

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

**CR 406/2001**

**POLICE**

**v**

**TEREAPII MAKIROA**

Mr Elikana for Police

Mr Little for Defendant

Date of decision: 28 November 2002

**DECISION OF GREIG CJ**

Tereapii Makiroa, you appear this morning having pleaded guilty to a charge of indecent assault on a girl under the age of 12. You were watching television having drunk alcohol. The girl who was living in the house was in bed in the same room. You put your hand on her stomach twice and on her chest once. Your counsel says that was through a blanket and not directly on the clothing or the skin of the child. That that was an assault, a direct application of force is clear enough and I think it can be just said that it was indecent.

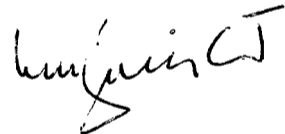
You have pleaded guilty to it so you accept that it was indecent. You are to be sentenced for what you did on that occasion, not for what you may have thought you might do but for what you have said you did. This is offending of its kind at the very lowest scale. There is no suggestion that the child has

had any ill effect from this although of course I accept that there may be hidden effects.

I do not think that this is a case which requires a custodial sentence. A sentence of community service and probation will I think be sufficient in all the circumstances. I am going to make an order for 9 months community service. You are to report on such number of occasions in each week as may be specified by the Controller of the Groups. You will report first on Saturday, this coming Saturday at 7.00am and each period of custody is not to exceed 12 hours.

You will also be under probation for a term of 12 months. I impose the conditions that you will abstain from the consumption and purchase of liquor, you will not enter licensed premises, you will attend any training program or treatment or counselling as may be directed by the Probation Service and you will live and work where approved by the Probation Service.

There was interim suppression of the name of this prisoner. I do not see any reason for continuing that unless there is anything that may be said to the contrary. The prisoner is not related to the victim in this charge. The name of the child of course must be suppressed but there will be no continuation of the order for suppression of the name of the prisoner.



**CHIEF JUSTICE**