

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

**CR NO. 60/12**

**CROWN**

v

**DINA MATAPO**

Hearing: 19 & 20 August 2013

Counsel: Messrs S McKenzie & M Henry for the Crown  
Mr N George for the Defendant

Sentence: 23 August 2013

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**SENTENCING NOTES OF DOHERTY J**

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[1] Dina Matapo, you pleaded guilty to an amended position after a jury for your trial had been empanelled. Following that, and before the commencement of the trial itself, there was an agreement between your counsel and the Crown that the Crown may not succeed on certain of the charges brought against you which were the more serious ones. The Crown offered no evidence and those charges were dismissed and you pleaded guilty to offering to supply cannabis.

[2] This was as a result of what was known as Operation Eagle, an undercover operation, and following the examination of your phone records there was an exchange of texts which the Crown alleged were an offer to supply cannabis on one occasion. Your plea of guilty to that charge shows that you accept that as the position.

[3] It has to be said that this is not at the top of the range of drug offending. The Courts recently, particularly in the Court of Appeal which upheld a sentencing regime for drug dealing, has said that deterrence is the primary objective.

[4] The Court of Appeal upheld ranges of sentences in relation to drug dealing matters and particularly small amounts generally not for profit come into a category where up to 2 years imprisonment might be an appropriate response. But there is a huge range between that at the top and a fine, or even less perhaps potentially, at the bottom.

[5] The Crown agrees that your offending itself is at the lower end of the scale and that is an appropriate concession, I agree with that.

[6] You are a first offender, you are a person of some worth in the community and you have proved that by your actions in the past.

[7] There is no element of commerciality that is been proved and indeed no evidence of any sale or even actual supply, just the offer.

[8] Mr George, in his usual careful submissions, has accentuated the positive things in your life but he has been very candid on your behalf because you have instructed him to be that you accept that you have had some cannabis use in your past through various contacts and in particular with a former partner who perhaps was more into the cannabis scene than you were. He accepts and submits to me that you feel ashamed of your behaviour, you are remorseful for it.

[9] The purpose of my sentencing you today is twofold. One, to make you accountable and to denounce your conduct, that is the punishment element of it but the second is some sort of rehabilitation, and I agree with the Crown that notwithstanding the report of the Probation Service that looks really at the denunciation and accountability or punishment angle by the imposition of a Community Service order. I think probation, to make sure that you do not slip back into your old habits, will be beneficial to you and to the rest of the community.

[10] So the sentence I am passing on you is twofold. It is 12 months probation which is that rehabilitative aspect and a Community Service Order for 6 months from today.



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**Colin Doherty J**