

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

**CR NO'S 348/17, 352/17  
368/17, 404/17, 408/17  
597-599/17**

**POLICE**

v

**OKIRUA MANUELA**

Date: 22 March 2018

Counsel: Senior Sergeant T Manavaroa for Crown  
Mr N George for the Defendant

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**SENTENCING NOTES  
OF THE HONOURABLE JUSTICE DAME JUDITH POTTER**

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[9:46:00]

[1] Okirua Manuela appears for sentence today on a number of charges:

- a) Theft, on 23 June 2017, at Arorangi, when he stole a Samsung Galaxy mobile phone valued at \$1109.
- b) Wilful damage, on 10 August 2017, when he damaged a store sign and a baby stroller, the property of a relative. That offending carries a maximum term of imprisonment of 3 years.
- c) Wilful damage on 14 August 2017 at Avatiu, when he damaged a dwelling house and a motorcycle, the property of Junior Manuela. That offending also carries a term of imprisonment not exceeding 3 years.
- d) On that same date, 14 August, he was found in possession of cannabis and that carries a penalty of a fine up to \$10,000 or a term of imprisonment up to 5

years or both, because that type of offending is viewed very seriously by parliament and the community.

- e) Also, on 14 August, a charge of threatening to kill Enuu Pakitoa. That is an offence under the Crimes Act carrying a maximum penalty of 7 years.
- f) On 13 November, he stole a pair of New Balance shoes having a value of \$200.
- g) On 16 November, he stole \$50 cash from a parked car.
- h) Also on 16 November, he was unlawfully found on the property of Reneta Godard. That offending carries a sentence of 3 months or a fine not exceeding \$40.

[2] I have received a helpful probation report which records that you have spent a considerable time in custody on remand. I am advised the date you were last taken into custody is 17 November 2017.

[3] The probation report says that your history of offending shows a great disregard for the law and that cannot be denied. You have been offending since the age of 20 years – 2014, 2015, 2016 – and in 2016 you were imprisoned for 4 months and 3 weeks. The period of probation for that expired on 21 August 2016. In 2017 you had a disqualified driver offence.

[4] With that history of offending and the offending for which you are now before the Court for sentence Mr Manuela, it is clear the Court has no alternative but to impose on you a sentence of imprisonment.

[5] However, Mr George in your defence points out that this was a spree of offending over approximately five months in 2017, during which you were going through a period of your life where you were not in control. You were rebelling against your parents and the offending is consistent with that state.

[6] Mr George confirms, as does the probation report, the ongoing support of your mother – and your mother is here in Court today to evidence that support. I have to say about that, you are truly fortunate, because parents of a person like you who has such a lengthy record of anti-social offending, have a lot to cope with. You should be extremely grateful to them.

[7] You have entered guilty pleas and you are entitled to recognition for that.

[8] Given the time you have served in custody I propose to deal with sentencing in this way.

[9] As a starting point I take 6 months imprisonment which I reduce to 4 months on account of your guilty plea. The sentence is therefore 4 months imprisonment.

[10] The period you have spent in custody will be credited against that sentence of imprisonment.

[11] Following release from custody you are to be under 12 months' probation supervision with conditions:

- a) Not to consume alcohol;
- b) Not to enter any liquor licensed premises;
- c) Not to purchase any alcohol; and
- d) To follow any directions by the Probation Service.

[12] Now those conditions, Mr Manuela, are not to make like tough for you, they are to help you. Because if you cannot stay away from alcohol you are going to be back here in Court. So do not regard those conditions as a penalty, they are there to assist you to lead a better life as Mr George has assured me you wish to do.

[13] The police do not seek reparation and there is no reality of it being paid in the circumstances.

[14] I order Court costs of \$50.

*Potter, J.*

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**Judith Potter, J**