

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

**CR NO. 280/09**

**POLICE**

**V**

**NOOAPII WILLIAMS TAUU**

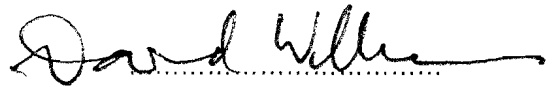
**Defendant**

Mrs K Saunders for Police  
Mr A Brown for Defendant  
Date: 16 April 2009

**SENTENCE OF DAVID WILLIAMS CJ**

1. Nooapii Williams Tauu, you appear today for sentence on a charge of attempted rape. The circumstances are that the complainant, yourself, the complainant's brother, her cousin and friends were drinking at a private home. All of you decided to go out to the Country Fried Chicken to get something to eat. There had been a fair deal of drinking. The complainant was tired and dozed off to sleep on the way home. She was helped into her bedroom by her cousin. The cousin closed the door. It was at that point that you entered the room and attempted to rape her but she resisted and although it was obvious what your intentions were. You were unable to carry out your plan to take advantage of the complainant while she was asleep. All that is to your credit as is your plea of guilty.
2. The suggestion you have made through the Probation Officer that you should not be charged because of the fact that both yourself and the victim were intoxicated is not accepted by the Court. Drunkenness is rarely a defence to a criminal charge and you had no right to molest and attempt to rape the complainant.
3. You have numerous convictions going back to 1967 and I see that there are previous convictions for indecent assault. On the 4<sup>th</sup> of April in 1974 you were sentenced to 18 months imprisonment for indecent assault. On the 14<sup>th</sup> of May 1993 you were convicted in relation to an indecent act and sentenced to 5 years imprisonment. On the 4<sup>th</sup> of July 2003 you were convicted of indecent assault of a girl under 12 and sentenced to 5 years imprisonment.

4. The only things in your favour are that you pleaded guilty early and saved the complainant from stress of having to give evidence.
  
5. The starting point for attempted rape is something in the vicinity of 7 years. You are entitled to a deduction for your early guilty plea. Without in any way minimizing the seriousness of this matter and taking into account your guilty plea, the sentence will be 2 years imprisonment.

A handwritten signature in black ink, appearing to read "David Williams", written over a horizontal dotted line. The signature is cursive and extends to the right of the line.

**David Williams**  
**Chief Justice**

5