

Mr R has pleaded guilty to a charge of indecent assault. He committed this crime nearly two years ago, when he was 19 years old. The victim was a relative of his, of about the same age. They lived in separate households in a small town. The assault occurred when Mr R, the complainant and others were travelling in a car late at night. Mr R was sitting next to the complainant in the back seat. When the car went around a sharp corner, Mr R pretended to fall across the complainant. He leant against her, reached under her dress, put his hand inside her underwear, and touched the outside of her vagina. She told him to stop. He removed his hand after a short time, but certainly not immediately. The complainant was upset. When they reached their destination she told others what had happened. She reported the matter to the police about six months later.

I have been provided with a victim impact statement that was recently written by her. The impact of this assault on her has been devastating. Word of what happened spread amongst her friends, family and work colleagues. Many people offered their advice as to how she should respond to the situation. She lost friends. Eventually she left her job, her home, and her family, and went to live a quiet life at a place where she was not known. She had fortnightly counselling. She is now living a lonely and anxious existence.

Mr R is now 21 years old. He had had a lot to drink when he committed this crime. What he did was out of character, but he does have a conviction for a minor drink driving offence. He completed high school, completed an apprenticeship, and has been in steady employment ever since. He now has two jobs, one of which involves working far away from home. He is highly regarded by his primary employer. In fact the company is using him as an apprentice mentor. He lives with his parents, but also spends time with a partner in another district. He regrets what he did. He has moderated his drinking as a result. He pleaded guilty at an early stage.

I obtained a pre-sentence report about him from a probation officer. In her opinion there is only a low risk of him ever committing another sexual offence. Because that possibility cannot be ruled out altogether, I will have to make an order that his name be placed on the sexual offenders' register. He has been assessed as suitable for the imposition of a community service order. I regard that as the most appropriate punishment, particularly in view of his age at the time of offending, his general good character, the steps that he has taken to moderate his drinking, and his plea of guilty. The probation officer has recommended that I make a community correction order with provision for Mr R to be referred for assessment and possibly treatment in relation to alcohol-related issues. I have decided to make such an order, as recommended.

EMR, I convict you and make a community correction order for an operational period of two years, with special conditions that (a) you must within that period complete and satisfactorily perform 84 hours' community service as directed by a probation officer or a supervisor; and (b) you must undergo assessment and treatment in relation to possible alcohol dependency as directed by a probation officer. I order that the Registrar appointed under s 42 of the *Community Protection (Offender Reporting) Act 2005* place your name on the register under that Act and that you comply with the reporting obligations under that Act for three years.