

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

CR NOS. 349,384,385,386/06

POLICE

v

ANDREW TONORIO
Defendant

Sgt Howard for Police
Ms Tairea for Defendant
Date of Sentence: 20 October 2006

SENTENCE OF WESTON J

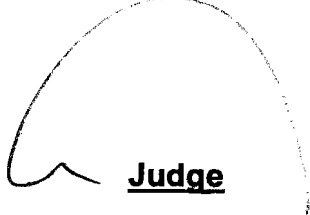
1. Mr Tonorio, you are here for sentence on three burglary charges and one unlawful taking, which, reading the facts of them, are somewhat disturbing. I note there is a dispute as to who was leading and who was following and obviously I cannot resolve that. But the fact of the matter is that you were present and taking an active role. You have acted responsibly in pleading guilty.
 2. I have heard from your counsel that you have had a pretty awful life and the Police essentially corroborate that and I can say I am sorry for that. There is not much I can do now about that and you hold your future in your hands, really, whether you make a go of it or not but it is entirely up to you. But in many respects you do seem to be making a go of it.
 3. You have got a job and someone who wants to support you and I am going to adjust the hours as you heard, so that you can do that job, because I think that is important and if you need further adjustments to deal with job changes, again I would be recommending that Probation
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look at that to assist you to do that because the only way to get yourself out of a hole on this island is to get yourself a job and do well in that. Otherwise young men with time on their hands get into trouble and I am hoping that you are going to avoid that.

4. It is your first appearance here, you are a 17 year old, you were foolish enough to associate with Mr Dean and to go along on that escapade. I hope though that you have learnt something of a lesson from that.
5. Petty theft on this island is a problem. Tourist business here is an important one, and the Court is going to always look seriously at petty theft, which impacts upon the tourist industry.
6. I am going to order some reparation but just in relation to the damage which is a figure of \$260.55. Because I am going to order reparation, I am going to reduce the amount of the recommended community service because it seems to me it is more important that you are doing something useful and paying some of the money back.
7. So, I am going to sentence you to 6 months community service. I am also going to sentence you to 2 years probation starting immediately and the terms of the probation are as in number 1 in the probation report, and that is "that you are to abstain from the purchase and consumption of liquor", number 2, is to have the last bit deleted so it reads instead, "not to enter any licensed premises." Number 3, "not to be abroad during the hours of 7.00pm and 7.00am except for the purposes of work and if abroad outside those hours for the purposes of work, you are either to be at your place of work, or returning to your place of residence". Number 4, "you are to attend any workshop conducted by the Probation Service" and then number 5, you are to stay either with father Tony or Mr Heather as is appropriate, reserving

leave to either one to approach the Probation Service if some variation on that is required.

8. You have got a couple of people that are really going out on a limb for you here Mr Tonorio, so, I hope their trust in you is not going to be misplaced, so good luck with that.


Judge 