

IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA

CR 53/04

POLICE

V

TIARE NGARIKI

Defendant

Mr M Tetava, Deputy Commissioner of Police

Mr George for Defendant

Date of sentence: 9 July 2004

DECISION OF GREIG CJ

Tiare Ngariki, you are appearing for sentence this morning on one charge of indecent assault on a woman on 26 January 2004. The facts are that you, as I understand it, had seen and picked out this woman. At the time she was living on her own on a yacht at Avatiu. You went on to the boat. When she accosted you, you attacked her. She tried to escape onto the wharf but you then followed her there and in the event dragged her to an area away from the wharf itself, forced her to the ground and attacked her. She struggled and managed to persuade you to go for a drive, she, aiming to escape from you by that course and she in fact did manage to get away on the wharf and get assistance.

You were soon discovered nearby and had admitted the offence and have since pleaded guilty. You are aged 41 and have mental and educational disabilities which mark you out as quite different from other people. But you deliberately

and determinedly pursued this woman with a sexual intent. It was only because of her determination that there was not a more serious offence.

You come before the Court with fourteen previous convictions, thirteen of these occurred between 1981 and 1990 and the last one in 2001. Two of these are sexual offences, some two or three might have sexual overtures or sexual intentions but equally might have reference to the other convictions of burglary and theft.

This was a serious and a very frightening assault on a woman on her own. She has suffered injuries both emotional and physical and I accept that this has changed her life.

Reading the report from the Probation Officer and what Mr George has said on your behalf and the two testimonials that I have received this morning, it is clear that you do have some good qualities and that you need guidance and supervision. You are a good worker and important and reputable people have given you assistance from time to time.

Reading the victim impact report and her own statement is a very salutary and sad experience and you must bear the responsibility for that. It is necessary in my view that you should be punished and that the sentence should indicate to the public at large the Court's abhorrence of this kind of offending and the need to ensure as far as we can the safety of members of the public.

You have been given opportunity and probation previously but I have no course on this occasion but to send you to prison. That I hope will provide some opportunity for rehabilitation in controlled circumstances and I hope that there will be some opportunity for treatment through Are Pa Taunga.

Reference has been made to reparation but in the circumstances that is not feasible. Taking into account the matters of mitigation, you will be sentence to three years imprisonment.

Amal Singh
CHIEF JUSTICE