

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

CR 114/07

POLICE

v

PIRIANGAOA MATAPO
Defendant

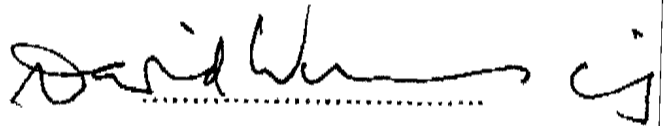
Inspector Patia for Police
Mr Piriangaoa Matapo for himself

SENTENCE OF WILLIAMS CJ

1. Mr Matapo, I agree with the Probation recommendation. You appear to be a responsible citizen most of the time, you are a very good worker and your employer speaks highly of you. You have not been in any trouble of this kind before and, most importantly, you accepted responsibility for what happened at the scene of the accident. Even though you were affected by alcohol you were very concerned about the victim, trying to help her. Fortunately she was not seriously injured and she has been merciful towards you. She has said that because of the apology and the way you have acted, you have been forgiven. So in summary, because of the responsible way you acted, that you admitted the charge and didn't try to escape responsibility and because you have shown genuine remorse about what has happened you can be treated leniently.
2. What I am worried about is that you have a drinking problem. Your employer says that and so does the Probation Service. If you don't do something about that there is going to be a much more serious situation which may arise in the future where you cause someone's death or serious injury while driving under the influence. You must get to grips with your alcohol problem and your wife needs to help you.

What I am going to do is adopt the recommendations of the Probation Service but add to them. So the sentence will be:

1. A 3 months community service order pursuant to Section 8 of the Criminal Justice Amendment Act 1976 to be followed by a 12 months Probation supervision. Supervision term to commence on the date of the Community Service Order subject to Subsection 2 of Section 10 of the Criminal Justice Amendment Act 1976 with the following conditions to also apply:
 - (i) To abstain from the purchase and consumption of alcohol and to undertake alcohol counseling as arranged by Probation Service;
 - (ii) Not to enter any licensed premises;
 - (iii) To pay reparation and compensation as arranged.
2. Disqualified from holding or obtaining a drivers license for one month.
3. Order to pay balance of reparation of \$61.00.



David Williams CJ

13 April 2007