

**POLICE**

v

**TERUPE TERUPE**

Date: 30 November 2020  
Appearances: Ms L William for the Crown  
Mr K Ahsin for the defendant  
Sentence: 30 November 2020

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**SENTENCING NOTES OF WOODHOUSE J**

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[10:32:56]

[1] Mr Terupe, you are for sentence for two offences; threatening to kill your mother when armed with an axe, and a separate offence on a separate occasion of wilful damage.

[2] The threatening to kill is clearly the most serious of the two offences. In relation to that offence, the facts in outline are as follows.

[3] You live with your mother and your 21 year old nephew. You are now aged, I understand, 41.

[4] On 15 January this year, you got angry with your mother. The summary of facts and the probation report provide different descriptions of what led to your anger. But this does not matter and in fact both events may have occurred on different occasions during the day. Whichever version is most relevant, these versions make clear that you reacted with irrational anger to something of no consequence.

[5] You started smashing furniture. Your mother ran from the house. Over a period of three and a half hours or so, during part of which you disappeared, there were three serious incidents, although the first incident that I am about to describe is the one giving rise to the charge.

[6] The first incident is when you aimed an axe at your mother and threatened her and she fled. The second occurred when your mother went back to the house with two police officers. You swung the axe at the police officers and followed them and your mother out of the house carrying the axe. The third incident occurred later in the day when more police arrived at your home, and your mother's home. They approached you outside the house. You pulled a small knife from your pocket, swung it at the police and then you were restrained.

[7] The offence of wilful damage occurred in August 2019. This was also at your home. Around 4 o'clock in the morning you broke a kitchen tap. That is the wilful damage. But it is clear that more damage was likely to have been caused by the fact that there was water running into the house possibly for several hours.

[8] You have a history of mental instability leading to behavioural problems and aggression towards your mother in particular.

[9] When you first appeared in Court on 16 January of this year you were remanded in custody to protect your mother and there was an order for a psychiatric report to be provided. A psychiatric report was not provided until 21 July. I will come to the report in a moment.

[10] The earlier background is that you returned to Rarotonga in 2001 after working in Australia. You would have been around 20 years old at the time. Your mother said that a couple of years after your return your previously good behaviour deteriorated. She believes this resulted from an injury in an accident in Australia. Possibly related to this is a conviction for assault on a female in September 2002, and another assault conviction in 2004. Your mother got medical assistance and you were subsequently referred to mental health services in 2007.

[11] I have not been provided with much background information although much of it would seem to be relevant, although more particularly relevant to further treatment which you plainly need.

[12] I will read some relevant parts of the psychiatric report, and these are as follows:

“His judgment and insight are limited. He is unable to identify any positive coping skills or personal strength.”

“Historically, his first psychotic episode was in 2007 followed by several more over the years. All relapses were related to his alcohol and marijuana abuse, non-compliance with medication and refusal to be supported mentally, physically and socially.”

“Between 2010 and 2014 he took a sudden change for the better. He stopped using drugs, complied with his treatment, attended Te Kainga regularly and held down a full time job, albeit for seven months only.”

That improvement back then is an important indication for the future is to what you can actually achieve with assistance. And then further quote from the report:

“He was discharged from the mental health services in 2017.”

[13] I need to add here that there was a further conviction for assault on a female in July 2019 and this, as I understand it, was an assault of your mother. I also add that there is no explanation as to why you were discharged from mental health services in 2017, but this is an important matter, I believe, in respect of further treatment. Neither counsel was able to elaborate on that particular point.

[14] I go back to the next quotes from the report:

“At the time of this interview he insisted he was remanded for stealing a motorbike despite being shown the police summary of facts.

He became angry when challenged about his threatening behaviour. His attempts to minimise the seriousness of the offence and the likelihood of a prison sentence.

His mother would like him “fixed” before she can accept him back.

In summary Terupe does not have a mental illness, but a behavioural problem. Psychological help can be provided by the mental health services in a more restricted environment. Such services cannot work in the community because he will not comply.”

[15] Ms William, for the Crown, submitted that there should be a prison sentence, because of the aggravating facts of the offence and to protect others, but especially your mother.

[16] Mr Ahsin responsibly accepts that a custodial sentence is required in order to give you treatment, but he accompanies that submission with a strong plea for appropriate treatment in prison, and I fully support that plea.

[17] From the information I have, it seems that you do respond to managed treatment and that is why I have read from that report. It is important, and that is why I set out some of the other background facts.

[18] There was a period of seven years from 2010, or approximately seven years, when your behavioural problems apparently reduced, and perhaps for a period disappeared and, it also seems, because you had expert supervision.

[19] But for reasons, as I have said, not explained to me, you were discharged from mental health services in 2017 and your problems returned. You are clearly in need of medical treatment now. But there is also clear need to protect others and, as I also said before, especially your mother.

[20] The options for the Court in sentencing you are limited. Treatment will have to be provided to you in prison.

[21] Mr Terupe, the maximum penalty for threatening to kill is seven years imprisonment. There is no question of imposing a sentence of that length on you. But it is important for you to remember that.

[22] The Crown submits that the starting point for the offence is 12 to 18 months imprisonment. That is well within range given the facts I have outlined.

[23] Against that there are the following factors in particular:

- (a) First, the offending arose from your mental health problems.
- (b) Second, you have now been in custody for over 10 ½ months.
- (c) And third, you pleaded guilty in September, soon after Mr Ahsin was assigned on legal aid.

[24] Given your personal difficulties, I consider that that was an early plea of guilty and therefore an early acceptance of your responsibility.

[25] Mr Terupe, you are sentenced to 12 months imprisonment.

[26] I urge the prison authorities to provide appropriate assessment, treatment and counselling as a matter of urgency and that such treatment and other matters continue until you are released from prison.

[27] You may now stand down.



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**Peter Woodhouse, J**