

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

CR NO.

PROBATION SERVICES

V

ROGER TAUAREA

Defendant

Mr Edward Browne for Probation Services

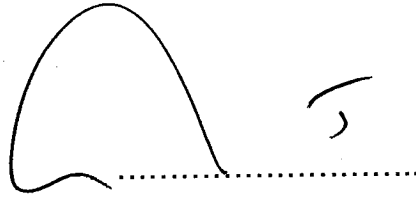
Mr Anthony Brown for Defendant

Date: 14 November 2008

DECISION OF WESTON J

1. There is an application for recall of the Defendant to prison for breach of parole condition. He has admitted breaching the parole conditions. I have a detailed probation report before me and also a report from the Defendant's supervisor.
2. It is very clear that the relationship between the Defendant and his supervisor has broken down. I heard submissions today from Mr Brown suggesting some of the fault for that was on the supervisor. I am certainly not prepared to make any such finding and I do not believe I need to do so in any event. Plainly the relationship has broken down. There is no other alternative at the moment.

3. Mr Brown submitted that there was scope for the Defendant to be relocated with his partner but that is a matter for the Parole Board and it is certainly not an issue that I can address on an application for recall. Therefore, Mr Tauarea, I regret to say that you will be recalled to prison. The question of your future will be a matter for you and the Parole Board rather than me sitting in this jurisdiction.

A handwritten signature in black ink, consisting of a large, rounded, looped shape followed by a smaller, more complex scribble. A horizontal dotted line is drawn across the signature, starting from the end of the main loop and extending to the right.

Weston J