

POLICE

v

ARRON CHASE HUNT

Date: 1 June 2018

Counsel: Ms J Epati for the Crown
Mr M Short for the Defendant

SENTENCING NOTES OF HUGH WILLIAMS, CJ

[11:01:29]

[1] Arron Chase Hunt, you appear here for sentence today having pleaded guilty to two counts under the Narcotics and Misuse of Drugs Act 2004, namely possession of cannabis, .53 of a gram, and possession of cannabis seeds, 193 seeds; each of those offences has a maximum penalty of 5 years imprisonment.

[2] The material was discovered when the Police executed a search warrant on your property and discovered the seeds in a pill box and the cannabis material in a jewellery box secreted in a chest of drawers in the bedroom occupied by your wife and yourself.

[3] You told the Police that your teenage step daughter had found the cannabis and the seeds more than a month previously and that your intention had been to get rid of the material but, as I remarked during the trial, you took no action whatever for

what must have been at least a month or may have been two months to act on that intention.

[4] With the combined efforts of the Probation Service and Mr Short, lately instructed by you, I have a good deal of material concerning your background, which was reasonably strict, and your family circumstances. You and your wife have a 2 year old and she, who is present in Court, is due to give birth to your second child in a couple of weeks' time. You are the only bread winner in the family who are of course completely dependent on your income and your position in the community aside from these convictions shows that you are a good hard worker, you have been in the job for a lengthy period, you have responsibilities and you have a number of people in the community who are prepared to provide references for you as to your qualities, temperament and standing.

[5] I take all those into account but as I remarked earlier this morning personal circumstances have very little part to play in sentencing for drug offences.

[6] You entered pleas to the charges at a very late stage, just before final addresses in the trial, and the material before me suggests that you had maintained your not guilty plea to that point and because of misapprehension or a mistake about your position in law.

[7] The Crown, through Ms Epati, points to your denial in the sense of pleading not guilty up until that stage of the trial. I do not take anything out of that. Every person charged with an offence is entitled to plead not guilty and put the Crown to proof.

[8] But the number of seeds recovered by the Police in this case is, as I will mention later, a significantly aggravating factor.

[9] Ms Epati draws my attention to some earlier cases in particular the *Queen v Upu* (CR 248/2011, 3 June 2011) where, as far back as 2011, the Court said that:

“in general, possession of cannabis in the past has resulted in relatively lenient sentences, probation, community service orders etcetera, but it is

clear from the material on this file and on others placed before the Court that there is an increasing concern in this community at the prevalence of cannabis and cannabis offending. And in view of that fact, it would appear the responsible position for the Court to take is to reflect those increasing community concerns to an extent that it should impose stiffer sentences for cannabis offending that has been the case in the past.”

That was in 2011 and as I mentioned in my general remarks before sentencing Mr Akama earlier today the situation as regards sentencing has hardened since that time.

[10] There is also a case Ms Epati pointed me to which is the *Crown v Valu* (CRs 151, 243-236/13, 6 December 2013) where amongst other offences, *Valu* was found with 19 seeds and a significant amount of cannabis. A starting point of 18 months imprisonment was chosen by the Judge in that case with a final sentence of 9 months.

[11] Mr Short, who has done everything possible for you in the brief period he has been instructed, referred to your initial indecision as to whether you should defend these charges. He stressed your family’s circumstances, your good employment record and produced a number of references and testimonials including one from Mou Piri a counselling service with which you have enrolled.

[12] Mr Hunt, you were in Court when I was talking about drug sentencing generally earlier this morning. It is my obligation to impose a sentence that will hold you accountable for the harm done to the community, harm which particularly results from the increasing prevalence of cannabis offending in the Cook Islands.

[13] You and others need to be deterred from offending and your conduct needs to be denounced. Although you admitted to some minor cannabis involvement a decade or more ago you may not need to be deterred but others in the community do.

[14] I acknowledge your plea, although could scarcely have been later in the process. That has entitled you to a minimal discount.

[15] I acknowledge further it is your first offence and that you are well regarded by your employers and others in the community.

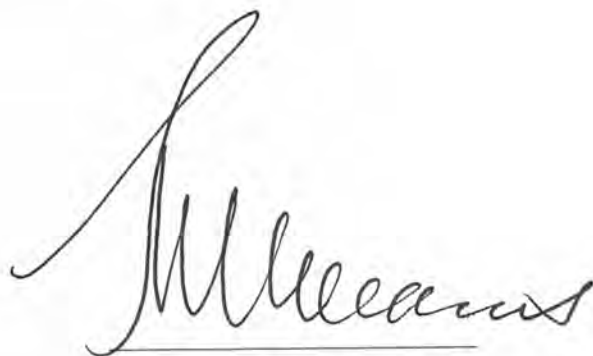
[16] But what is the significant aggravating factor in this case which makes your offending much worse than anyone else involved in possession of seeds, is just the number of seeds. 193 seeds. You could have planted, or others, which is the important factor, could have planted a forest of cannabis with those seeds. And the result would have been a number of other people appearing before the Court for offences against the Narcotics and Misuse of Drugs Act. That factor significantly worsens the offending coupled with the fact that you held onto this material for more than a month and did nothing whatever to destroy it, hand it in, get rid of it or even, given that you were concerned your stepdaughter might have been involved in cannabis, put it in a place where she was unable to get access to it.

[17] You need to be sentenced to jail.

[18] That will have a serious effect on your wife and your family. It will also have an effect on your employer and others around. But as I have said personal circumstances play only a minimal part and the number and delay relating to the seeds militates against a lenient sentence.

[19] Considering the matter very carefully, in my view the appropriate starting point against the 5 year maximum is a jail term for 18 months. I am prepared to allow a small discount for your late plea and for your family circumstances but the ultimate result is that you are sentenced to jail for 15 months.

[20] You may stand down.

A handwritten signature in black ink, appearing to read 'H Williams', written in a cursive style. The signature is positioned above a horizontal line.

Hugh Williams, CJ