

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

**CR NOS. 168/05,186/05,**  
**187/01,188/05,**  
**173/05,171/05**  
**189/05**

**POLICE**

**V**

**PETER T NGATUAKANA**  
**Defendant**

Chief Inspector Tearoa John Tini for Police  
Peter T Ngatuakana for himself  
Date of sentence: 21 April 2005

**SENTENCE OF NICHOLSON J**

1. Peter Ngatuakana, you have pleaded guilty to 7 offences of burglary.
2. The first was on Friday night the 18<sup>th</sup> of February this year when you burgled Panama Triad Petrol Store, the damage and property taken amounted to \$2138.15. On the 27<sup>th</sup> of February you burgled the Tutakimoa Triad Petrol Store. There was damage and property taken of \$1246.18. On the 1<sup>st</sup> of March this year you along with Mr Vainetutai Matara burgled the RSA at Nikao. There was damage and property taken of \$995.75. On the 4<sup>th</sup> of March you burgled the Mobil Office at Panama. On that weekend you also in the early morning burgled the CITC main store in Avarua along with Mr Taruia. On the 14<sup>th</sup> of March you burgled the Hideaway Bar at Avarua with Mr Matara and on the 14<sup>th</sup> of March you also burgled Mae Jo's café at Avarua. At the Hideaway Bar there was damage and property stolen of \$2366.50 and for the Mae Jo's café \$130.00.

3. On the 24<sup>th</sup> of March this year, Justice Smith sentenced you to 18 months supervision and probation for burglary. What I have to decide is what he would have sentenced you to, had these other offences also been before the Court then. Because of the number of offences and the amount of damage and property you stole, it seems that imprisonment is the only appropriate sentence.
4. The Probation Officer tells of your age of 18 and the problems that you had particularly what you do when you drink too much alcohol and get into company with other youths. You told the Probation Officer that the time spent on remand in prison kept you out of trouble and kept you away from alcohol. The good thing was when you were released on probation Justice Smith said that your behaviour changed dramatically, so there were good signs. But you are young to have to serve a term of imprisonment.
5. The Police and the community are concerned at the number of burglaries that are going on. The Court has to do something to show people that if they commit burglaries they are going to be punished quite harshly. That is what we call a deterrent sentence.
6. But I take into account in deciding the term of imprisonment; the first fact you have accepted responsibility, you pleaded guilty. I also take into account your age, you are still young, you've got a big life ahead of you I hope that when you are in prison that will give you the lesson that you have got to stop your drinking because if you drink when you get out of prison and get into bad company again, you are likely to commit more offences. Next time if you are caught you will be sent to prison for

longer. Do you want to spend a large amount of your life in prison? It's not good.

7. In the circumstances, taking everything into account I think the overall sentence for the total offending effectively is a sentence of 9 months imprisonment. For each of the 7 offences of burglary, I sentence you to 9 months imprisonment. Use that time in prison to think about what you want your future to be I suggest after thinking about it you say to yourself I am going to drink less when I get out, I'm not going to get into trouble and I'm not going to come back to prison, it's over to you.

C M Nicholson J