

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

CR NO. 262/17

POLICE

v

OKOTAI RONGO

Date: 22 March 2018

Counsel: Senior Sergeant T Manavaroa for Crown
Mr N George for Defendant

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

[10:03:21]

[1] Mr Rongo you are before the Court for sentence on one charge of possession of a utensil for the purpose of smoking cannabis. That is an offence under the Narcotics and Misuse of Drugs Act 2004 and it carries a maximum penalty of 5 years imprisonment or a fine up to \$5,000 or both.

[2] This will indicate to you that when you get involved in drugs the penalties are very stiff indeed. And that is because Parliament and the community regard drugs as such a curse in our community. So my starting point is, take heed and stay away from drugs.

[3] Originally there was also a charge of being unlawfully found on premises but Mr George has informed me that was dealt with on 1st March before a Justice of the Peace when you were fined \$40, and \$50 Court costs, which you assure me are going to be paid today.

[4] You have a number of previous convictions, but as Mr Manavaroa for the Police has properly acknowledged, they are mainly to do with traffic and alcohol related offending.

This is your first drug related offence. The starting point for drug offending is a custodial sentence. That is where I am required to start.

[5] Mr George urges on me that I not send you to prison because you are gainfully employed and although you lack discipline, which is evident from your offending record, you are better in the community than in custody.

[6] Because this is your first drug related offence and I hope, Mr Rongo, the last, I will not send you to prison but I will require you to pay a substantial fine and I will impose probation supervision.

[7] You are fined \$700 to be paid in such instalments as the Probation Service directs and you are placed on probation supervision for 12 months, subject to the following conditions:

- a) Not to be involved or associated in any way with the taking or use of any non-prescription drugs.
- b) To follow the directions of the probation officer as to the manner of payment of the fine of \$700 and in any other respect.

[8] I order Court costs of \$50.

[9] You may stand down.

Potter, J

Judith Potter, J