

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

Criminal
Case No. 21/2822 SC/CRML

BETWEEN: Public Prosecutor

AND: Bush Baet
Defendant

Date: 16th September 2021
By: Justice G.A. Andrée Wiltens
Counsel: Mr D. Boe for the Public Prosecutor
Mr R. Willie for the Defendant

SENTENCE

A. Introduction

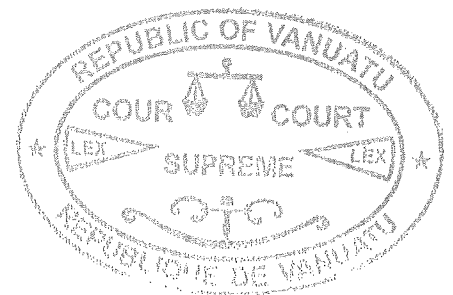
1. Mr Baet pleaded guilty to a charge of unlawful sexual intercourse with a young person aged between 13 and 15 years.

B. Facts

2. CF was born on 11 March 2007.
3. On 18 July 2021, CF was at the house of a relative. Mr Baet entered the house, saw that CF was alone and locked the door behind him. He took off CF's clothes and had sexual intercourse with her. After he had ejaculated he put back his clothes and left.
4. CF immediately told her mother what had occurred.
5. When questioned by the police Mr Baet elected to remain silent.

C. Sentence Start Point

6. The sentence start point is to be assessed by having regards to the maximum sentence available and factoring in the aggravating and mitigating aspects of the offending.
7. The maximum penalty for this offence is 15 years imprisonment.



7. There are no aggravating factors to this offending. The mitigating aspect is that the sexual intercourse was consensual

8. The sentence start point I adopt is 3 years imprisonment.

D. Personal factors

9. Mr Baet pleaded guilty promptly. That shows remorse and acceptance of his wrong-doing. It also spared AL the need to give evidence. Accordingly the sentence start point is reduced by 33%.

10. Mr Baet is now 20 years old, single. He is unemployed and reliant on his mother for financial support.

11. Mr Baet has no previous convictions.

12. He claims to be remorseful although acknowledges that both he and AL knew what they were doing was unlawful.

13. There has been a custom reconciliation ceremony involving VT 6,000 cash, which was accepted by AL and her relatives.

14. For his personal factors, Mr Baet's sentence start point is further reduced by 15 months which acknowledges Mr Baet's young age and immaturity.

E. End Sentence


15. The end sentence I impose is 9 months imprisonment. The sentence start-dated is back dated to 18 August 2021. As this offending is of a sexual nature, suspension of the sentence is inappropriate: *PP v. Gideon [2002] VUCA 7*.

16. All details leading to identification of AL are permanently suppressed.

17. Mr Baet has 14 days to appeal.

Dated at Luganville, this 16th day of September 2021

BY THE COURT


Justice G.A. Andrée Wiltens

