

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

**CR Nos: 628/24, 1493, 1495/2023**

**R**

v

**ELLIOT HUNT**

Hearing: 12–14 August 2025

Appearances: T White for the Crown  
M Tangimama Pera Robati for the Defendant

Sentence: 24 September 2025

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**SENTENCING REMARKS OF GORDON J**

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[1] Ms Hunt, you appear for sentence today on three charges. Following a Judge alone trial before me, I found you guilty on two charges of common assault;<sup>1</sup> and one charge of threatening to kill.<sup>2</sup> I entered convictions on the three charges.

**Offending**

[2] I considered the facts and circumstances surrounding your offending in detail in my judgment finding you guilty on all three charges.<sup>3</sup> I do not consider it is necessary to repeat those facts in any detail today. In summary, on 23 September 2023, at Social Centre beach in Nikao, you punched and choked Iatisone Sosene. I found that you were the aggressor and that you delivered a forceful punch with a closed fist to Mr Sosene's mouth. I found that act was driven by your anger, which was fuelled

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<sup>1</sup> Crimes Act 1969, s 216. Maximum penalty of one year imprisonment.

<sup>2</sup> Section 329(a). Maximum penalty of seven years' imprisonment.

<sup>3</sup> *R v Hunt* HC Rarotonga CRNs 1493, 1495/2023, 628/2024, 15 August 2025.

by intoxication. You then assaulted him by choking him. You also repeatedly shouted at Mr Sosene, “I’m going to kill you”.

[3] I did not accept your version of events in the statement you made to Police.

[4] I have been provided with a pre-sentence report. It outlines that you are currently living in Nikao, together with your 13-year-old daughter and your parents. The report describes your childhood as normal and with good parents who are still together today. Your mother and employer were both interviewed by the report writer, and both attested to your good character

### **Pre-sentence report**

[5] The report writer says you were cooperative during your interview and engaged openly about the charges. They say you objected to certain details in the summary of facts. You admitted to hitting Mr Sosene but denied threatening to kill him. The causes of the offending are summarised as anger, frustration and alcohol.

[6] The report recommends a sentence of 18 months’ probation supervision, with the first six months to be served on community service. The report writer suggests the following conditions be imposed:

- (a) You are not to leave the Cook Islands without the approval of the High Court.
- (b) To surrender your passport to the High Court of the Cook Islands.
- (c) To attend counselling and workshops as directed by Probation.
- (d) To abstain from consuming or purchasing alcohol.
- (e) Not to enter licensed premises such as bars or nightclubs.

## **Approach to sentencing**

[7] In sentencing you today, Ms Hunt, I follow the approach set out by Cook Islands' case law and the principles and purposes of sentencing outlined in ss 7 and 9 of the Sentencing Act 2002 (NZ) which have been adopted by the Cook Islands High Court.<sup>4</sup>

[8] In your case, the sentence I impose will denounce your conduct; hold you accountable for the harm caused to the victim and the community; deter you and others from committing similar offences; and promote a sense of responsibility and acknowledgement of that harm.

[9] I am also required to take into account the gravity of your offending, including your degree of culpability; the seriousness of the offending; the general desirability of consistency with sentencings in similar cases; your family, whānau, community and cultural background; and I must impose the least restrictive outcome that is appropriate in the circumstances.

[10] Sentencing is a two-stage process.<sup>5</sup> First, I must set a starting point for your sentence. In doing so, I will take into account any aggravating and mitigating features of your offending. Then at the second stage I will consider factors personal to you that may change the starting point by either lowering it (if any personal factors are in your favour), or increasing it if there are any personal factors that are aggravating.

### **Stage one: setting a starting point**

[11] Crown counsel, Mr White, has submitted that your offending involved a number of aggravating factors. I accept those submissions. Those factors are:

- (a) **Use of violence.** While you were only charged with common assault, the level of violence used was significant. You physically assaulted the victim with a full-force punch to the mouth and by choking him around

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<sup>4</sup> *O'Carrol v R* [2020] NZSC 92, [2020] 1 NZLR 299 at[11].

