IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA

**JP APPEAL NO. 3/99**
**(CR NO. 302/99)**

IN THE MATTER of Section 76 of the Judicature Act 1980-81

BETWEEN **AVAIKI MATAIO APERAU**
and **COLEEN ANNE APERAU**
acting for and on behalf of
**JANE APERAU**
**Appellants**

AND **TEARII TINORUA NAPA**
**First Respondent**

AND **THE POLICE**
**Second Respondent**

Mr Aperau for the Appellants
Mr Arnold for First Respondent
Sgt Howard for Second Respondent
Date: 2 December 1999

## DECISION OF GREIG J

This is an unusual application. An application in my experience on the bench I have never had the occasion to deal with before. It is an application by the parents of the complainant or victim, in a criminal case who are dissatisfied with the leniency of the sentence that was imposed. They have no standing to ask for an appeal. In our system in the Cook Islands, New Zealand and Australia and in common law British jurisdictions, the only rights of appeal are given to the person who is sentenced or

offender and the Police and Crown and then only on the grounds that the sentence is manifestly inadequate. In this case the Police have taken no such actions as they feel that the sentence was appropriate in the circumstances. It often is the case that a victim and victim's family feel aggrieved that something less than what they feel is appropriate has been passed on sentence. But we must rely on our Judges and Justices of the Peace in their experience to weigh up the matter before them and to come to the appropriate decision.

It is quite wrong to suggest that there is something that needs to be disciplined in this matter. The Justice of the Peace heard the case. In the experience of that Justice of the Peace, this was the appropriate decision. And unless the Police thought that was manifestly inadequate then nobody else has the right to complain about it. Then the formal result is that the application must be, and it is dismissed.

**JUDGE**