

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

**CR NO 385/12**

**POLICE**

v

**TANGATA TEREMOANA UPOKOUNGA TARIPO**

Hearing: 22 June 2012  
Counsel: N Ngatokorua for the Crown  
No appearance for Taripo (offered counsel but declined)  
Sentence: 22 June 2012

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**SENTENCING NOTES OF WILLIAMS J**

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[1] Tangata Teremoana Upokounga Taripo, you are here for sentence today having pleaded guilty on 28 April 2012 to a charge that on the 27 April 2012 you possessed a utensil for smoking cannabis, a bong.

[2] The maximum penalty that could be imposed on you is a jail term for 5 years or a fine of \$5,000.

[3] What happened was the Police executed a search warrant on the address where you live, found you in possession of a bong and you admitted to them that you had used it about eight times for smoking cannabis.

[4] This is your first occasion before the Court.

[5] You are 19 and were brought up by your well-known grandmother. You seem to have a reasonably stable family background and to be a helpful son. You are currently unemployed although you had a job before and you have had a reasonable education. You said to the Probation Service that you want to change your habits, but, as you would have heard when I was talking to other people this morning who were charged with similar offences, cannabis is an increasing problem in the Cook Islands and those who dabble in cannabis are likely to find themselves going to jail much more frequently in the future than they have in the past. So you need to take that into account.

[6] For the Crown, Mr Ngatokorua acknowledges you pleaded guilty at the first possible opportunity. He draws my attention to certain other cases involving this kind of offending and the sentences imposed, but acknowledges that this is at the lower end of the possible offending.

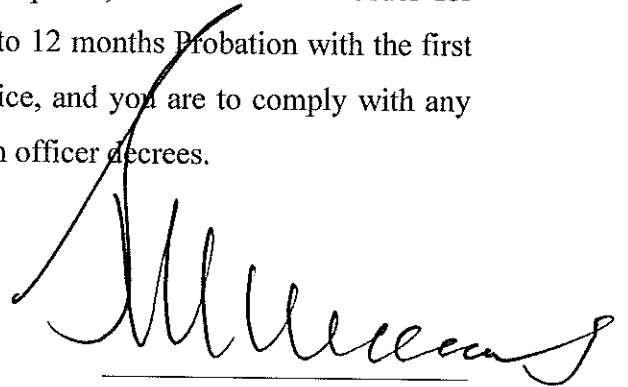
[7] As I mentioned, this is serious offending; you can go to jail for 5 years for possession of a bong and you admitted to the Police that you had used it on about eight occasions for smoking cannabis. You have only been charged with possession of a bong, not possession of cannabis or using cannabis, and you are only to be sentenced on that, but you need to get yourself away from cannabis or you are likely to find yourself back before the Court again.

[8] Sitting at the back of the Court this morning, you have heard what I have said to others similarly charged, about the change in sentencing practice which is likely to come about in this Court for people charged with cannabis offences and associated offences like burglaries and thefts and the like.

[9] In this case, having regard to the other sentences being imposed on people charged with cannabis offences earlier this morning, it seems to me that the appropriate sentence needs to take account of your early plea - although you did not have much choice about being found guilty - the fact that this is your first offence - although that is not an excuse you will be able to offer any time in the future - and that you are only charged with possession of a utensil, not of cannabis itself.

[10] The appropriate view, however, is that those charged with smoking cannabis, possession of cannabis, possession of a utensil, all need to be treated similarly. Those charged with more serious offences such as growing or importation are likely to be facing quite lengthy jail sentences.

[11] Having regard to the other sentences imposed, I will make an Order for destruction of the bong. You will be admitted to 12 months Probation with the first 6 months to be dealt with on Community Service, and you are to comply with any conditions on your probation that your Probation officer decrees.

A handwritten signature in black ink, appearing to read 'Hugh Williams J', written in a cursive style. The signature is positioned above a horizontal line.

**Hugh Williams J**