

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

CR NO: 164/2002

POLICE

v

JASON T MARSTERS

Defendant

Mr Elikana for Police

Mr Bracefield for Defendant

Date: 27 June 2002

DECISION OF GREIG CJ

Jason Marsters, you are appearing before me on a charge of assaulting a female on 27 April 2002. You have pleaded guilty to that offence. The facts were that on the night in question or on the day in question, you had been drinking the whole of the previous night. You had hired a motor cycle and were on the way into town to buy more drink. The victim was doing her normal jog up the hospital hill. You followed her and closely and asked her if she was alright. Fearful of your approach she pushed you and you fell off your motor cycle. You then followed her again and collided with her. That was deliberate. She ran away and escaped in spite of a slight injury to her leg. At the time you were on parole towards the end of the sentence that had been imposed on you in 1999 on a charge of attempted rape. The parole terms included a prohibition on drinking alcohol and the requirement that you should undertake counselling which among other things was for your alcohol problem. So this event occurred just over a month after you had been

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released and while you had been given the opportunity of counselling. Mr Bracefield has tried to persuade me that probation again is the most appropriate thing for you. I have no doubt that you do need help and supervision but you must make an effort yourself to make it work.

Having regard to the offence that occurred and your background I think the appropriate punishment at this stage is a short term of imprisonment. It will be short enough to make sure that when you come out that the parole and the probation will still have some effect I hope. On the charge of assault you are sentenced to 6 months imprisonment and on the charge of breach of probation you are convicted and discharged.

Ann Searcy CJ

CHIEF JUSTICE