

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

CR NO. 154/05

POLICE

V

TEOKOTAI MURARE
Defendant

Chief Inspector Tini for Police
Teokotai Murare for himself
Date of sentence: 21 April 2005

SENTENCE OF NICHOLSON J

1. Teokotai Murare you have pleaded guilty to the offence of burglary and you are now to be sentenced. The maximum penalty is imprisonment for 10 years.
2. The facts are that at about 2 o'clock on Monday afternoon the 7th of March this year the Police were advised that there had been a burglary at the Nukutere Tuck Shop. They found a hole made in the wall between one of the classrooms and the Tuck Shop. A spade had been used to break the wall.
3. A Police enquiry showed that about midnight on the 5th of March you and a friend Matara walked to the St Joseph's school from the Under 21 disco at Avarua. You fell asleep.
4. About 7 o'clock on a Saturday morning the 5th of March you woke up and decided to break in to the Tuck Shop because you were hungry. You and your friend saw a window with no louvers to the Science Lab next to the

Tuck Shop, you climbed into the classroom through that window. Inside the classroom you found a spade and a bush knife. You grabbed the spade and smashed the fibrolite wall into the Tuck Shop and made a hole big enough for you to fit through.

5. You then climbed through the hole into the Tuck Shop and you stole three chocolate flavored zaps, four orange flavored cans of drink and a packet of raw sausages from the fridge. You also took packets of grain waves and packets of chicken flavored chips. You opened a window from inside the Tuck Shop and got out of it.
6. When the Police spoke to you, you admitted what you had done and that you had eaten and drunk all the stuff you'd taken and the reparation that you should make is \$44.33.
7. The Probation Officer describes your age of 16 years. This is your first appearance before Court. You have caring parents and they were surprised at what you did.
8. You left school in the fourth form. You have been employed as a grounds man, you like that job, but there was a history you started off as a good worker but you started slacking off. When the Probation Officer spoke to you, you were cooperative and sorry for what you have done. He said you knew what you did was wrong and said you wouldn't do it again. You are aware that if you did you could be put in prison and so you apologized and asked that you not be sent to prison.
9. You did have problems when you were younger, not attending school. You just have to learn that you can't continue to commit offences because if you do you will be sent to prison.

10. I accept the Probation Officer's recommendation and give you a chance. I sentence you to community service order for 3 months. You are to go to that as often as the Controller tells you. Your first time is to be at 7.30 in the morning this coming Saturday the 23rd of April and you are to report to the Probation Officer here in this building. You are to be there each day when the Controller tells you and the time that you are to be there is what he says but for no more than 12 hours a day.

11. In addition to the community service order I sentence you to probation for 12 months. That probation to start today. Conditions of your probation are that you not drink or buy alcohol liquor, that you not enter any licensed premises without the approval of the Chief Probation Officer, that you not leave your residence or that you be at your residence between 8 o'clock each night and 7 o'clock the following morning, that you not associate with any person who the Probation Officer tells you, you are not to associate with, and finally that you pay reparation of \$44.33.

12. So Mr Murare you are given a chance. I hope you take advantage of it. All the best for the future.

i. C M Nicholson J