

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

CR NO. 401/08

POLICE

V

KIMIORA TAUMAA
Defendant

Senior Sergeant Howard for Police
Mr T Vakalalabure for Defendant
Date: 30 May 2008

SENTENCE OF GRICE J

Mr Taumaa, you are appearing today for sentence on series of burglaries that took place over February and March of this year. You are only 18 and this is not a great way to start your adult life. Some of those burglaries occurred when the people were at home and that is particularly serious, people woke up in their home and found you there stealing things.

The Probation Report says that you are interested in drugs and alcohol, that you did it out of stupidity, stubbornness. There are no excuses. Your mother has told the Probation Officer that she is very concerned about you. It seems that you come from a caring family and they are probably ashamed of you today.

You have been in jail since the 3rd of May which must have been a wake up call for you. You have been previously sentenced to a period of probation for an offence that occurred in the middle of these offences. It is difficult to know whether that had any effect as a warning to you, but it does not look like it.

You have pleaded guilty, and so that is a credit to you. You say you are sorry for what happened and you are remorseful. While I cannot tell whether that is genuine but I will take that at face value. The Probation Service recommend counselling for drugs and alcohol and they recommended that be undertaken once a month for six months.

In view of the nature of these burglaries and a series of them, and the fact that some of them occurred while the people were in the house, as I said they are quite serious and in my view do require a period of imprisonment. Trying to come to a decision of how long that period of imprisonment should be, given the mitigating factors and given that you are only 18 years of age with your whole life ahead of you, is a very difficult job for me.

In view of the submissions of your counsel, Mr Vakalalabure, I will give you credit, both for your age, for pleading guilty and that you have been in custody since the 3rd of May. But I must impose a period of imprisonment for all these offences. That period is a total of nine months imprisonment but for those factors, it would have been more like 12 months.

I am going to also make an order for restitution in terms of the claims in the Police summary and I will just list those figures that then can be correlated to the summary. So first, \$320.00 for DVDs, \$15.00 for the chicken, \$14.00 for the apples, \$341.00 for telephone and then on the fourth series these were amounts of \$6.00, \$10.00, \$312.00, \$230.80 and \$20.30 and \$250.00. So I make an order for restitution of those amounts.



Grice J