

**POLICE**

v

**PETRENA TIATOA**

Date: 19 March 2019

Counsel: Ms A Glassie for the Police  
Mr W Rasmussen for the Defendant

Sentence: 19 March 2019

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**SENTENCING NOTES OF HUGH WILLIAMS, CJ**

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[9:40:50]

[1] Petrena Tiatoa, at the age of 19 but by no means any stranger to the Criminal Courts, you are here this morning for sentence on one charge of altering a cheque on 14 June last year.

[2] The cheque was undated. You wrote the date in. The cheque was a blank one, you wrote the word “cash” into it and the amount of \$2000 and then went and cashed it, using the proceeds for food and other items.

[3] On this offence the maximum penalty for which you could be sentenced is 10 years imprisonment. That shows how serious it is.

[4] You pleaded guilty to other offences and were convicted by the Justices of the Peace and sentenced to prison on 23 January this year for 10 months with probation to follow.

[5] Just going a little further into the facts, the woman who is the owner of the cheque, a public figure, perhaps unwisely left the cheque signed but otherwise blank in her car and then lent the car to somebody else for a medical appointment.

[6] The car was taken. Instead of going to the medical appointment it was taken to a social function where you were, and you and somebody else then took the vehicle, found the cheque in it and filled it out in the way I have described and used the proceeds for your own purposes.

[7] The probation report makes depressing reading for somebody of 19 years of age. You have been convicted on a number of occasions – I think about seven for burglary and on about four other occasions for contempt of Court. You have been to jail before the Justices sent you to jail in January this year and you also have some other convictions for driving whilst disqualified and for driving with excess blood alcohol.

[8] The Justices of the Peace remarked that you seem to have no regard for Court orders or for the law. That background certainly supports that comment.

[9] For the Crown, Ms Glassie, points me to the fact that this is a significant amount of money here in the Cook Islands and to your previous record. And she directs my attention to a couple of other cases, *Tara*<sup>1</sup> in 2015 and *Tearaitoa*<sup>2</sup> which are little bit similar but not really the same as your offending.

[10] To the Probation Service you said that you are “happy to be in custody” because it removed you from the influence and manipulation of your friends and people around you, and has given you an opportunity to reflect on the mess you are making of your life.

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<sup>1</sup> *Police v Tara*, HCC1 22 May 2015, Potter J

<sup>2</sup> *R v Tearaitoa*, HCC1 6 December 2013, Grice J

[11] Mr Rasmussen tells me that prior to being sent to jail you had been living rough, living in the worst of circumstances with completely undesirable people around you. But the Probation Service says that you offended in this case because you were in desperate need. You probably were. But that was your fault and for you to behave as you did on this occasion is deplorable. Even the Probation Service recommends a custodial sentence.

[12] It is difficult to know what is the appropriate sentence to impose on you, even though you accept, as Mr Rasmussen says, that a further period of imprisonment is inevitable.

[13] This was a serious offence. A brazen offence. An opportunistic and deliberate offence. No doubt prompted by your desperate personal position but nonetheless serious criminal offending causing embarrassment to a public figure and also involving the wrongful conversion of a vehicle. And you seem up till now, to have blamed others for manipulating you.

[14] You need of course to be held accountable for your criminal behaviour. The sentence needs to try to promote a sense of responsibility in you. And I will give you the credit on this occasion for the letter of apology you wrote to the Justices and a further letter that Mr Rasmussen read out this morning.

[15] It is probably pointless to impose reparation. You will never have any chance of paying back the \$2000. But it seems that there is real prospect that you are turning your life around.

[16] You are entitled to a credit for your plea of guilty. You are entitled to some credit for the apologies that you have made. The Justices gave two months off your sentence expressly for that matter. But it is serious criminal offending by somebody who has offended on a number of occasions involving dishonesty in the past.

[17] The starting point for imposing a sentence on you in my view is a jail term of about 2 – 2½ years. The circumstances of the offence and your previous convictions would justify lifting that to about 3 years. You are entitled to a reduction in that for

your plea and I am prepared to allow 9 months off that figure for that. That would ordinarily result in a jail term of 2¼ years.

[18] But I am concerned that the totality of the sentence to be imposed on you by the Justices and here should not be seen as excessive and I am prepared to reduce that sentence by 6 months expressly for your apology, for the fact that you do seem to be making sincere efforts to turn your life around and to ensure that you do not continue on this path of criminal offending.

[19] The result therefore, I sentence you to jail to 18 months from today. There is no point in probation. The probation that the Justices imposed will simply expire. And because of the term of jail to which I have sentenced you, I cannot sentence you to probation on your release.

[20] It is a serious result for you and it is to be hoped that you will continue to make the strong efforts that you have made to reform yourself.

[21] Stand down.

A handwritten signature in black ink, appearing to read 'Hugh Williams', written in a cursive style. The signature is positioned above a horizontal line.

**Hugh Williams, CJ**