<sup>5</sup> *R v Kamana* CA504/2022, 28 June 2022 at [26].

his neck from behind, with both you and the victim ending up in an altercation on the ground.

- (b) **Extent of loss, damage and harm.** Mr Sosene has provided a victim impact statement. It is clear the assault has had a significant impact on him and his lifestyle. As a result of the offending, he has experienced significant anxiety and worry, for both his safety and that of his young granddaughter (who was present in a car parked nearby during the incident). He has had to alter his lifestyle and behaviour accordingly by not doing things he previously enjoyed doing. The offending has also resulted in \$1,830 in lost income and medical expenses.
- (c) **The offending was driven by alcohol and anger.**
- (d) **Presence of multiple offenders.** Your partner was also involved, she was charged and pleaded guilty to one charge of assault. Her role was limited to one assault which occurred in the course of her trying to separate you and Mr Sosene. She was sentenced to 12 months' probation with conditions aimed at rehabilitation. The presence of more than one offender heightens the level of concern the victim might have felt and the potential vulnerability of the victim.
- (e) **Particular vulnerability.** The victim is an older man of slight build.
- (f) **Presence of child.** As I have noted, the victim's three-year-old granddaughter was present in the victim's car during the altercation. The Court heard unchallenged evidence that the granddaughter was crying and upset.

[12] I agree with Crown counsel that there are no mitigating features of the offending.

[13] Mr White referred the Court to a number of cases that he submits are helpful in determining an appropriate starting point for your offending. They include the

following cases: *Police v Maurangi*;<sup>5</sup> *Police v Morris*;<sup>6</sup> *R v Ellis*;<sup>7</sup> *Police v Vano*;<sup>8</sup> and *Police v Robati*.<sup>9</sup>

[14] Based on the cases the Crown refers to, and taking into account the relevant factors, Mr White submits a global starting point of nine–twelve months’ imprisonment would be appropriate. I accept that submission and set a starting point of nine months’ imprisonment.

### **State two: adjusting the starting point**

[15] Having set the starting point, I must now adjust that starting point to reflect any aggravating or mitigating features personal to you.

#### *Crown submissions*

[16] Because you have a limited criminal history, the Crown does not seek an uplift for your previous convictions. However, the Crown submits this disentitles you from any credit for previous good character and the Crown also notes that one of your previous offences is drinking related.

### **Final sentence – Crown submissions**

[17] The Crown does not seek a custodial sentence. Mr White notes the need to impose the least restrictive sentence appropriate in the circumstances, as well as your clear rehabilitative needs such as anger management and addressing alcohol misuse, and the purpose of sentencing to assist in your rehabilitation. On this basis, a community-based sentence is accepted by the Crown as appropriate to ensure monitoring and access to rehabilitative programmes. If the Court is minded to direct a community-based sentence, the minimum period must be 12 months.<sup>10</sup>

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<sup>5</sup> *Police v Maurangi* HC Rarotonga CR 387/13, 13 September 2013.

<sup>6</sup> *Police v Morris* HC Rarotonga CR 373/11, 9 November 2012.

<sup>7</sup> *R v Ellis* HC Rarotonga CR 1244/23, 20 December 2024.

<sup>8</sup> *Police v Vano* HC Rarotonga CR 767/18, 28 November 2019.

<sup>9</sup> *Police v Robati* HC Rarotonga CR 194/2002, 28 November 2002.

<sup>10</sup> Criminal Justice Act 1967, s 6(1).

[18] As a condition of any probation sentence, the Crown seeks reparation for the financial losses Mr Sosene incurred as a result of the offending, being lost wages and medical expenses, totalling \$1,830.<sup>11</sup>

[19] The Crown's position is that an appropriate sentence in this case would be 12–18 months' probation, with conditions as set out in the probation report, along with the following additional conditions:

- (a) Not to attempt to contact or associate with the victim or his immediate family.
- (b) Not to come within 100 metres of the victim or his immediate family.
- (c) To pay \$1,830 to the victim by way of reparation for lost income and medical expenses.

