

IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA

CR 108A/99

POLICE

V

NICHOLAS CURRY MARSTERS

Defendant

Mr Elikana for Police

Mr Rasmussen for Defendant.

Date: 2 December 1999

DECISION OF GREIG J

Mr Marsters, you are appearing today for a sentence on a serious charge for which you were found guilty by a jury. I sat on the trial and heard the case and I entirely agree with the verdict that the jury came to. What you did on the day in question was to entice a girl of 13 years old, a girl that was well known to you because you had been a friend and acquaintance of the family for a number of years.

You then did an indecent act upon her. It was a serious indecency, perhaps not the most serious, but certainly far beyond just touching in an indecent manner. From what I have read, no serious harm has come to the girl in question, but no one can tell whether she may have been caused some harm later in her life.

Over a period, before this event, you had been drinking. But drinking is of course no excuse in a matter like this. What makes this rather very serious is first of all, the suggestion that you have done something similar to this girl before.

Secondly you have been charged, convicted and sent to prison on a similar offence some 19 years ago. You have a list of previous convictions stretching over the last 34

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years. Only one of these is a sexual offence. Mr Rassmussen has suggested that you be banished to Penrhyn but at your age I do not believe that is the appropriate penalty at all. There is no alternative in my view but a term of detention. The sentence of the Court is 2 and ½ years imprisonment.



JUDGE