

**PERMANENT NAME SUPPRESSION ORDER PROHIBITING PUBLICATION OF
ACCUSED NAME IN THE NEWS MEDIA, ON THE INTERNET OR OTHER PUBLICLY
AVAILABLE DATABASE WITHOUT FURTHER ORDER OF THE COURT**

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

CR NO: 381/16

POLICE

V

NATASHA IRO

Date: 03 June 2016

Counsel: Ms A Mills for Police
Mr W Rasmussen for Defendant

SENTENCING NOTES OF HUGH WILLIAMS, J.

[1] I start off Mrs Iro by telling you that you are not going to jail.

[2] You are here at the age of 38, having pleaded guilty on 20 April of this year to the charge of injuring your husband with intent on 1 February.

[3] The background is that you were both asleep. It seems you were awoken by a voice in your head which you thought was the devil speaking to you or some evil force. You went and woke your husband and said something to him like, "if you don't stop getting the devil on to me and the kids I'll kill you". He reacted and, probably, punched you.

[4] This took place in the lounge. You had taken a kitchen knife to the room. There was then a bit of a scuffle. He tried to defend himself at the bed base or something of that sort but in the scuffle, you stabbed him in the shoulder. Later on he needed three or four stitches to close the wound. You told the authorities that you wanted to inflict pain on him but not to kill him.

[5] I have been given a number of very helpful reports in this difficult situation. In particular, Doctor Fariu tells me that in about 2006 you were diagnosed as suffering from what he calls Chronic Schizo Affective Disorder. Other people call it Bipolar disorder. Whatever the title it is a mental disease which can result in wild swings of mood, often very quickly from one side of the spectrum to the other. Because of that, and perhaps because not quite the right medication was being prescribed for you, there have been stresses and strains in your relationship. You and your

husband have parted on occasions, then come back together. You have had three children between you. Two of them, the boys live in Mitiaro with your mother and Mr Rasmussen says that you, understandably enough, go back there on occasions to seek refuge, to recharge your batteries or something like that.

[6] The Doctor says there have been a lot of what appear to be suicidal attempts in the past. While you are, in his view, capable of part-time work, you have tried to undertake full-time work on a number of occasions and it just has not lasted. Both he and your husband comment on the fact that your heavy smoking is a costly exercise here in the Cook Islands. It is costly anywhere, but is particularly costly here. That eats up a large proportion of your household budget which means that there is often only just enough to go around.

[7] In his victim impact report, he says that there has been a lot of stress in the marriage. I think you probably agree with that.

[8] Ms Mills for the Crown draws my attention to the principles of sentencing. She suggests that factors that make this offending more serious than it might otherwise have been, are that it was, first, an unprovoked attack on your husband. He was asleep. There was a use of a weapon of course and the incident involved what turned out fortunately not to be serious injuries. But still a stab wound that needs three or four stitches is not a minor thing.

[9] Ms Mills accepts that your early plea and your lack of previous convictions stand in your favour and that your husband's attitude also helps because it seems at one stage – and he is a Police officer so he should know – he did not want to continue with the Prosecution. Of course your unfortunate mental health assists in fact operates to reduce the sentence you would otherwise be given.

[10] Ms Mills refers me to a number of cases that, factually, not really very similar to your situation. I do not get much help from them, but she suggests they indicate that, in sentencing you, I should start from something like twelve to eighteen months imprisonment. If you were not suffering from a mental disorder, that might be appropriate, but in your case I just do not think that is the correct way to start. Ms Mills, to be fair, accepts that in the circumstances a non-custodial sentence is the proper outcome for you.

[11] As usual there is a very helpful Probation report. They go into your background fully. I have got reports from Punanga Tauturu and from Ms Grimwood-Petterson also to assist me. All of them agree that you need some help to continue in the community, to continue living a useful life, and to ease the strains that you feel arise just from living and to try and patch up your marriage.

[12] One helpful comment – amongst many – that the Probation service makes is that it seems that since this came to light back in February your medication has been changed and it sounds as though you are now on about the right dosages of the right drugs so hopefully that will be helpful to you in the future.

[13] Mr Rasmussen with sympathetic submissions canvasses the background and suggests too that a non-custodial sentence is appropriate.

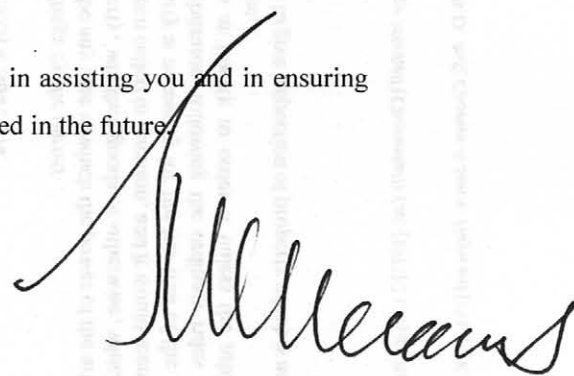
[14] As I said to you at the outset, a jail sentence for you is inappropriate in the circumstances. It is pointless my fining you, you could not pay it: your husband would probably have to pay it. You are remorseful. You obviously already feel accountable for what you have done and fully responsible. Your situation sets you apart from the sort of “run of the mill” cases involving a charge such as this.

[15] I am going to make an order permanently suppressing your name. As I said to Ms Mills, it is perhaps a bit of a stretch of my power to do it but to me it seems as though that will assist in your rehabilitation and your recovery from what occurred on this occasion.

[16] Secondly, I am going to admit you to Probation for twenty four months, two years. That will be on the statutory conditions - a probation officer will describe them to you - but with additional conditions that you attend all courses and counselling that the Probation officer might direct. It seems to me that you need that support, that steady hand from counsellors and skilled people who can assist in your maintaining your stability and you ought to accept that. I should also say that if the counselling helps you quit smoking, that will be a good thing for your health and the family budget. However, it is jolly hard to quit.

[17] An additional condition will be that you attend all medical appointments that the probation service and the doctors require and you comply with all the doctors' directions, including taking the medication that is prescribed.

[18] I hope that the sentence I have imposed will play a part in assisting you and in ensuring that the difficult times that you have had in the past can be lessened in the future.



Hugh Williams, J