

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

CR NO. 759/2023

POLICE

v

NGATOKORIMA TEHATITIRI JOE

Hearing: 14 March 2024
Appearances: Snr Sgnt. T Manavaroa for Police
Mr M. Ioane for Defendant
Sentence: 14 March 2024

SENTENCING NOTES OF KEANE, CJ

[00:00:00]

[1] Ngatokorima Joe, you appear for sentence for careless driving causing injury on 26 March 2023.

[2] At about 3.14 p.m. that Saturday, having just visited family at Nikao, you reversed onto the main road. You failed to notice Mr Teina's motorcycle and did not hear his horn. You and he collided and he fell off his bike.

[3] You pulled to the side of the road and went to assist him. He had suffered cuts to his left knee and you took him to hospital. His cuts were sutured and he was discharged with pain relief.

[4] When you were questioned by police you accepted you were at fault. You admitted to not checking properly, before you reversed, whether the road was clear. You were apologetic and remorseful.

[5] Mr Teina suffered no lasting injury, his treatment was without cost, and his motorcycle suffered no damage. In a letter, dated 7 February 2024, he asks that you be discharged without conviction.

[6] He fears that, if you are convicted, your last four years theological study may be wasted. A conviction may impede you becoming a minister or pastor of the Cook Islands Christian Church.

[7] Your counsel confirms, in his careful submission, that luckily that is not a problem. You were ordained a pastor on 11 February 2024. Once this issue of sentence is complete you will be listed for a parish.

[8] You have no previous convictions. To the contrary, you have lived an exemplary life. You and your wife have four children and you are anxious to begin your pastoral work.

[9] You seek a discharge without conviction on the basis set out in your counsel's submission; and, unusually, your application is supported by the Probation service, and the Police, as well as Mr Teina.

[10] Your fault was momentary and minor. Mr Teina luckily suffered only slight injury and his scooter was undamaged. I accept then, as I am invited to, that it would be disproportionate to convict you as you start your ministry.

[11] I discharge you without conviction.



P J Keane, CJ