

**IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

Criminal
Case No. 21/1162 SC/CRML

BETWEEN: Public Prosecutor

AND: Bong Tasso
Defendant

Coram: *Justice Aru*
Counsel: *Ms. M. Tasso for the Public Prosecutor*
Mrs. K. Karu for the Defendant

SENTENCE

Introduction

1. Mr Bong Tasso pleaded guilty to a charge of domestic violence and a charge of act of indecency without consent.

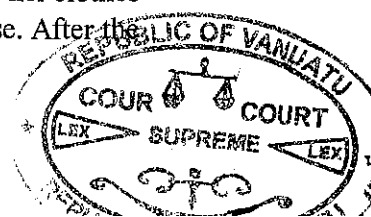
The facts

Count 1

2. On 15 September 2020 at Bladiniere area between 4 and 5 pm the complainant returned home from work and she saw the defendant inside the house as if looking for something. Upon seeing the complainant the defendant asked her for VT1, 000 telling her he needed the money to sort out a problem. The complainant responded that she did not have the money and told the defendant to ask his father. The defendant on hearing this grabbed the complainant and pulled her towards him and told her not to go outside.
3. The complainant resisted and forcefully freed herself from his grasp and walked out of the house. The defendant left and went to Erakor the same day. At the time of the incident the complainant was terrified by the defendant's behaviour.

Count 2

4. On 18 December 2020 at Bladiniere area, the defendant arrived home around 9.00 pm 9.30 pm at night after drinking kava and "dry palm". The complainant was already asleep. The defendant had his supper then went and woke the complainant to massage his body. He lied on the floor and the complainant massaged his shoulder and legs. While she was massaging him she saw the defendant reaching his hands into her clothes to touch her vagina and breast. She scolded him and walked out of the house. After the



incident she was afraid to go back to the house as her husband was on the island of Ambrym at that time. It was dark so she went and stayed overnight with her youngest son. In the morning she went to the Police station and reported the matter.

5. The defendant was cautioned and interviewed but denied the allegations.

Starting Point

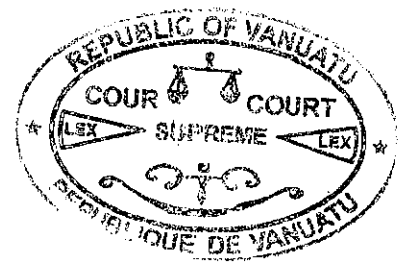
6. When considering what the starting point of sentence should be, first I consider the maximum penalty available for the offending. Domestic violence is punishable by a maximum term of imprisonment not exceeding 5 years imprisonment or a fine not exceeding VT100, 000 or to both. An act of indecency without consent is punishable by a maximum penalty of imprisonment for 7 years.
7. Next I need to consider whether there are any aggravating or mitigating factors of the offending. The offending is aggravated by the following factors.
 - The offending occurred in a home where the complainant is meant to feel safe and be protected
 - There is an element of planning
 - The offending was repeated
 - There is a breach of trust
8. There are no mitigating factors
9. The act of indecency without consent is the lead offence in the offending and I set the starting point of sentence at 3 years imprisonment to be concurrent.

Personal factors

10. The defendant pleaded guilty to the charges. Initially he denied the offending when cautioned by the Police. The sentence will be reduced by 25 percent.
11. No Pre-Sentence Report was filed as directed. However defence Counsel did provide some details about the defendant. He is a first time offender and is now 20 years old and lives with his parents at Bladiniere area. The defendant is unemployed and has now spent roughly 6 months on remand prior to his sentence.
12. Taking these factors into account I reduce the sentence by 15 months.

End Sentence

13. The end sentence is 12 months imprisonment on the lead offence. For the offence of domestic violence the defendant is sentenced to 4 months imprisonment to be concurrent.



14. The sentence is suspended for a period of 2 years. Should the defendant reoffend during this time the suspended sentence will be reactivated to be served in custody.
15. In addition the defendant will perform 200 hours community work and will be under supervision for a period of 12 months.
16. The defendant has 14 days to appeal if he is not happy with the decision.

DATED at Port Vila this 29th day of June, 2021

BY THE COURT

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D. Aru
Judge

