

POLICE

v

ASHLEE JADE WATERS

Date: 17 September 2018

Appearances: Sgt F Tararo for Prosecution

DECISION OF THE HONOURABLE JUSTICE PATRICK KEANE

[10:21:55]

[1] Ashlee Waters, a visitor to the Cook Islands, has pleaded guilty to driving carelessly and causing injury. She seeks a discharge without conviction and that is not opposed by the police.

[2] On Friday 14 September 2018 at 6.40pm Ms Waters began to make a U-turn on the main road at Tupapa so that she could park at Bamboo Jacks. Her victim, riding a motorcycle, crashed into the driver side of her van and her victim, Andrew Tamatoa, received superficial injuries to his left knee and the left side of his chest.

[3] Ms Waters accepted responsibility when spoken to by the police and has pleaded guilty to the offence on its first call. Her concern, as somebody who has never appeared before any court before, is that a conviction for what was in essence an error of judgment would be disproportionate to her offence.

[4] Ms Waters is concerned that a conviction will have a detrimental effect on her future employment and harm her ability to enter countries that have strict entry laws. She is willing

to make a payment on account of the emotional harm suffered by her victim and medical costs.

[5] Accidents of this kind in the Cook Islands are quite common. Visitors especially, often do not take sufficient account of the many motorcycles and scooters on the roads. A discharge without conviction is unusual, even for brief moments of inattention. I am prepared however to grant Ms Waters' application supported as it is by the police on the terms she herself advances.

[6] The many references she has supplied are impressive. At NorthTec in Whangarei, New Zealand, she supports and guides students. She is involved in a non-profit organisation she co-founded in 2016 called Empower to assist those between 12 and 18 who suffer chronic medical conditions. She herself suffers such a condition. A payment, without a conviction, meeting the needs of her victim will suffice.

[7] Ms Waters is discharged without conviction on the basis that she make an emotional harm payment of \$500 to the victim, Andrew Tamatoa, and pay the hospital costs incurred by the police of \$20 and Court costs, \$50. Her passport is to be returned to her.


Patrick Keane, J