

**POLICE**

**v**

**TEREMOANA PITA TAMAARIKI MONGA**

Date: 5 August 2021

Appearance: Senior Sgt. P Tararo for Prosecution  
Mr M Short for Defendant

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**SENTENCING NOTES OF DOHERTY J**

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[1:10:06:00]

[1] Teremoana Monga, you are for sentence having being found cultivating 16 cannabis plants in a vacant lot adjacent to the place where you live. These were full-term plants and ranged in height up to three metres.

[2] Apparently you use cannabis by boiling down the plants as a whole and distilling off the resulting cannabis tea which you use to self-medicate. You have had injuries over the years and you have significant pain problems.

[3] When you were spoken to by the police you were very cooperative, admitting from the outset they were yours and have been cooperative ever since. You have pleaded guilty to this charge at a reasonably early opportunity.

[4] You are no stranger to drug related matters, having three previous convictions; in 2006 for possession of drug utensils and in 2010 for possession of cannabis. Your counsel has freely admitted that you admit that you have been using cannabis tea for the last ten years to help for medical condition.

[5] I note you have also had a number of burglary and dishonesty convictions in 2009 and 2011. You do not have any matters before the Courts until this, for the last ten years.

[6] I have been helped by a report from the Probation Service and it paints a picture of a person who is maintaining a good position in local society. You are a good worker, got your own little business going, you are in a stable relationship, you know you have done wrong, you have made efforts to help yourself.

[7] And that is reiterated by your counsel. He has filed a number of letters from the local community in your support. They all paint you as a person who has made considerable improvements in your life since your last offending. You have helped yourself from an education point of view, you have got certificates in mechanics and engineering to help with your business. You have started your little repair business and that is going well. You are in a stable relationship, domestic relationship and you are described as a humble and kind person. You are also noted as being a person who assists, particularly the elders in your wider community.

[8] The only problem seems to be that you break the law relating to the use of drugs. And it has been a submission of the police that this deserves a sentence of imprisonment. I have been referred to a number of decisions of this Court and the New Zealand Courts. What is different between the New Zealand Courts and here is that here Parliament has decided that the maximum sentence is 20 years imprisonment. That is twice for what it is in New Zealand. So it shows that Parliament is giving an indication to the Court that this is serious business; and it is.

[9] The aggravating features of your offending are the number of plants. There is a considerable number of them and they have grown pretty much mostly to full maturity. So there have been quite a bit of medicine that you could have got out of that. You have obviously been involved with cannabis over the last 15 years and you have admitted it.

[10] Sometimes it might be said that cultivating that number of plants is an indication that you are a dealer; that you are supplying other people, or you are selling it for supply. Now police have not been able to point to any evidence that that is the case and police seem to accept, as does the Probation Service, that this was all for your own use.

[11] Sometimes the Courts can draw an inference and say, because he has got all that stuff he can't be using it just for himself; he is selling it or supplying others. In your situation when you are using it to boil down, rather than to dry or to pluck the buds; it is more likely that it is for your own benefit, your own use than anyone else's. I am going to give you the benefit of that doubt.

[12] The mitigating features are the ones that I have described – you have been cooperative; you have admitted this, you are otherwise a worthwhile member of the community. But most importantly is this piece of paper that has been given to me from Mou Piri.

[13] You have taken it upon yourself to recognise and I think with the support of your wife, particularly, that you need some help with this addiction. And the reality is if you do not take the help and get off this stuff and you keep growing it, or using it, you are going to be in very serious trouble, and very serious trouble when you look at a 20 year maximum in prison.

[14] This report tells me that you have gone along, attended the meetings, appear to be getting something out of them, if, at the very least, a recognition that you cannot continue to offend. I hope that this organisation can help you get into something else to help with your pain and not cannabis; and certainly out of that drug scene.

[15] There have been recommendations from the police of terms of imprisonment. I do not think, bearing in mind, everything that I have said that that is the appropriate starting point, but it will be next time; you can guarantee that.

[16] You do have a business, you are making money. And I think that the objects or the purposes of sentencing you are to:

- a) Make you accountable.
- b) Denounce your conduct – you cannot grow dope, nor can you use it.
- c) Act as a deterrent to others.
- d) And fourthly to help with your rehabilitation.

I can deal with your offending by way of a mixture of sentence.

[17] The deterrence, as it is going to cost you money, it is going to hit your pocket. Because you are convicted, you are fined \$1000. You are ordered to pay \$50 in Court costs. The rehabilitative side of it is that you are sentenced to 12 months' probation. And again the deterrence side of it is that four months of that will be on community service.

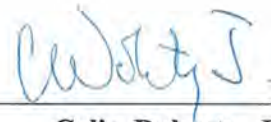
[18] I also think that the Probation Service recommendations for rehabilitation are appropriate, and you have probably seen those in the probation report that:

- a) Firstly, not to purchase or consume or use any form of illicit drugs. So if you need to medicate, it has got to be prescription drugs from now on.
- b) You are to attend any workshop or counselling as directed by the Probation Service, and they may well tie that in with what you are already doing.
- c) And you are not to leave the Cook Islands without the approval of this Court.

[19] So those are all of the conditions and your sentence.

[20] And I make an order for destruction of the cannabis plants.

[21] Stand down.



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**Colin Doherty, J**