on the Avana Condos in Ngatangia. .(02/02/14)**

At about 10.00pm on the 04<sup>th</sup> February 2014, the defendant and two associates walked to the Avana Condos Office in Ngatangia with intent to steal something of interest to them.

The defendant approached the Office back door and opened the door which was closed but unlocked.

The defendant entered the premises and opened the safe which was closed but unlocked.

The defendant could find anything to steal and exited the Office through the same way he entered.

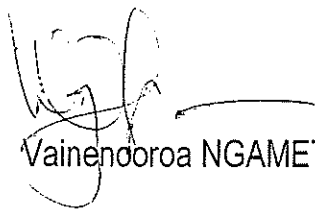


The defendant was very unco-operative during the course of the interview where he refuses to say anything.

A total restitution of \$9164.00 is sought on behalf of the complainants into this matter.

The defendant is 24yrs of age, living in a de-facto relationship, currently in custody at Arorangi Prison.

He has previously appeared before this Court.



Vainendoroa NGAMETUA Det Sgt

Avarua

21.10.14  
~~15.09.14~~

**COOK ISLANDS POLICE****CAPTION SHEET****NAME:** Rimaati Junior IOTUA                      **D.O.B/Age:** 21.05.1990, 23yrs**OCCUPATION:** Inmate                                      **ADDRESS:** Arorangi Prison**CHARGE:**                      **Escape of Lawful Custody**  
**ACT/SECTION:**              **Crimes Act 1969 Section 131(1)(c)****PENALTY:**                      **5 years imprisonment****PROSECUTION:**  
(Decision)**EXHIBITS:** BONG

<b>WITNESSES:</b>	<b>Address:</b>	<b>Occupation:</b>
Lisa Tatakura	Nikao	Police Officer
Vainenoora Ngametua	Nikao	Police Officer
Johnny George	Arorangi	Police Officer

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**SUMMARY OF FACTS**

On the 21<sup>st</sup> of March 2014, a bench warrant was issued by the court for the defendant IOTUA for failing to attend to his court case.

On Friday the 21<sup>st</sup> of March 2014, the defendant was located at the Avarua wharf, he was brought to the Police Station and the same was arrested on bench warrant.

During the process of his arrested, he requested to use the toilet, he was the escorted to the men's toilet, the defendant climbed out through the window, climbed over the fence and ran towards the Foodland as he escapes.

At about 4:30am early Sunday morning the 23<sup>rd</sup> of March 2014 , Police search party were formed that led to the apprehension of the defendant.

He was arrested for escaping from lawful custody

He was place inside the Police cell.

He has previously appeared before this court



**Johnny GEORGE** D/Sergeant Avarua      08/08/2014