

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

CR 351/2005

POLICE

V

PAUL NIGEL WEBB
Defendant

Sgt T Howard for Police
Mr Mitchell for Defendant
Date of Sentence: 23 September 2005

SENTENCE OF SMITH J

I have heard Mr Mitchell's submissions in mitigation of this matter, I accept that you have voluntarily replaced the motorcycle, I presume something like that must have happened when the Police did not suggest they are seeking restitution in respect of the bike which was written off. Mr Mitchell informs me that you have already covered the medical expenses and other matters, I am therefore not going to accept the Police recommendation of recompense of \$750.00.

The charge which you stand before the Court for is not exactly a minimum charge, it does in fact carry a term of imprisonment if necessary but the main thing here is that the roads in Rarotonga and in the Cook Islands generally are roads which people using motor vehicles must exercise all care and attention. It is as Mr Mitchell said very fortunate that this accident did not result in some more serious injuries to the victim. I agree that a monetary penalty would be appropriate in this instance and I'm fining you \$200.00. You may not hold or obtain a drivers license within the Cook Islands for a period of 3 months and we hope that in future if you happen to come back to these fair isles you will not be involved in any similar offence. If there are any other charges in respect of this

Defendant, then the same penalty is imposed on each of those and they are to be concurrent.

A handwritten signature in black ink, appearing to read 'N F Smith', with a stylized flourish at the end.

N F Smith

JUDGE