

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

**CR NO. 529/01**

**POLICE**

**V**

**Defendant**

Sergeant Howard for Police  
Mr N George for Defendant  
Date: 29 November 2001

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**SENTENCE OF GREIG CJ**

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, you are appearing before me today on four very serious charges. They are charges of having sexual intercourse with a girl aged 13. There are four charges relating to the periods of March 2001, October 2001 and two separate incidents in November this year.

The girl, the victim in this case was a member of your family. You have been living in that family since 1997. The seriousness of the matter is not only that you took advantage of a young girl but that you broke your trust because you were the parent or in effect the parent of that child while she was in your care as the head of the house.

You have pleaded guilty at an early stage and that is something that has to be taken into account. This is your first appearance in Court and that too must be taken into account. You clearly have in all other respect a good reputation in your community but you have broken the law and broken it in such a way that requires a deterrent sentence not only to deter you but others and to make it clear to the community at large that this sort of behaviour cannot be tolerated at all.

2.

The only alternative, the only possibility in this case is a custodial sentence and the question what is the appropriate length having regard to the mitigating factors and the seriousness of the matter. It has been urged upon me that in some way I should order that you should serve your sentence in Aitutaki. You are going to be sentenced to imprisonment and that is then a matter for the prison authorities to decide where and how you should serve the sentence. It may be that at some later stage it will be appropriate to give you some form of release to Aitutaki but that is entirely a matter for the prison authorities.

On each of the charges you will be sentence to 3 and ½ years imprisonment to be served concurrently. I make an order for suppression of the name of the prisoner, I do that solely because the publication of his name might allow the identification of the victim and that is the concern of the Court at all times that the victim's identity should be kept undisclosed.



**CHIEF JUSTICE**