

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

**CR NO'S 232-234/15, 240/15,  
257/15, 442/15, 476/15, 525/15,  
571/15, 208/16, 414/16, 459/16,  
763/16, 812/16, 823/16, 116/17,  
218/17**

**POLICE**

v

**DAVIDA TEAURERE  
(aka HINARERE DAVIDA MAKEA TEAURERE)**

Date: 11 May 2017

Counsel: Mr T Manavaroa for the Police  
Mr M Short for the Defendant

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**SENTENCING NOTES OF THE HONOURABLE JUSTICE DAME JUDITH  
POTTER**

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[9:43:10]

[1] Davida Teaurere is before the Court on a range of charges, some of them very serious, and they are made more serious by the fact they have occurred on a regular basis over a period of 2 years dating back to May 2015. Over those 2 years Mr Teaurere, a young man of 17 years, has become a recidivist offender.

[2] The most recent charges are CRN 116/17. On the 19<sup>th</sup> March 2017 Mr Teaurere stole property to the value of \$1,330. That is an offence that carries a penalty not exceeding 5 years imprisonment.

[3] CRN 218/17 relates to a burglary on the 6<sup>th</sup> April 2017, carried out jointly with an associate at the Sava Limited warehouse in Nikao. That offence carries a maximum penalty of 10 years imprisonment. I take that and the other burglary charges as the lead offences.

[4] In addition, Mr Teaurere has to be sentenced this morning on 18 other offences. I do not propose to particularise each of those offences. They are excellently summarised in an annexure to the Police submissions filed in this case and I do not hear Mr Short for the defence to query that summary. It will be annexed to my Sentencing Notes. The list includes 5 charges of contempt of Court, breach of curfew, for which the maximum fine is \$100 or imprisonment not exceeding 6 months. But the seriousness of that offending is that it indicates Mr Teaurere's complete disregard for compliance with the law. He offends, he is placed on bail, he breaches his bail conditions, he thumbs his nose at authority.

[5] The offences further include:

- a) Three charges of being a party to the offence of burglary, maximum sentence of 10 years imprisonment.
- b) Eight charges of burglary, maximum penalty of 10 years imprisonment.
- c) One charge of unlawful taking of a motorcycle, maximum penalty of 5 years imprisonment.
- d) One charge of being found unlawfully on property which carries a maximum penalty of 3 months imprisonment or a fine of \$40.

[6] As I have said, I do not propose to traverse the detail of the offending involved in the total of 20 offences. Police advise that it is difficult to place a precise value on the amount of property taken but it is estimated to be a minimum of \$4,000.

[7] Mr Teaurere's offending seems to have been aggravated by the company he keeps. Lonely in his own home with a difficult relationship with his stepfather, he has chosen to be outside his home and in that process has engaged with an unsuitable group who have urged him to be involved in alcohol and sniffing glue, and encouraged by those additives he has embarked on a raft of opportunistic offending.

[8] I take into account that Mr Teaurere is only 17 years old, having been born on the 24<sup>th</sup> July 1999. He has been offending in the way I have described since he was 15. Given the

seriousness of the offending the Children's Court has declined jurisdiction which is why Mr Teaurere you are before this Court for sentencing today.

[9] As I have said, Mr Teaurere, your offending clearly shows you have little regard for authority. The purposes of a sentencing are to hold you accountable for your actions. At the same time, given your youth, I must impose the least restrictive outcome.

[10] The Court is prepared to be, and usually is, very lenient towards young offenders, particularly where the offending described shows youthful indiscretion or plain immaturity resulting in impulsive action. We all make mistakes and the Court is very ready to recognise that.

[11] But in sentencing you, Mr Teaurere, I cannot overlook 2 years of recidivist offending on a serious scale. The sheer number of the offences elevates this offending out of the ordinary.

[12] Mr Short, on your behalf, has said all he can and has described the care with which he has ensured that you understand these charges, or at least try to understand them. I emphasise it is utterly necessary that you understand that you are in a serious situation and if you cannot change your lifestyle you are looking forward to a very grim future. It is essential that you understand the need to look at other ways of living out your life.


