

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

CR NO. 114A/03

POLICE

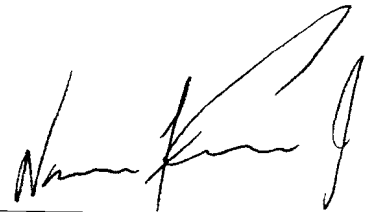
V

ENOCH BUCHIN
Defendant

Mr Titaa for Police
Mr Little for Defendant
Date of Sentence: 4 July 2003

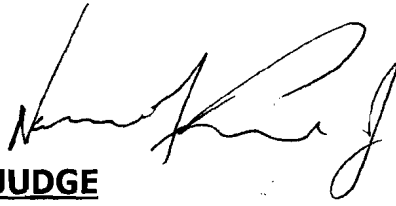
DECISION OF SMITH J

This is your first offence before the Court and to that extent you get one star. You've cooperated with the police in their enquiries and for that you get another star. The fact remains however that you have committed an offence, an offence which is becoming rather prevalent within the island and that of cultivating cannabis and in there you lose both stars. The report which we have speaks very highly of you from your employer, speaks highly of your relationship with your partner and family and the suggestion is that you be given a chance to prove yourself. Your counsel has suggested that we should impose a fine because if you were to do community service then there would be a result in loss in your income. But if we did impose a fine and you had the money to pay the fine then you would not have been punished and the elements of sentencing is that there must be some semblance of punishment. Mr Little has also asked that the Probation report suggesting that he abstain from liquor is not a valid matter in this case because it's not a liquor related case. If however you are required to abstain from cannabis it could become a liquor related case. Who's to say that the amount of alcohol that which you are currently consuming does not increase. These are matters which we don't know, we can only surmise. I'm going to give



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you a chance, I am varying the recommendation from the Probation Service a little, you are to be given three months community service, to be followed by 12 months probation during which time you will abstain from the purchase or consumption of alcohol and you are not to enter any licensed premises without the approval of the Probation Officer.



JUDGE