

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

CR NOS: 65/06, 66/06,67/06,
68/06,69/06

POLICE

V

NATASHA H P MARURAI
Defendant

Sergeant T Howard for Police
Mr Little for Defendant
Date of Sentence: 31 March 2006

SENTENCE OF NICHOLSON J

Natasha Marurai, you have pleaded guilty to five offences, the first that on the 4th of July last year you knowingly made a false document and forged a cheque. Second, that on the 22nd of July last year, there was intent to defraud, you used a cheque to obtain US\$200.00 for yourself, the property of your then employer. The next is that between the 4th and 29th July last year, being a servant of Global Network Trust (Cook Islands) Ltd, namely an account clerk, you stole three cheques which had a total value of \$6.00, the property of your employer. The next that on the 12th of August last year, you fraudulently used a cheque, the property of your employer, to obtain \$50.00 for yourself and finally, that on the 29th of August last year, you fraudulently used a cheque to obtain \$150.00, the property of your employer.

The facts are that you were employed by Global Network Trust as an accounts clerk from January 2002 to September 2005 and in July/August last year, administration staff had difficulty in reconciling cheque book record with bank

statements and during the reconciliation process they found that you had done the dishonest things which are stated as the offences.

When spoken to by the Police early this year, you were co-operative, admitted forging a cheque and misusing cheques and taking the cheques. In explanation, you said that you were struggling financially and needed the money to support your family as well as to make loan commitments.

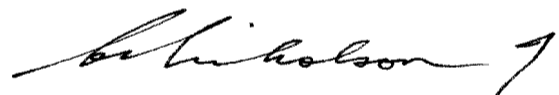
The Probation Officer refers to your age of 30 years and your being a solo mother caring for a 7 year old son and a 4 year old daughter, also how you have supported your parents. You have not previously committed any offences and clearly you stooped to temptation in this case because of your financial struggles. I accept that the amount of loss actually suffered by your employer was your taking of NZ\$200.00 and US\$200.00 and I accept from the receipts given that you have repaid that money and accordingly I do not intend to make reparation order as I am satisfied there isn't in effect any balance owing.

Although theft as a servant in a position of trust is a very serious offence and often brings a penalty of imprisonment, I accept in your case that there are exceptional circumstances, that you have measured up to your liability and responsibility and that it is unlikely that you will ever offend again. I take it that your present employer knows about this background and is nevertheless prepared to employ you and put trust in you.

Accordingly, I do not intend to impose imprisonment. Your lawyer Mr Little has asked that I make an order for permanent non-publication of your name because of your mother's very poor state of health and the effect that such information might have upon her. I consider in the circumstances it is inappropriate to make a permanent order of non publication because prospective employers and public generally are entitled to know that there has been this episode in your life and

take it into account in deciding how they will deal with you. However, I consider that it is in your mother's interest and welfare that there be a temporary order for non-publication of name, to give you time, now that you know, when you know what the outcome has been, to tell her about it at the appropriate time, in the appropriate way. So, accordingly I order there will be no publication of name or any details which might lead to your identification within the next 6 months but there are of course can be for publication. As I say I do not order payment of reparation because I am satisfied that the appropriate amounts have been repaid.

The Probation Officer recommends a term of 6 months Community Service. Sergeant Howard suggests that in light of the non publication order, that I indicated that that be 12 and in the circumstances I consider that that is appropriate. I accordingly sentence you to 12 months Community Service order as provided by Section 8 of the Criminal Justice Amendment Act 1976. You have a heavy responsibility bringing up small children and looking after the financial welfare of your parents and you are to be complimented for accepting that responsibility and I trust that you will be able to put this episode behind you and that you will be able to continue in the future to be what you are, a good person and a real contributor to society and to your family.



JUDGE