

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

CR NOS: 413/92,414/92
CR NO. 342/92

POLICE

v

G. ANGENE
T. NATINI

Defendants

Mr Mitchell and Miss Maki for Crown
Mr Wichman and Mr Nicholas for Defendants
Date: 19 June 1992

REMARKS ON SENTENCING BY QUILLIAM J

This memorandum was prepared after sentencing from notes made at the time.

You are for sentence for a crime which has shocked the whole country. I have listened very carefully to what your Counsel have said for each of you and they have done all they could to put your case in the best light. I pay full regard to the fact that each of you has pleaded Guilty.

What is clear is that this crime was committed by both of you together. Now each of you blames the other and so it becomes impossible to decide which of you actually lit the fire. It

seems to be the case that the reason for the crime related to the theft charge against Angene and it was hoped that this could be avoided by destroying the Courthouse. This probably tells us who lit the fire. However, in the end I must assume that each of you played an equal part.

Angene - you are the older, being 33 years of age, and you have a very bad criminal record. It may be that what you did was done while intoxicated but that can be no excuse. If people deliberately drink to excess and they commit a crime they need not think that they can shelter behind the consumption of alcohol as an excuse.

I have received a very sad letter from your wife in which she refers to the difficulties for herself and the children if you are sentenced to a long term of imprisonment. Unfortunately I can do little to help her. The effect on wife and family is something that should be thought about beforehand.

Natini - you are younger, at 22 years of age and have less previous offending.

So far as you both are concerned, this was not only a crime, it was also an outrage to your country. You have destroyed valuable and historic buildings and also records which cannot be replaced. You have also cost your country an enormous amount of money. The fact that you may have intended to burn down only the Courthouse is of no consequence. It is the total result that matters.

It is the case that the maximum sentence is normally reserved for the worst case one can think of. It may be possible to think of a worse case of arson than this, but not by much.

I think that it is possible to show some distinction between you.

Angene - you are sentenced to imprisonment for 13 years, and on the theft charge to imprisonment for 3 months, those sentences to be concurrent.

Natini - you are sentenced to imprisonment for 10 years.