

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

CR NO'S 612-613/2017

POLICE

v

KAVEAO KAVEAO

Date: 16 March 2018

Counsel: Ms K Bell for the Crown
Mr M Short for the Defendant

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

[9:18:25]

[1] Mr Kaveao you are before the Court for sentence having pleaded guilty to a charge of possession of cannabis which carries maximum term of imprisonment of 2 years or a maximum fine of \$5,000. You have also pleaded guilty to possession of a utensil and again the maximum term is 5 years imprisonment and a fine of \$5,000. Those maximum penalties indicate the seriousness with which Parliament views this type of offending.

[2] The facts are simple. The police came to your premises. They found marijuana, a bong, a bowl of marijuana materials and a bowl of marijuana seed. You said they were not yours but you said you were taking full responsibility for them. And you entered your guilty pleas early as Mr Short has noted.

[3] I have to say the probation report I have read in respect of you, is one of the more dismal reports I have ever read, and I am used in the Cook Islands to see very competent probation reports and very sympathetic ones. But I have to say at the age of 35 years Mr Kaveao you are at the end of road. Your family have seen enough of your behaviour. You

have twenty previous convictions, three of them cannabis related. Your last conviction was for theft on the 2nd August last year, when you were imprisoned for six weeks.

[4] You are a very young man and you have a long way to go in your life. If you are going to spend it as you have the last several years, it is just going to be in and out of prison with a very dim life ahead of you. I sincerely hope what Mr Short has said proves correct, that with a new partner you are able to reframe your life and live it in a way that will keep you out of the Courts. We do not enjoy seeing you here. And I am sure you do not enjoy being here.

[5] The principles in sentencing that are important here are denunciation and deterrence. Bearing in mind the assessment of the probation officer which is confirmed by your list of convictions, you are of high risk of re-offending. Drug related offending such as this often does not attract a term of imprisonment, certainly for a first offender, but with your offending history I have no option but to send you to prison.

[6] Accordingly, the sentence will be two months imprisonment, followed by twelve months probation supervision with the condition that you undertake any courses and follow any directions that the probation officer may give you.

[7] There will be orders for \$50 Court costs and for the destruction of the cannabis and the utensils.

[8] Stand down.



Judith Potter, J