

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

CR NO. 312/19

POLICE

v

ELIZABETH POTORU

Date: 6 August 2019

Appearance: Senior Sergeant T Manavaroa for Prosecution
Ms E Potoru in person as Defendant

SENTENCING NOTES OF DOHERTY J

[9:11:43]

[1] Elizabeth Potoru is for sentence for defrauding the Avarua School Parent Teachers' Association of \$2,262.50.

[2] This occurred over a period of about 17 months last year and a little before that. She was in a position of trust and when charging for goods for the school, she charged up some personal foodstuffs which she ultimately used herself. She used the foodstuffs to provide for community and church purposes in her village.

[3] She, like many, felt an obligation to do so when events were on but she was short of her own cash and found this way of contributing to the community by effectively stealing from the Parent Teachers' Association.

[4] When the matter came to light, she immediately owned up and accepted that what she had done was wrong and she then paid back all of the money. Her explanation was that she was financially short and that by initially charging the Parent Teachers' Association she planned, as many do, to pay it back. She just did not do that.

[5] When the discrepancy was found in a finance report she immediately informed the Principal and admitted all matters to the police.

[6] At 54 years of age this is her first appearance. She has never been before the Court before and as far as I am aware has never been in any trouble before.

[7] I have had the benefit of a probation report which tells me of her circumstances. She has been married for more than 20 years. She and her husband had four sons. They are committed within their community and their church. She was a trusted employee of the Avarua School. Also had a note from the Deputy Principal confirming just that, that she was an asset to the school and the school was sorry that her lack of contribution now is a loss.

[8] As I have said she made full admissions. She paid it back. She personally fronted up to the Principal and the PTA. She is described by the Probation Service as being very remorseful and I accept, and I think the police accept, that while this is a serious matter which carries a significant term of imprisonment as a maximum sentence, that her offending was need not greed. Namely, she was not using this money for any extravagant lifestyle.

[9] The purposes and principles of sentencing are that the Court must deter others from this type of crime, deter people personally, denounce their conduct but also take into account peoples circumstances and the potential for rehabilitation.

[10] I do not expect that you will be back before this Court ever again. I imagine this as being a salutary experience for you.

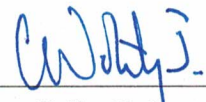
[11] The police say that deterrence and denunciation ought to be the primary circumstances and that probation and community service is appropriate. That is not the view of the Probation Service and frankly it is not my view either.

[12] The conviction that you will have for this matter will carry with you all of your life and I think that will be a significant stigma. A dishonesty conviction will mean that you may even find difficulty finding other employment. I happen to agree with the recommendation the Probation Service that justice will best be served here if you are convicted and sentenced to come up for sentence if called upon in the next six months.

[13] What that means is that if you get into trouble in the next six months, you will be back before the Court and you can be sentenced or re-sentenced on this charge. If you keep out of trouble, that is it, apart from the fact that you will have a conviction.

[14] I note that there is no point in making orders for reparation because all of the money has been paid back.

[15] Thank you.

A handwritten signature in blue ink, appearing to read "C. Doherty, J.", is written above a horizontal line.

Colin Doherty, J