

**BETWEEN: Public Prosecutor**

**AND: Gislapno Renso**

**Defendant**

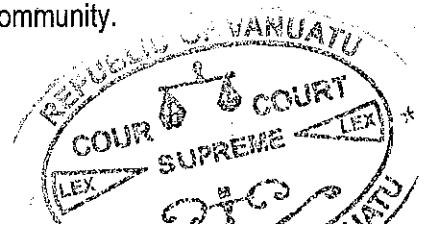
Date of Plea: 9<sup>th</sup> December 2019  
Date of Sentence: 13<sup>th</sup> December 2019  
Court: Justice Oliver A. Saksak  
Counsel: Mr Philip Toaliu for the Public Prosecutor  
Mr Steven Garae Jnr for the Defendant

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**SENTENCE**

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1. Renso Gislapno you are for sentence today for having pleaded guilty to one charge of act of indecency with a young person contrary to sections 98A of the Penal Code Act [Cap. 135]. The maximum penalty for this offence is 10 years imprisonment.
2. You are 22 years old and your victim is only 13 years old. On Sunday 22 October 2019 at 4:00 am you went to the victim's house and called her to follow you to your house. She went along with you and in the house you removed her clothes and rubbed your penis against her vagina. There was a degree of planning involved.
3. What you did to this child is incomprehensible. It really should not have happened. In your pre-sentence report you appear to be shifting the blame to alcohol and to your lack of knowledge that what you did is against the law. Those are inexcusable reasons. The reality is that you showed no care or respect for this child. Your action is not one of a person in his right mind. You took advantage of this young child and had your way on her.
4. The Court of Appeal laid down very clear principles in PP v. Gideon [2002] VUCA 7 that men who take advantage sexually of women forfeit the right to remain in the community.



5. There is a serious need for consistency with this principle so that the right message is conveyed to other men who keep committing these types of offences. This fact can be seen from the couple of cases attached to the submissions of the Prosecution.
6. For you the only appropriate sentence is to be a sentence of imprisonment. And taking all the aggravating factors together with the seriousness of the offence committed, the starting sentence shall be 3 years imprisonment with no uplift.
7. I therefore convict and sentence you to a starting sentence of 3 years imprisonment for the offences charges. And there are no circumstances that warrant the suspension of your sentence.
8. In mitigation I consider the details of your character and personal history. You are a young man with clean past record. Your parents have performed a custom reconciliation ceremony on your behalf. You intend to do another one. This shows your remorse and contrition. For all these together I allow a reduction of 1 year leaving the balance of 2 years.
9. For your guilty plea, you are entitled to a 1/3 reduction meaning a further 8 months are deducted leaving your end sentence at 16 months imprisonment.
10. You have been in custody on remand since 22 October 2019. I order that your end sentence of 16 months be back dated to 22 October 2019.
11. That is your sentence. If you do not agree with it, you have a right to appeal within 14 days.

**Dated at Luganville this 13<sup>th</sup> day of December 2019**

**BY THE COURT**

**Oliver A. Saksak**

**Judge**

