

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

**CR NO. 745/16**

**POLICE**

**v**

**MARIANA DOROTHY VAINERERE**

Date: 15 March 2017  
Counsel: Mr T Manavaroa for the Police  
Ms M Vainerere in person as Defendant

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**SENTENCING NOTES OF HUGH WILLIAMS, CJ**

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[9:15:39]

- [1] Mariana Dorothy Vainerere, you pleaded guilty on 9 February this year to one charge of careless driving causing injury to two persons on 29 October 2016. At about 9.30pm on that date you were riding your motorbike in Rarotonga, intending to turn right, you did not exercise the proper care to make sure the road was clear and an oncoming bike collided with your motorcycle and a second bike collided with both of them. Fortunately nobody was seriously injured although the other riders were kept in hospital overnight for observation.
- [2] You were here to complete your NCEA exams and in fact have passed levels 1, 2 and 3 which is commendable. You had come to Rarotonga from Atiu, your home island, in order to sit the exams.
- [3] The Probation Service has given me a report setting out your background and emphasising in particular your young age. You are 18.
- [4] Senior Sergeant Manavaroa very properly, on behalf of the Police, draws my attention to a number of other similar cases and suggests that to date the Court's decisions have been too lenient in light of the fact that these sorts of accidents are all too common

here in the Cook Islands. But he accepts that your age, your early plea, the fact that you have never been in Court before and your apologies should result in my imposing a light sentence. He also suggests that you should join a community service group but the practicality of doing that on Atiu is pretty doubtful.

- [5] There are far too many traffic accidents here in the Cook Islands but I think that your circumstances warrant making an exception to the normal rule.
- [6] What I will do is I will convict you of the charge and disqualify you from holding or obtaining a driver's license for 12 months.
- [7] I order you to pay \$60 reparation.
- [8] Beyond that I do not intend to impose a fine.

A handwritten signature in black ink, appearing to read 'Hugh Williams', written in a cursive style.

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**Hugh Williams, CJ**