

IN THE HIGH COURT OF THE COOK ISLANDS

HELD AT RAROTONGA

(CRIMINAL DIVISION)

CR NO. 389/2000,403/99

POLICE

V

GEORGE MARSTERS

Mr Elikana for Police

Mr McAnally for Defendant.

Date: 30 November 2000

JUDGMENT OF GREIG CJ

George Marsters you pleaded guilty to one charge of assault and were found guilty by me after trial on the charge of indecent assault. The victim in this case was a girl of almost 16 years old, she was known to your through a basketball association. On her way home from school it seems that by chance you came across her. But then you decided deliberately to entice her away. In spite of her refusals you ended up by taking her to an empty house and then you forced her bodily into an inner room. There you assaulted her indecently.

The seriousness of this offence is of course the deliberate enticement of the girl, the application of force and its continuation and the indecent assault. The indecent assault was clearly not of the worst kind but in the circumstances of what amounted to a form of kidnapping this must have been a frightening experience for that young girl.

I am satisfied from the report that I have received that she has suffered and will continue to suffer because of that. You are an older mature man, you must bear the responsibility of your deliberate act. I have ignored completely the remarks in the

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Probation Officer's report relating to other irrelevant matters. I judge and sentence you on the evidence that was before me in the Court.

I do have regard however to what appears to be your general good character and the fact that you have a stable relationship. It is my view however that a case like this requires a custodial sentence. That expresses the community's view of this kind of offending and makes it clear that it is not to be excused in any way.

Of the charge of assault you will be sentenced to 1 years imprisonment. And on the charge of indecent assault you will be sentenced to 2 years imprisonment. The sentences are to be served concurrently.

Ken Gair CJ

CHIEF JUSTICE