

**THE QUEEN**

v

**STANLEY HAROLD COLEY**

Hearing: 17 November 2008

Counsel: E C Killeen for Crown  
G Mason for Accused

Sentence: 20 November 2008

---

**SENTENCE OF RONALD YOUNG J**

---

[1] Mr Coley you are for sentence today on seven charges of indecent assault, five of which are representative charges and two relate to specific incidents. All involve girls under twelve years of age.

[2] As the Crown say, the events came to light in different ways. It is clear that as a result of your actions the events did come to light when no complaints have been made by any of the victims at that time.

[3] Turning then to the facts of the case. As far as the first three complainants are concerned, the first victim, who is now forty years of age, was your niece, she was attending primary school in Palmerston North living with her mother, stepfather

and brothers. The offending began when she was around six years of age and continued until she was ten years of age between about 1974 and 1978.

[4] The offending involved you forcing her to the ground and holding her down, removing the lower half of her clothing before touching her vagina and penetrating her vagina with your fingers as you lay on top of her. You would rub yourself against her until you ejaculated. These incidents occurred while you were trusted as a babysitter, during family outings or when taking the victim for a drive in your car. You admitted that you would separate the victim away from others so that you could offend against her. The offending occurred, as the victim recalls, almost on a weekly basis.

[5] The second victim here is the daughter of your niece previously referred to, born in 1992. You acknowledge that you offended against her on three or four occasions when she was around four years of age in 1996. You forced her to the ground, held her down, removed her lower clothing and touched her vagina and rubbed yourself against her until ejaculation.

[6] The third victim is a sister of the second victim and a daughter of the first. Again the offending occurred when she was around four years of age in 2001. You placed your hand under her skirt and touched her vagina on the outside under her underwear.

[7] The second set of offending involves firstly the daughter of friends who was aged seven years when you began offending against her in 1986. You were entrusted to baby-sit her. The offending began when you would tickle her but then rub your hand up her leg touching her vagina. On one occasion you forced her onto the bed, lifted her skirt over her waist and rubbed yourself against her until ejaculation. At other times you put your hand up her skirt touching her vagina. She threatened to tell her mother and you stopped.

[8] The second victim is your daughter. The offending began when she was about five, continued until she was twelve. You would come into her bedroom at nights, remove the lower half of her clothing, lay on her bed and rub yourself against

her until ejaculation. Sometimes you had her sit on your lap and touched her vagina. She recalls these events occurring constantly during this time, you admitted at least once a week to once a month.

[9] The next two victims were sisters of friends of the family, aged seven to eight years and ten to eleven years. You would baby-sit them. With the older sister you would put your hand up her skirt and begin rubbing her vagina. You would do so until she told you to stop, you agreed that this happened three to four times. Against the younger sister, you would offend while she sat on your lap placing your hands underneath her clothing and rubbing her vagina and on occasions at her bed, place your hands under her underwear and touch her vagina. The offending occurred regularly during this time and in your words every time the girls were at your address.

[10] This reveals that you were offending in the 1970s, the 1980s, the 1990s, up until 2001 right through those decades. All the offending was very serious involving as it did, offending that today would mostly be sexual violation. It involved touching girls' vaginas, sometimes inserting your finger into their vagina, rubbing against them sometimes to ejaculation, essentially simulating intercourse. Sometimes the offending extended over years involving very young children, often with family members or children of friends across generations. It is, of course, the grossest breach of trust that one could imagine.

[11] And all of this of course with other similar offending from 1983 to 2001 when in 2002 you were sentenced by me to seven years' imprisonment for offending against two of your children in similar ways.

[12] These events that I am to sentence you to for today came to light, as I have said, after your imprisonment in 2002 and it seems probably arose from your attendance at the Kia Marama programme. I accept that, as I have said, these events came to light publicly as a result of your actions.