[20] Mr White submits that the Court may wish to consider imposing a short period of community service pursuant to s 8 of the Criminal Justice Amendment Act 1976 to ensure there is deterrence.

### **Defence submissions**

[21] I come now to the submissions on your behalf. Your counsel, Ms Tangimama Pera Robati, says she does not have anything further to add to the Crown's submissions and the Probation Service report.

[22] Ms Tangimama Pera Robati has filed five character references, one of which is signed. They all speak positively of your good character and of your positive contributions to the community. One of them purports to express an opinion about the incident that is contrary to my findings. I put that part of that reference to one side; otherwise, I will bear in mind the character references when setting your sentence.

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<sup>11</sup> Criminal Justice Act 1967, s 8(1)(c).

[23] Further, on your behalf, Ms Tangimama Pera Robati accepts that the sum of \$1,830 should be paid by you to the victim. She says that you are able to make that payment by way of weekly payments of \$50. That would result in 36 payments of \$50, with a final payment of \$30.

### **Final sentence**

[24] As I have already mentioned, the Crown does not seek a custodial sentence, despite maximum available penalties of one and seven years' imprisonment for each of the charges, respectively. I agree that a community-based sentence will best meet the purposes and principles of sentencing. The questions then become: what should that sentence be; how long should the sentence be; and what, if any, conditions should be imposed?

[25] I note that your partner, as your co-offender, was sentenced to 12 months' probation with conditions aimed at rehabilitation. That is the minimum available sentence where a person is convicted of any offence punishable by imprisonment, as your co-offender was. The principle of parity at sentencing would suggest that you receive a stronger sentence. This would be to reflect your offending in the incident as being more serious, based on the facts as I found them at trial. As well, the conditions I would propose are more onerous than the conditions imposed on your co-offender. The conditions also are relevant in considering parity as between you and your partner.

[26] On that basis, I consider a sentence of 16 months' probation is appropriate. Likewise, I consider that a payment of reparation for the sum of \$1,830 is appropriate to meet the financial losses suffered by the victim. I have considered, but ultimately decline to impose a further condition of community service. I consider a condition of reparation to sufficiently meet the purposes and principles of sentencing. As well as that, I do not wish to limit your ability to make reparation by imposing a condition of community service.

[27] The Crown seeks two additional special conditions: that you not attempt to contact or associate with the victim or his immediate family; and that you not come within 100 metres of the victim or his immediate family.

[28] I accept that the first of those two conditions is appropriate. However, I consider the second proposed condition, that you not come within 100 metres of the victim or his immediate family, to be unworkable. Rarotonga is a small island. The risk that you might inadvertently come within 100 metres of the victim or any of his immediate family is high.

[29] Mr Sosene has expressed concern about running into you, whether that be at the school your daughter attends and the events run by the school, at the shops, or generally. I accept those concerns are genuine. However, I do not consider the proposed condition is a viable one. A condition that you not attempt to contact or associate with the victim or his immediate family is workable and is necessary to meet Mr Sosene's concerns. However, and to be clear, even though you may inadvertently cross paths with the victim or his immediate family, this condition means that you are to take immediate steps to avoid them.

### **Imposition of sentence**

[27] Ms Hunt would you now please enter the dock.

[28] I sentence you to 16 months' probation supervision, with the following special conditions:

- (a) Not to leave Rarotonga without the prior approval of the High Court.
- (b) To surrender your passport to the High Court of the Cook Islands.
- (c) Not to consume or purchase alcohol.
- (d) Not to enter licensed premises such as bars or nightclubs.
- (e) To attend counselling or workshops as directed by Probation.

(f) Not to attempt to contact or associate with the victim, Iatisone Sosene, or his immediate family.

[29] I direct you to pay \$1,830 to the victim, Iatisone Sosene, by way of reparation for lost income and medical expenses. That sum is to be paid by way of weekly payments of \$50. As noted, those payments will occur over a 36 week period, with a final payment in week 37 of \$30.

[30] Stand down please, Ms Hunt.



Gordon J