

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

**CR NO. 568/17**

**POLICE**

v

**TEREAPII GREIG**

Date: 10 September 2018

Counsel: Mesdames K Bell and J Epati for the Crown  
Mr N George for the Defendant

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**SENTENCING NOTES OF THE HONOURABLE JUSTICE PATRICK KEANE**

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[10:20:00]

[1] Tereapii Greig you appear for sentence for an offence which you have admitted this morning by your plea.

[2] You drove carelessly and caused injury on the 2<sup>nd</sup> October 2017 at Tutakimoa. At 11.05 am that Monday morning you came to the intersection and stopped your van for a few seconds and indicated that you were going to turn right. You looked right and left to check whether the road was clear and then you drove on to the road turning right to head to Atupa.

[3] There was then the collision which lead to you being charged between your van in the centre of the road and a motorcycle driven by Corrine Ariki who had a pillion passenger Akekare Nooapii. They were coming from your right in the direction of Takuvaine.

[4] As a result of the impact their motorcycle was caught underneath the front of your van. They were both thrown off the motorcycle and landed on the side of the road in front of a storage facility.

[5] Ms Ariki received a serious broken lower left leg and a fracture to her right upper shoulder. Ms Nooapii sustained moderate abrasions to her left leg and above the left eye. After the crash you quickly got out of your van and you helped them both until the ambulance arrived and transported them to hospital for treatment.

[6] There was damage of course to both vehicles and when you were interviewed by the Police and you explained the incident, much as I have. You said that the crash happened so fast. You said that you looked left and right and there was not any traffic coming from either direction. And that remains the position and is accepted by the Crown.

[7] Reparation of \$1,202 is applied for on behalf of the victims in respect of their motor vehicle and you have offered emotional harm reparation of \$500 to Ms Ariki whose injuries were, as I have described them, severe, who was hospitalised for a time and who took time to recover the full use of her leg.

[8] This is your first appearance for any offence. You have been driving for 24 years. You are a mother of four children and you are well regarded in the community. It is very unfortunate that you are before the Court today.

[9] In sentencing you I have to have regard primarily to the degree to which you were careless. The fact that your carelessness caused injury is of course highly significant but on sentence it is the degree to which you were careless which is more important.

[10] The degree to which you were careless was momentary. You, as the Crown accepts, may well have looked to the right as you say you did. That is not an issue. The issue is the extent to which you did so. Clearly, as you have accepted this morning, you cannot have done so sufficiently.

[11] We cannot now say why you may not have seen the motorcyclists. They were approaching from the right and there seems to have been some difficulty with the vegetation. But the fact remains that you entered the intersection, you did not give way to them as you were obliged to do, the accident resulted and the injuries ensued.

[12] I accept the Crown's submission that your carelessness was slight, and that is the pivotal consideration even although the injuries Ms Ariki suffered in particular were as severe as they were.

[13] I accept therefore that in sentencing you I should give first place to ensuring that Ms Ariki or her family does not suffer any financial hardship as a result of the damage to the motorcycle and that the emotional and physical harm to her is recognised in a payment from you. I must also of course disqualify you for a period to mark the fact of the offence.

[14] I convict you of the offence. I order you to pay reparation of \$1,202. I order you also to pay to Ms Ariki emotional harm reparation of \$500.

[15] You will be disqualified from holding or obtaining a driver's license for 3 months which is a minimal period for this form offending. That is to commence immediately.

  
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**Patrick Keane, J**