

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

Criminal  
Case No. 25/1366 SC/CRML

BETWEEN: Public Prosecutor

AND: Gregory Selwin Butulata  
Defendant

Coram: Justice Dudley Aru  
Counsel: Ms. J. Tete the Public Prosecutor  
Mr. J. Garae for the Defendant

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## SENTENCE

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### Introduction

1. Gregory Selwyn Butulata pleaded guilty to one count of unlawful sexual intercourse and one of act of indecency. He is convicted on his guilty plea and the admitted facts. This is his sentence.

### Facts

2. The defendant is the victim's uncle as he is married to the victim's aunt. The victim is 10 years old and is in class 5 at Lathi Primary School. The offending happened in Lathi village.

#### Count 1

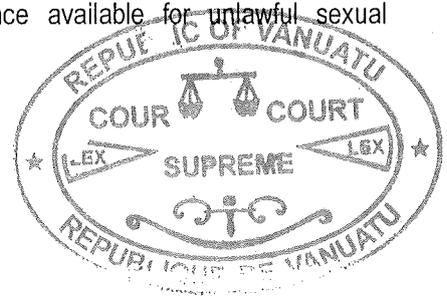
3. On the night of 14 April 2025, the victim was asleep at her grandmother's house. While she was asleep, she felt someone removing her blanket. She peeped and saw the defendant standing in front of her look outside the window. The defendant then came to her and lifted her skirt to her stomach, removed her panty, and pushed his finger into her vagina. He then lifted her right leg up and inserted his finger again and began moving it back and forth into the victim's vagina. The victim was wide awake but was scared and lied down quietly.

#### Count2

4. When the defendant was moving his finger back and forth in the victim's vagina he was also sucking on her breast. He then took her hand and placed it on his penis. After sucking the victim's breast, the defendant moved down and sucked the victim's clitoris.
5. After finishing what he was doing, the defendant, left the room. The victim reported the incident to her mother on 16 April 2025 and the matter was reported to the Police the next day.
6. When he was interviewed by the Police the defendant admitted the allegations.

### Sentence start point

7. When considering sentence start point regard must be had to the maximum sentence and any aggravating or mitigating factor. The maximum sentence available for unlawful sexual



intercourse with a child under 13 years is life imprisonment as provided under s97 1) of the Penal Code. The maximum sentence available for acts of indecency with a young person is imprisonment for 10 years as provided under s.98 A of the Penal Code. The offending is aggravated by the following factors: -

- There is a breach of trust
  - There was some planning involved
  - The offending occurred in a home where the victim should be protected
  - There is an age disparity; and
  - The psychological effect on the victim will remain with her for some time.
8. There are no mitigating factors of the offending.
9. Having considered cases referred to by both the prosecution and defence Counsel and also noting that the offending involved digital penetration as opposed to penile penetration, I adopt a concurrent global starting point of 5 years imprisonment.

#### Guilty plea and personal factors

10. The defendant entered a guilty plea at the earliest available opportunity as a sign of remorse therefore the sentence start point will be discounted by 30%.
11. No Same Day Report was filed as directed; however, Defence Counsel has provided some personal factors about the defendant namely, that he is 26 years old and is a first-time offender with no previous convictions. Considering these factors, I reduce the sentence start point by 3 months.
12. As the defendant has previously served some 21 days or so on remand before being bailed, I allow a further reduction rounded off to a month to reflect time spent in custody.

#### End sentence

13. The defendant is sentenced to a concurrent end sentence rounded off to **3 years imprisonment with effect from today.** The Centre Manager shall inform the Court should the defendant fail to surrender himself to the Correctional Centre by 4.00 pm this afternoon.
14. The defendant has 14 days to appeal if he is not satisfied with the decision.

DATED at Luganville Santo this 29<sup>th</sup> day of August, 2025

BY THE COURT

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Dudley Aru  
Judge

