

IN THE HIGH COURT OF THE COOK ISLANDS

HELD AT RAROTONGA

(CIVIL DIVISION)

CR NO. 153/99

POLICE

V

JEAN MARIE WILLIAMS

Defendant

Mr Elikana for Police

Mr Mitchell for Defendant

Date: 2 December 1999

DECISION OF GREIG J

Mr Williams you are here today before me on two charges of wilful damage to the outboard motor cover and injuring with intent. The injuring with intent charge I treat as a more serious charge because you were wielding a knife, you caused injuries which required hospital treatment and it must have been a frightening experience for the complainants when you arrived with a sledgehammer and a knife in attacking them.

I accept what Mr Mitchell said that in a way there was no criminal intent. But there was a criminal result. What Mr Elikana has said is exactly right, you took the law into your hands. Although you may have some reputation in the community as if you were a policeman, a policeman would never use a sledgehammer and a knife if he suspected someone of doing something wrong. You clearly went too far and it seems to me that you have a problem with your temper and you really need to take some advice and treatment for that. I am going to deal with you in way which may seem lenient because I am not going to send you to prison at all. I am taking into account the fact that you pleaded guilty, you have no previous convictions so you come before me without any previous convictions of any kind. The damage done to the outboard motor, though expensive to repair, is relatively slight. As I said, I don't think imprisonment is appropriate and would cause undue injury to you and your

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business and family. Your age and standing in the community I think that inappropriate. I am going to fine you a substantial sum of money, I hope that is a warning to you and to others not to take this type of attitude.

On each of the charges you will be fined \$500 and ordered to pay \$250 for compensation to the complainant for the damage to the outboard motor.


JUDGE