

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

CR NO. 928/08

POLICE

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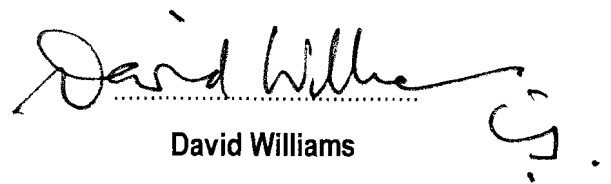
ANTHONY KAKINO
Defendant

Senior Sergeant Manavaroa for Police
Mr A Brown for Defendant
Date: 16 April 2009

SENTENCE OF DAVID WILLIAMS CJ

1. Mr Kakino, you appear today for sentence on a charge of indecent assault upon a female which carries a maximum penalty of 7 years imprisonment.
2. After drinking with your friends at the Rehab Bar, you accosted a young woman who was walking home. You pulled her up alongside her on your motorcycle. You offered to drop the victim home but she refused and carried on walking. You ignored her refusal, got off your motorcycle grabbed the young lady's arms around the bicep area, pulled her towards you and started kissing her on the mouth. The victim tried to push you away and eventually managed to free herself. She was left to walk to her apartment and you drove off.
3. It was a completely inappropriate action on your part. She had the right to be walking home unmolested. The Victim Impact Report shows that it was a disturbing experience for her to be, have this happen at night when she was walking home. She has not been able to sleep properly and she has had to be extremely cautious going out at night. She is afraid to go out on her own.
4. Senior Sergeant Manavaroa says that the starting point for such offending would be 3 years and I believe that it is somewhere in that vicinity.

5. In mitigation, it can be said that you irmediately acknowledged your offending and entered an early plea of guilty. In addition, you have been in custody for 6 months. I take all of those factors into account.
6. I also bear in mind, however, the aggravating factor that at the time of your offending you were still under probation supervision in relation to an offence of aggravated wounding with intent to cause bodily injury. In relation to that charge you were sentenced to 15 months imprisonment on the 15th of June and released from prison the 12th of September. Your 12 months probation supervision would have expired on the 11th of June. So it is an important aggravating factor that you offended while still under supervision.
7. I have now been handed a list of the sentences of this Court in the past in relation to indecent assault cases. The range seems to run from 5 years down to probation. In your case, taking into account the aggravating circumstances and the mitigating factors that I have mentioned, you are sentenced to 2 years imprisonment.
8. For your information it automatically follows that when you are released from prison, you will be on probation for a year.

A handwritten signature in black ink, appearing to read 'David Williams', with a flourish extending to the right. The signature is written over a dotted line.

David Williams

Chief Justice