

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

**CR NO. 183/03**

**POLICE**

**V**

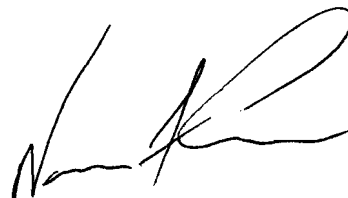
**MUNOKOA ARAIPU**  
**Defendant**

Mr Titaa for Police  
Mr Little for Defendant  
Date of sentence: 4 July 2003

**DECISION OF SMITH J**

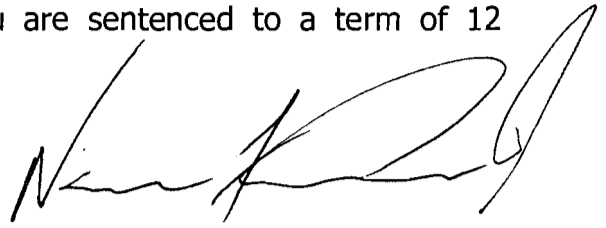
You are charged and convicted of an attempt to have sexual intercourse with a girl under the age of 12 years. I've listened to what your counsel Mr Little has had to say, I've considered the case which Greig CJ dealt with a matter some time ago which has been referred to me by Mr Little but like counsel I can distinguish that. What you did and what the accused in that instance did are vastly different. There the girl was lying asleep in bed in same room while he was watching television. Here, you put the girl on the bike and took her out into the bush. It's accepted by the police, that sexual intercourse did not take place and hence the charge of attempted sexual intercourse.

What this Court is mainly concerned with is the fact that your first offence before this Court was a sexually related charge. You were sentenced to 5 years imprisonment, you came off supervision on the 5<sup>th</sup> of July 2001 and then on the 10<sup>th</sup> of May 2003 you are charged with a further sexually related case. Clearly you need some treatment in these matters and that treatment would be available



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to you in the prison. I believe that a custodial sentence is the only sentence I can properly apply in this instance and you are sentenced to a term of 12 months imprisonment at Arorangi Prison.

A handwritten signature in black ink, appearing to be 'N. K. D.', written in a cursive style.

**JUDGE**