

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

421
CR NO. /2007

POLICE

v

KAVEAO KAVEAO
Defendant

Senior Sergeant Howard for Police

Mr C Petero for Defendant

Date of sentence: 14 September 2007

SENTENCE OF WESTON J

1. Mr Kaveao, you are being sentenced on a burglary charge to which you have pleaded guilty. Your record of offences is quite lengthy, commencing in 2004. You have already been before this Court on three other occasions this year. All of that points to you facing a term of imprisonment for what is an offence of burglary.
2. On the other hand, the circumstances of this case are somewhat unusual. Your counsel has helpfully explained the background and how you have reacted to the difficult circumstances that all of us at some stage face arising from the death of a parent. That, however, can never be an excuse for causing harm to someone else and you have accepted that.

3. You strike me, from the brief discussions we have had, as someone who actually does have a brain and is aware of what you have done and there has to be at least the possibility that you can pull yourself out of the hole that you seem to have got yourself into.
4. I am going to give you that chance. I hope I will not come to regret it and I will certainly be directing that, if you come before the Court again, my sentencing remarks are before the Court at that time.
5. But I am going to accept what Mr Petero has submitted that you should face a term of community service rather than a term of imprisonment. I am going to take the even more unusual course of not making it as long as your counsel submitted. I am going to make it 3 months to follow on once your current term has finished and of course there will be a Court cost of \$30.00 on the charge.
6. It seems to me, looking at your record Mr Kaveao, that a lot of the offences occurred since your father died and for you that has obviously been a pretty tough time. One never gets over a dead father but you have to learn not to respond as you have.
7. So, I think, I will direct that you attend those counseling and anger management courses that the Probation Service have referred to. Whether or not you find them helpful is going to be up to you and ultimately how you deal with your father's

death, is going to come from within you. No one else can tell you how to do that but I wish you the best with coping with that.

