

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

**Criminal
Case No. 23/838 SC/CRML**

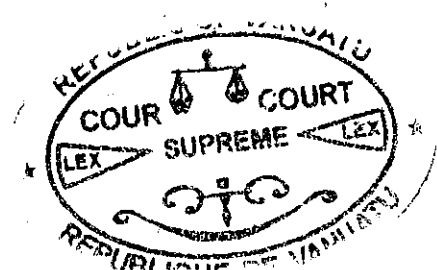
BETWEEN: Public Prosecutor

**AND: Joshua Lombu
Defendant**

Date of PLEA: 10th July 2023
Date of Sentence: 21st July 2023
Before: Justice Oliver Saksak
In Attendance: Mr Greogory Simeon for the Public Prosecutor
Mrs Marisan P Vire for the Defendant

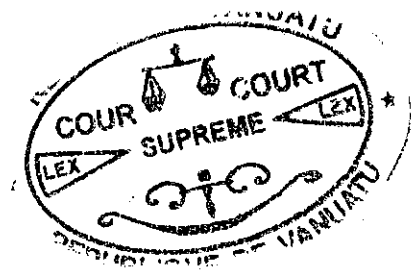
SENTENCE

1. Joshua Lombu pleaded guilty to one charge of unlawful sexual intercourse with a girl of 13 years. He is for sentence today.
2. This is a serious offence as it carries the maximum penalty of life imprisonment.
3. The defendant is a 35 years old man. The complainant and victim is a 13 year old school girl, the step- daughter of the defendant.
4. The offendings occurred many times in the night at Rah Village, Motalava Island. The defendant entered the complainant's room at nights when his wife was asleep. He began by touching the complainant's body, her breasts then the vagina. Then he asked the complainant to remove her clothes and he inserted a finger into her vagina. Then he knelt down and sucked the complainant's vagina. He did this many times over before the matter was reported to the police.
5. There were no mitigating circumstances for these actions. The defendant simply took advantage of the victim's young age and her vulnerability and sexually abused her. There was a serious breach of trust as a step father. There is a great disparity of age between them. The offending took place



within the confines of the family home where the girl should be safe, cared for and protected. The acts were repeated. There was loss of dignity and self-esteem.

6. The defendant has by his actions forfeited his right to live in the community. His actions warrant a custodial sentence.
7. There are no mitigating circumstances. The defendant plainly took advantage of his step daughter to sexually and selfishly abuse her. His actions show a disgraceful behaviour of a man with a depraved mind.
8. In deciding the appropriate sentence I have read the submissions of the Prosecutions of the Prosecution and defence Counsel and I am indebted to them for their assistance.
9. Having considered all aggravating features together with the seriousness of the offending with no mitigating circumstances, I adopt a start sentence of 4 years imprisonment.
10. In mitigation first his guilty plea. I accept he is entitled to 1/3 reduction which is 1 year and 4 months. That leaves the balance of the sentence to be 2 years and 8 months.
11. I also noted his pre-sentence report showing his character and personal history. He is a family man living in a defacto relationship with children of previous relationships to look after. He has good working relationship with his community. He has shown remorse by performing family reconciliation. Therefore for all these other factors, he is entitled to a final reduction of 8 months. His end sentence is therefore exactly 2 years imprisonment.
12. The defendant is now convicted and sentenced to an end sentence of 2 years imprisonment.
13. The sentence is backdated to 25th March 2023 when the defendant was first taken into custody.



14. The sentence will not be suspended, as there are no exceptional circumstances warranting suspension.

15. That is the sentence of the Court. There is a right of appeal against the sentence within 14 days.

DATED at Luganville this 21st day of July 2023

BY THE COURT

OLIVER.A.SAKSAK

Judge

