

IN THE HIGH COURT OF THE COOK ISLANDS

HELD AT RAROTONGA

(CRIMINAL DIVISION)

CR 302/2002

POLICE

V

PATRICK AMA

Mr Elikana for Police

Mr Gibson for Defendant

Date of sentence: 28 November 2002

DECISION OF GREIG CJ

Patrick Ama, you are now to be sentenced by me for this charge of cultivating cannabis. As your counsel has said and I now repeat to you, cultivating cannabis is a serious charge. The maximum penalty is 14 years imprisonment and that is one of the longest maximum sentences that is possible. It is said that this was a youthful indiscretion but it was a crime and it was crime that you must have known perfectly well you were committing. A crime that required you to carry on with the propagation because you were cultivating the cannabis. You frankly admitted that it was for money and of course that does not really make it any better, that makes it worse. You let down your grandmother and your mother and your father and you ought to be ashamed of that, if nothing else.

This was not just a one or two plant cultivation, there was a total of 17 that were growing and presumably were going to go on growing. You were tending them. I would certainly be justified in sending you to prison as I have said on previous occasions. But because of your youth, because of your future and because I think your family will lean on you, I am going to give you a chance and not send you to prison. You will be very aware that you

now have a conviction in this drug area against you and if you come before the Court again it is more likely than not that you will go to jail.

You will be ordered to 6 months community service. You will report for community service this Saturday morning at 7 o'clock and will attend as may be required by the officer in charge of the community service and you will attend each day that is required for no more than 12 hours. I think following that part of the punishment you ought to be under probation too so that the Probation Service can lean on you and make sure that you are following the right track. So there will be 12 months probation following the completion of the community service and that will be on the usual terms and I include the term that you will undertake any course of training which you are now doing as the Probation Service requires. You were under an order suppressing your name in the past but that will not now continue and your name will be published, that is part of the punishment.



CHIEF JUSTICE