[13] Taking into account your youth and the guilty pleas to all these charges entered after Mr Short had explained them, I sentence you Mr Teaurere to 2 years imprisonment. That sentence is imposed concurrently on each of the burglary charges. On each of the remaining charges, the sentence is 3 months imprisonment to be served concurrently.

[14] I request that the prison authorities do their utmost to ensure that Mr Teaurere receives counselling and ongoing guidance. He will not achieve a change in his lifestyle unless he has guidance. He has come from an unsettled background but fortunately has the ongoing and loyal support of his mother. She will stand by him, but she cannot stand by him unless he is prepared to make changes for the better in his future. He needs every help to do that and I hope the prison authorities will be able to assist.

[15] But a final word to you, Mr Teaurere, it does not matter how much assistance is provided to you by well-meaning and qualified people and the loyalty of your mother. You are the person that must recognise that the life you have been leading for the last 2 years, is hopeless, and you must change in the future.

[16] The sentence then I impose on you is 2 years imprisonment. That is imposed concurrently on the burglary charges. The other charges in each case will be met with a sentence of 3 months imprisonment to be served concurrently.

[17] Please stand down.



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**Judith Potter, J**

## ANNEXURE A – OTHER OFFENDING

### PARTY TO AN OFFENCE

- CRN 7/16 Party to an offence of burglary with Thomas Marsters on David Cooks dwelling house in Takuvaine on 23 February 2016
- CRN 763/16 Party to an offence of burglary with Frank Cowley on the Nukutere College Home Economics classroom on 26 October 2016
- CRN 812/16 Party to an offence of burglary with David Tonorio on the Waffle Shack Café at the Punanga Nui Market on 23 November 2016

### CONTEMPT OF COURT

- CRN 242/15 Having been ordered by the court not to be abroad during the hours of 7pm to 7am daily did disobey those orders on 12 May 2015
- CRN 257/15 Having been ordered by the court not to be abroad during the hours of 7pm to 7am daily did disobey those orders on 24 May 2015
- CRN 525/15 Having been ordered by the court not to be abroad during the hours of 7pm to 7am daily did disobey those orders on 17 October 2015
- CRN 442/15 Having been ordered by the court not to be abroad during the hours of 7pm to 7am daily did disobey those orders.
- CRN 414/16 Having been ordered by the court not to be abroad during the hours of 7pm to 7am daily did disobey those orders on 27 April 2016

### BURGLARY

- CRN 232/15 On 7 May 2015 did break and entered into Sheryl John's house at Tauae. Properties to the value of \$3117.00 taken – not recovered.
- CRN 233/15 On 8 May 2015 did break and entered into Sheryl John's house at Tauae. As with CRN 232/15 – not recovered.
- ..... On 8 May 2015 did break and entered into the Ravis Restaurant at Tutakimoa. Assorted alcohol to the value of \$210.00 – not recovered.
- ..... On 9 May 2015 did break and entered into Tarai Atuatika's house at Takuvaine. Properties recovered.
- CRN 234/15 On 10 May 2015 did break and entered into Sheryl John's house at Tauae. As with CRN 232/15 – not recovered.
- ..... On 11 May 2015 did break and entered into Ella Napara's house at Takuvaine. Properties recovered.

CRN 476/15 On 28 September 2015 did break and entered into Travel Tou's house at Arorangi.  
Properties recovered.

CRN 571/15 On 6<sup>th</sup> November 2015 did break and entered the Nukuteré College Home  
Economics room at Tutakimoa.  
Properties recovered.

UNLAWFULLY FOUND

CRN 459/16 On 13 May 2016 without lawful excuse was unlawfully found on Brian Baudinet's  
property at Takuvaine.

UNLAWFUL TAKING

CRN 459/16 Did unlawfully takes for his own use but not to be guilty of theft a blue Honda  
Daelium motor cycle on 1 to 2 January 2016