

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

CR NO. 494/2018

POLICE

v

TAKAKE HOEPPER

Date: 20 November 2018
Counsel: Snr Sgt F Tararo for Prosecution
Mr M Short for Defendant

SENTENCING NOTES OF THE HONOURABLE JUSTICE PATRICK KEANE

[10:02:25]

[1] Takake Hoepper, you appear for two offences, breaking and entering the Rehab nightclub on 20 August 2018 and earlier on 25 July 2018 possessing a small quantity of cannabis.

[2] Your pre-sentence report says you are aged 20 years. You live with your parents and your father employs you cleaning and cutting private properties though work is slow presently because your truck needs to be fixed.

[3] You have hopes of leaving Rarotonga to work. You wish to do steel fixing in Australia and your counsel tells me that this is a real possibility once you have completed your sentence.

[4] Taking into the account the nature of your offence, that you were a lookout in the burglary, and the quantity of cannabis was small, and that in the former capacity

you acted perhaps under peer pressure and under the influence, your report recommends a sentence in the community.

[5] It recommends 12 months supervision with the first 6 months on community service subject to four conditions:

- a) You not purchase and consume alcohol;
- b) You not enter licensed premises without the approval of this Court;
- c) You pay reparation;
- d) You not leave the country without the approval of this Court.

[6] The police endorse, in their submissions, that recommendation and invite me to require you to pay reparation of \$695.55.

[7] Your counsel, as I have said, confirms that you live in a loving and supportive family. I have had a letter from your father in which he says you are his indispensable leading hand. He, himself, has health issues.

[8] Your counsel tells me that you and your father have already been to the Rehab nightclub and agreed reparation and it is being paid informally. He invites me to make the reparation order the police applies for.

[9] I will make a reparation order in those terms. I assume, however, that the Probation Service will ensure that only the sum now outstanding is paid and will credit you of anything you have already paid.

[10] This is your second appearance for burglary and you have already served a sentence of supervision for assault. You are, therefore, right on the cusp. If you continue to offend, a sentence of imprisonment becomes inevitable.

[11] Today you have, with the support of both police and your family, an opportunity. I accept the recommendation in the report.

[12] I sentence you to 12 months probationary supervision with the first 6 months on community service. The terms will be that you:

- 1) Not to purchase and consume alcohol;
- 2) Not to enter any liquor licensed premises without approval from the Court;
- 3) Not to leave the country with approval from the Court;
- 4) To pay reparation in the amount of \$695.55 on account of items taken from the nightclub.



Patrick Keane, J