[13] The Pre-sentence Report records that you have been on parole and although you seem to have complied with your parole there are still worrying signs about your

sexual thoughts. Other reports have also been obtained which acknowledge that you have made some progress but that you still remain something of a danger but further attendance at further Kia Marama programme should consolidate and improve the gains made. I strongly recommend your attendance at this programme in prison.

[14] The Crown submit that given the range of offending involving seven victims on this occasion and two previously a lengthy sentence is justified. They accept that the proper sentencing approach is for me to place myself back in 2002 and assume I am sentencing you on all matters. They say a total sentence involving the 2002 sentencing as well would have been a sentence in the high teens. They accept deduction for the seven year sentence is appropriate but say that a direct mathematical deduction is not appropriate. They accept the mitigating features of your plea and your actions to bring these events to light. They say a minimum non-parole period is also appropriate.

[15] Your counsel in most helpful submissions also identifies the proper approach as one requiring me to look back to 2002 on the assumption that I am sentencing you today for all matters and using that as a helpful guide to the final sentence today. He stresses that relevant for me are:

- a) firstly, this offending was identified as a result of your confessions;
- b) secondly given the historic nature of much of the offending I must take into account the sentencing patterns at that time;
- c) thirdly, while accepting the very serious nature of this offending he says in the absence of penile penetration or oral genital contact, that a sentence in the lower part of the eleven to fourteen year range is appropriate.

[16] He also mentions in his written submissions your personal circumstances, the physical verbal and sexual abuse you suffered as a child. He submits your age and the good efforts that you have made at Kia Marama are relevant underlined by your confession to these crimes. He says that with an eleven to twelve year starting point

for all offending today and deducting the seven years previously imposed a sentence of 2½ to 3 years' imprisonment is appropriate. He submits that no minimum non-parole period is required on the facts of this case.

[17] As I have said Mr Coley, this is horrifying offending against children, especially members of your family and friends. I have read the victim impact reports. They make horrifying reading. You robbed these children of their childhood and innocence and nothing can replace that. The affect of the offending on them is a lifetime affect, it affects them as children, as teenagers and now for many of them as adults having difficulty forming normal relationships. These events are as one of the victims said, the worst nightmare for a child and her parents. It is frankly difficult to adequately describe the affect that you have had on these nine lives.

[18] The offending has, as I have identified a number of very serious aggravating features; the seven victims here, and the two others; the offending over four decades; the offending against children, some very young children; the offending against members of your family and close friends and the gross use of trust involved. These are all very serious aggravating features.

[19] Looking at what the Court would have imposed in 2002, and assuming that all of the offending had come to light then, I add to that the gross offending against your daughter and son that I sentenced you for in 2002 and described in my sentencing remarks then.

[20] I acknowledge that none of these charges involve intrusive penile penetration and thus rape, but many did involve sexual violation by digital penetration. They did involve offending over four decades of abusing many family members.

[21] I think that if I had sentenced you for these events separately, then in addition to the seven years' imprisonment I imposed in 2002, I would have, for this offending, added ten to twelve years. However, overall I think a sentence of seventeen to nineteen years on the totality principle is too long and I reduce that overall to a sentence of sixteen years. That leaves, therefore, a nine year sentence

before I consider mitigation. I am satisfied that it is proper to deduct from that nine years, four years to reflect the effort that you made in pleading guilty and in confessing to these crimes. In those circumstances the proper sentence in my view is one of five years' imprisonment. I do think it is appropriate to impose a minimum non-parole period to reflect the seriousness of this offending. I set that at three years.

[22] You will, therefore, be sentenced on each charge to five years' imprisonment concurrent with a minimum sentence of three years' imprisonment.

---

Ronald Young J

Solicitors:

E C Killeen, Ben Vanderkolk & Associates, P O Box 31, Palmerston North,  
email: [esme@bvalaw.co.nz](mailto:esme@bvalaw.co.nz)

G Mason, Barrister, Palmerston North, email: [glenn@glenmason.co.nz](mailto:glenn@glenmason.co.nz)