

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

CR NO: 34/08

POLICE

V

HENRY RAEA

Defendant

Counsel: Ms M Henry for Police

Mr George for the Defendant

Date: 10 July 2009

SENTENCE OF GRICE J

The defendant has pleaded guilty to a charge that together with Mr Ruahe he intentionally and in a manner likely to injure, or endanger the safety of any person, broke glass bottles on the Aitutaki runway. The offence carries a maximum penalty of five years. I have a written consent signed by the defendant consenting to being Sentenced in Absentia. That is so the defendant does not have to travel from Aitutaki. There is no objection by the Crown for their sentencing to be in absentia.

This offence occurred after the defendant had been drinking, he was with a friend who opposed the Air Rarotonga Sunday flights. They smashed beer bottles onto the runway. This was intended as a protest action to Sunday flights because of his friend's Christian faith. The glass was found and removed by airport security before a plane flew in.

When questioned by the Police the defendant admitted the offending and pleaded guilty. This type of behaviour is viewed relatively seriously. While this is at the lower end of the scale, it is also important to keep in mind that safety of travel is important. As the Crown has pointed out the importance of air travel for tourism, Aitutaki is dependent particularly on the air connection.

The defendant is presently 22 years of age. There is a Probation Report prepared. He has one previous conviction for being unlawfully found on premises for which he was sentenced to 12 months probationary supervision in February of this year. The Probation Report indicated that the defendant has a problem with alcohol which fuelled this incident also. The defendant is presently residing with his employer who has been trying to help him. His employer describes the defendant as a good worker and reliable. He has been employed since 2007.

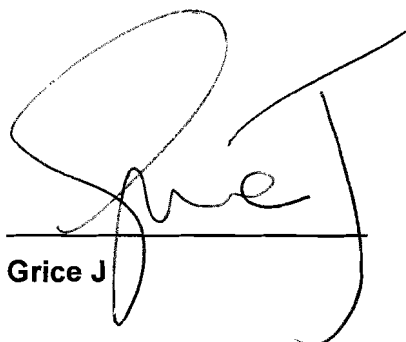
The defendant has been cooperative and expresses remorse for the offence. He blamed the alcohol and says he was led by the older defendant. He is aware of the seriousness of the offence and the consequences.

As I said earlier, the safety of aircraft is a serious matter. It is clear that alcohol is at the bottom of this offending. There is a suggestion that the defendant was led on.

The factors and mitigation are it is his first offence, the defendant was cooperative and remorseful, he is in employment and he pleaded guilty.

The Crown, defence counsel and Probation Service are as one recommending no custodial sentence be imposed. In the circumstances I propose following the recommendations. The defendant is already serving a period of 12 months probation, expiring on 21 February 2010.

The defendant is therefore sentenced to a term of nine months community service, to be served on the island of Aitutaki or as otherwise directed by the Probation Service.



Grice J