

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

CR NO: 87/04

POLICE

V

ALEXANDRIA METUA NICHOLAS

Mr Tetava for Police
Mr Little for Defendant
Date of Sentence: 21 May 2004

DECISION OF GREIG, CHIEF JUSTICE

Alexandria Nicholas, you have pleaded guilty to a charge that with the intent to cause grievous bodily harm, you injured this other woman. That is quite a serious charge because it means that you intended to cause her some really serious harm and you then injured her. The maximum penalty, as no doubt you have been told, is three years in prison.

The events occurred on a Saturday at about four o'clock in the morning. You arrived at a party that was going on. I accept that you had been invited to that party. A former partner who is the father of your child was also there. You had separated from him for some time before that. Some argument ensued and you threw a glass at this other woman, the victim. It broke on her face. You pleaded guilty to this charge so I must take it that it was deliberately thrown and that you intended to hurt her. There is no suggestion that the assault was provoked in any way.

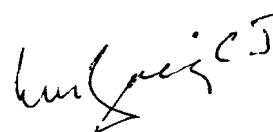
There were serious consequences to this assault. The victim suffered lacerations above her left eye which required six stitches. There were lacerations below her eye which required three stitches and there was glass in her eye which had to be removed at the hospital. She is going to have undergo plastic surgery; something like six treatments to restore her face and we can only hope that the plastic surgery will in fact remove any

scars so that she does not have any lasting effect. It does seem that at the moment anyway, she has some emotional effects because she still feels that you may assault her again if you come into contact. I am sure you accept that facial scarring to a young woman is a very serious matter.

This was the result of anger and aggressive behaviour. You are aged 32, not a child; you are a mature woman. I am told that you have been, as it were a, diplomat for the country, an ambassador for the country in your sport but this is behaviour which is very much inconsistent with any kind of being an ambassador overseas.

I would have thought that this sort of behaviour was certainly not to be expected, especially after what is said about you being a loving and caring mother and a member of a close-knit family now. You have pleaded guilty. This is your first appearance in a Court; you have never appeared in a Court before and I feel some confidence that you are unlikely to appear again.

The recommendation is that you be fined but this is a serious matter and the community is entitled to have a declaration from the Court that this kind of behaviour is not to be tolerated at all. I am not going to send you to prison, but I am not prepared to deal with the matter just by a fine. I am going to order that you be sentenced to six months community service. I am going to order also a sum of \$4,000 by way of reparation to be paid to the victim.



CHIEF JUSTICE