

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

**CR NOS. 1728, 1767, 1730, 1768/2023**

**POLICE**

v

**POUTAPU MARETU**

Date: 21 March 2024  
Appearances: Ms L Rishworth for Crown  
Ms L Rokoika for Defendant  
Sentence: 21 March 2024

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**SENTENCING NOTES OF KEANE, CJ**

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[9:21:28]

[1] Poutapu Maretu, you appear for sentence for four offences: two on 8 November 2023 injuring with intent to injure, and assault on Police; and on 23 December 2023, two bail breaches.

[2] On Wednesday, 8 November 2023, at about 11:30 pm a large fight broke out between two groups in the Rehab nightclub, which bar and security staff tried to break up.

[3] A security officer, Romeo Keu, saw another staff member being assaulted and moved to help. As he did so, you punched him to his head. He suffered a fracture to his nasal septal bone. His right eye swelled shut.

[4] At 11:55 pm, when the Police arrived, you were acting aggressively outside. You picked up a road cone and threw it at Constable Matapo Matara, hitting him on the head, but not injuring him.

[5] On 16 November 2023, you were released on bail on terms you breached on 22 December 2023. You entered licensed premises and consumed alcohol.

### **Victim impact statement**

[6] In his victim impact statement, Romeo Keu says your punch, which he did not anticipate because you hit him from a point he could not see, affected his sight for 10 to 15 minutes. He had to get out of the nightclub by feeling along the walls.

[7] He was admitted to hospital overnight and his vision was assessed later at an eye clinic, once the swelling had settled. He remained at home for two weeks. He, his wife and child were emotionally affected.

### **Presentence report**

[8] You are, your pre-sentence report says, aged 23. You were born in Sydney to Cook Islands parents, and brought up there principally by your grandmother.

[9] You work in Sydney in construction, alongside your uncle who is your supervisor. You find that fulfilling and you want to return to it. Your partner of two years is about to give birth to your first child. You are anxious to support her.

[10] You came to Rarotonga on 31 October 2023 for your brother's wedding, intending to return the following Sunday. You have been here since on bail, living with relatives.

[11] You apologise and are remorseful. Your family support you, but are worried and disappointed. They wish to see you return home. This is your first offence. Your risk of reoffending is low. A large fine is recommended.

**Crown submissions**

[12] The Crown contends that your assaults on Mr Reu inside the nightclub, and on the constable outside, were acts of gratuitous violence in a mass brawl, fuelled by alcohol.

[13] The Crown contends, secondly, that you assaulted a security officer and a constable, each acting to keep the public safe; and both assaults were to the head, the first resulting in a relatively serious facial injury.

[14] Accordingly, the Crown submits, your offences – especially the first, warrant a starting point for sentence of 12-15 months' imprisonment,<sup>1</sup> with an uplift for the two bail breaches.

[15] The Crown does not oppose a full one-third credit for your plea, at the first reasonable opportunity following a resolution discussion. The Crown also accepts you apologised for your assault on the Constable.

[16] The Crown accepts, as well, that in November 2023, you were here from Australia on holiday; that your bail conditions have kept you here ever since; and that this is relevant to your sentence.

[17] In those unique circumstances, the Crown says, it does not oppose you being fined the penalty imposed on your co-offender Tiare Maretu,<sup>2</sup> as long as you pay it in full before your passport is released.

**Defence submissions**

[18] Your counsel does not dispute your assault on Mr Reu was serious. She submits it was reckless, fuelled by alcohol, though that was no excuse.

[19] You accept, she says, that you must be held accountable. But you are from Australia. You have no family here, apart from those who have supported you. Your

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<sup>1</sup> R v Nuku [2012] NZCA 584, [38](b).

<sup>2</sup> R v Maretu, Cr No 1724, 1727/2023, 23 November 2023, Grice J.

partner in Sydney is to give birth towards the end of April. She was four months pregnant when you offended.

[20] You accepted responsibility, she says, at the first reasonable opportunity. Your offences are out of character. You are genuinely remorseful. You have shamed your family and the wider Penrhyn community.

[21] You should be sentenced consistently, she submits, with your co-offender, Tiare Maretu, whom Grice J fined \$2,150 in December 2024, for injuring with reckless disregard and fighting

### **Conclusion**

[22] Your assault on Mr Reu was, as the Crown says and your counsel does not dispute, a serious assault for which you must be held fully accountable.

[23] Mr Reu was doing his job as a security officer at the nightclub. He was about to help another staff member being assaulted. From a point he could not see, you punched him in the head.

[24] Clearly, that was with force. You broke his nose and briefly compromised his sight. That you were fuelled by alcohol is no excuse. The Crown's sentence starting point looks to me to be right.

[25] I agree, however, with the Crown's submission, which your counsel supports, that you be fined. Tiare Maretu, whom Grice J fined, assaulted his victim to the head with an empty bottle, resulting in cuts and bruises to his eye.

[26] In contrast to him, moreover, you first completed an essential plea resolution discussion before pleading guilty and, apart from a week in custody, have remained here longer on close bail conditions. Your partner is soon to give birth.

[27] I fine you \$2000 for your primary offence, injuring with intent to injure, and \$100 for the assault on the constable; and of that I order \$1000 to be paid to Mr Reu by way of compensation.

[28] Your passport is not to be released to you by the Registrar until you have made that payment in full. As to the two contempts, you are convicted and discharged.



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**P J Keane, CJ**