

X

POLICE

v

ANTHONY IKIMOTU

Sentence: 8 December 2017

Counsel: Mr T Manavaroa for the Crown
Mr C Petero for the Defendant

SENTENCING NOTES OF THE HONOURABLE JUSTICE CHRISTINE GRICE

[0]

[1] Mr Ikimotu, you appear on two charges before me. A charge of possession of cannabis and a charge of possession of a utensil under the Narcotics and Misuse of Drugs Act. These offences attract maximum terms of imprisonment each of 5 years as well as fines.

[2] The police have outlined the situation. A search disclosed the utensil in your locker at work – that was a bong. Later at the police station a search of your bag disclosed some 16 cannabis seeds. You frankly admitted they were yours, you did not try and lie about it. You said they had been given to you by a friend.

[3] As the police have outlined, drug cases in the Cook Islands are treated very seriously. The penalties are more serious than in New Zealand and the courts have time and time again said that for anything above a minor offence by someone with no convictions, imprisonment will be considered.

[4] I must consider the principles of sentencing. These include to hold you accountable on behalf of the community to denounce the offence and to deter you and others from this

type of offending. I must also bear in mind your rehabilitation and impose the least restrictive sentence I can.

[5] In this case, Mr Petero has laid before me all he can. It is your first offence which is an important factor. You have pleaded guilty early which is also important in sentencing. You have told me direct from the dock that you are remorseful, you are sorry about what this has brought on your friends and work mates. No doubt they were all thrown into the fray as well. They were probably searched. You have a supportive employer and will continue in your employment. Mr Petero says you are in a position to pay a fine.

[6] The Crown seeks imposition of a hefty fine. It is not seeking a custodial sentence. The Probation Service has suggested a term of probation. A term of probation is more restrictive on you than a fine. However, the fine should be hefty.

[7] In this instance, I propose fining you on each of the charges.

[8] On the charge of possession of cannabis, I impose a fine of \$500.

[9] On the charge of possession of a bong, I impose a fine of \$250.

[10] That is a total of \$750 in fines.

[11] You will also pay on each of the charges \$50 Court costs. That is a total of \$100.

[12] I make order for the destruction of the bong and the cannabis seeds.

[13] Your passport will be released to you.

[14] You may stand down.

A handwritten signature in blue ink, appearing to be 'Grice J', written over a horizontal line.

Grice J