

**POLICE**

v

**TOKERAU TURIA**

Hearing date: 25 August 2020

Counsel: Ms J Epati for the Crown  
Mr M Short for the Defendant

Sentence: 25 August 2020

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**SENTENCING NOTES  
OF THE HONOURABLE JUSTICE DAME JUDITH POTTER**

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[11:02:29]

[1] Tokerau Turia appears for sentence on two charges to both of which he has entered guilty pleas. One charge of possession of cannabis and one charge of possession of a utensil contrary to the relevant provisions of the Narcotics and Misuse of Drugs Act 2004.

[2] That Act provides for a maximum penalty of a term of imprisonment for up to 5 years or a fine of up to \$5,000 or both.

[3] Those significant penalties indicate the seriousness with which this type of offending is viewed in the Cook Islands.

[4] The facts are straightforward. There was a search by the police of the defendant's house in Arorangi. There they located a small brown bong used for smoking cannabis and 7.19 grams of dried cannabis within the property.

[5] The defendant admitted owning the cannabis and the bong and explained that he took cannabis to release stress but only for his personal use.

[6] I must take into account the sentencing principles as set out in ss 7 and 8 of the New Zealand Sentencing Act 2002. That most relevant in this situation is deterrence; the sentence must deter you Mr Turia from engaging in this type of offending and it must also send a message to other members of the community that this type of offending will be treated seriously by the Court.

[7] I have had the assistance of a helpful pre-sentence report and submissions by both Crown and defence.

[8] Mr Turia has no previous convictions. He comes to the Court at the age of 52 as a first offender and he is of course entitled to a credit for his early guilty plea.

[9] I have discussed with counsel whether an appropriate penalty in this case would be a fine. The Crown does not seek a custodial sentence.

[10] The probation report recommends 12 months supervision with 6 months on community service.

[11] Mr Short for Mr Turia and Mr Turia himself assure me of his ability to meet the fines which I propose to impose. Mr Turia is concerned to maintain his work, which is weekend work, and prefers to pay a fine rather than to have a sentence of supervision imposed.

[12] Therefore the sentence I impose on you Mr Turia is:

- a) A fine of \$500 on the charge of possession of cannabis;
- b) A fine of \$250 on the charge of possession of the utensil;
- c) There will be Court costs of \$50 on each of those charges; and
- d) I make an order of destruction of the utensil and the cannabis as found on the defendant's property.

[13] Thank you Mr Turia, you may stand down.



**Judith Potter, J**