

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

CR NO. 754/18

POLICE

v

EDWIN NICHOLAS

Date: 8 August 2019

Appearance: Snr Sgt T Manavaroa for Prosecution
Mr N George for Defendant

SENTENCING NOTES OF DOHERTY J

[09.26.44]

[1] Mr Nicholas you are here for sentence today on this matter because the Justices could not deal with it. It needed to be dealt with by a High Court Justice which is why you are here. It looks to me on the basis up on which they have dealt with everything else that it would have been unlikely in any event that anything would have been added to your sentence in a monetary sense. This was an outburst when you had had too much to drink rather than any serious threat.

[2] Police appear to accept that and I think that the Senior Sergeant's suggestion that you are dealt with concurrently by a conviction and then ordered to come up for sentence if called upon within the next 6 months is an appropriate response.

[3] It means if you are not back before the court for anything of a nature that bears a sentence of imprisonment as a possible penalty, you will hear no more about this. But if you do come back in the next 6 months, on one of those, this can be reactivated and you can be sentenced on it.

[4] You may stand down.



Colin Doherty, J