

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

CR NO: 138/15

POLICE

v

NGATOKOONO TARA

Date: 22 May 2015

Counsel: Mr T Manavaroa for the Police
Defendant in person

SENTENCING NOTES OF JUSTICE DAME JUDITH POTTER

[1] Ngatokoono James Tara is before the Court for sentence on one charge of dealing with documents with intent to defraud under Section 25(a) of the Crimes Act 1969. The maximum penalty for the offending is a term of imprisonment not exceeding 5 years. Mr Tara has pleaded guilty to the charge.

[2] The background facts are that on Saturday 20 December 2014 Mr Tara went to Vanwil store with a Westpac cheque for the sum of \$950.00 and asked that it be cashed. This was refused. So he went to the Foodland Supermarket and tried the same thing. Again he was refused. He made constant demands for the cheque to be cashed and the matter was referred to a Supervisor. The Supervisor told him the only way for the cheque to be cashed was for him to buy an item or items and the difference over and above the price of the items would be given to him in cash. He therefore bought groceries to the value of about \$316.00 and received change of about \$633.00.

[3] On the 24th December the Westpac Bank notified Foodland Supermarket that the cheque account had been closed the previous month in November 2014.

[4] When apprehended, Mr Tara admitted finding the already filled in cheque at his home, and he decided to cash it. He also admitted spending the rest of the money.

[5] The purposes of a sentence in a case such as this are to denounce your conduct and to deter you and other people in the community from doing things like this; undertaking fraudulent criminal activity.

[6] The Crown notes that this was pre-meditated offending, although it did have an air of opportunism about it.

[7] In terms of mitigation, you pleaded guilty at the earliest available opportunity. You are a first offender coming before the Court at the age of 27. You have recently paid in full, reparation in the sum of \$950.00 and attached to the pre-sentence report is a receipt for that amount. I understand the money was advanced by your employer CIS General Transport Limited and they will deduct the amount from your future wages. That confirms to me Mr Tara that you're employer has respect for you, and I hope that you will honour the respect they have shown to you in assisting you in this way.

[8] The Crown seeks a term of Probation supervision and community service. I consider a reasonable term of Probation supervision is necessary because Mr Tara, you need protection from himself. You need assistance which will help you to recognise and redress your lack of judgment and the dishonesty involved in this offending.

[9] I sentence you, Mr Tara, to 12 months Probation service and for the first 6 months of that, you are to undertake community service.

[10] You may stand down



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Judith Potter J