

POLICE

v

TEHANANAIA NGATOKORUA ZACHARIAH MAEVA HAAS

Hearing date: 26 February 2021

Counsel: Ms L William for the Crown
Mr N George for the Defendant

Sentence: 26 February 2021

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

[10:10:09]

[1] The defendant Mr Haas appears before the Court for sentence on one charge of importing into the Cook Islands, cannabis oil. This is an offence under the Narcotics and Misuse of Drugs Act 2004 and carries a maximum sentence of 10 years imprisonment.

[2] Mr Haas has entered a guilty plea. He is a first offender having never been before the Courts.

[3] I have received the helpful pre-sentence report which has also been available to counsel. In that report it is recorded that Mr Haas explained that the cannabis oil he imported was for medical use only, that he suffers from lower back pain and proposed to use the cannabis oil for relief from that condition.

[4] Mr Haas resides at Titikaveka with his mother and four siblings. He is employed by T&M Heather as a labourer. As I have said, he has never previously been before the Court. I can only assume that Mr Haas has now a much better appreciation that being involved in criminal activity to assist with a medical condition is an extremely unwise and unlawful step.

[5] The Crown filed written submissions and Ms William spoke to them this morning, acknowledging the low level offending in this case. The Crown adopts the recommendation in the pre-sentence report of a non-custodial sentence of probation supervision.

[6] Mr George for the defendant, acknowledging that it is unusual for counsel for the defendant to accept the Crown's position on sentence, did so, accepting that both the recommendation in the probation report and the submission of the Crown as to sentence are entirely reasonable and appropriate in the circumstances. I agree and I am grateful for the constructive approach, both of the probation service and of both counsel in this matter.

[7] The sentence I pass on you Mr Haas is 18 months' probation supervision. The first six months of that sentence to be served as community service.

[8] There will be a condition that you are not to leave the Cook Islands without the prior approval of the High Court, that is this Court.

[9] There will be an order for forfeiture and destruction of the cannabis oil.

[10] I order that you pay \$50 Court cost.

[11] That is the sentence.

A handwritten signature in blue ink that reads "Potter, J." with a horizontal line underneath.

Judith Potter, J