

PUBLIC PROSECUTOR

v

DENSLY GARAE

Date: 17 April 2026
Before: Justice V.M. Trief
In Attendance: Public Prosecutor – Mr D. Liu
Defendant – Ms B. Taleo

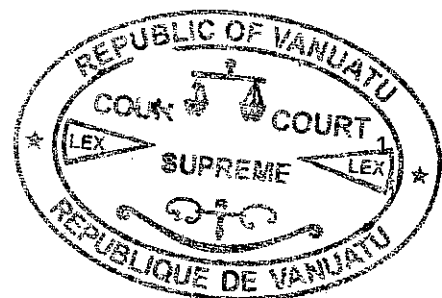
SENTENCE

A. Introduction

1. Mr Densly Garae, you appear for sentence having pleaded guilty to two charges of unlawful sexual intercourse with a child under 15 years of age but of or over the age of 13 years contrary to subs. 97(2) of the *Penal Code* (Counts 1 and 2). You are convicted on your own pleas and the admitted facts.

B. Facts

2. One night in January 2024 at Ambae island, you went to the house where the 13-year-old complainant ST (name suppressed) was living in.
3. You entered the house and went into the room where ST was lying in bed. You lay on the bed with her and then removed her clothes and yours and inserted your penis into her vagina. Then you put your clothes back on and left (Count 1).
4. One night in July 2024 at Ambae island, you went to ST's house. You entered the house and went into the room where ST was lying in bed. You removed ST's clothes and your



clothes. You inserted your fingers, your tongue and then your penis into her vagina. You put your clothes back on and left (Count 2).

C. Sentence Start Point

5. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
6. The maximum sentence provided in the law for unlawful sexual intercourse with a child under 15 years of age but of or over the age of 13 years of age is 15 years imprisonment.
7. There are no mitigating aspects to the offending however, it is aggravated by the following:
 - a. The offending occurred over a 7-month period;
 - b. The sexual offending was repeated;
 - c. The offending was pre-meditated; and
 - d. The complainant was exposed to the risk of pregnancy and sexually transmitted infection due to unprotected sex.
8. Taking these matters into account, I adopt a global sentence start point of 5 years imprisonment.

D. Personal Factors

9. You pleaded guilty at the first reasonable opportunity. Accordingly, I deduct one third (20 months) for your early guilty pleas.
10. You are 17 years old. You are a Year 10 student at Ambaebulu Secondary School. You are single and dependent on your parents. You plan to complete your education and work as a seafarer aboard vessels both domestically and internationally. You have skills in gardening and playing soccer. You have no prior convictions although that is of little relevance to mitigate a sentence in the case of sexual offending. You cooperated with the Police. You are stated to be remorseful. You have the support of your parents, family and community. You have twice paid compensation to the complainant and her family totalling VT7,000.
11. For your personal factors including your young age and immaturity, I reduce the sentence start point by a further 20% (12 months).

E. End Sentence

12. Taking all matters into account, the end sentences imposed concurrently are:

Unlawful sexual intercourse with a child under 15 years of age but of or over the age of 13 years of age (Counts 1 and 2) 2 years 4 months imprisonment.

13. The sentences are imposed to reflect the need to denounce this criminal conduct against young girls and against the values of society, as a general and specific deterrence and to hold you accountable for your criminal conduct.
14. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
15. While this is serious offending, it is at the lower end of the scale for this type of offending. It was non-violent sexual intercourse and there are no apparent adverse effects on the complainant. You and she are related and reside in the same village. You are a first offender and are relatively young. You are attending secondary school and have ambition to complete your education including gaining a maritime qualification. You have good prospects of rehabilitation, particularly as you have good family support. You have twice paid compensation to the complainant and her family.
16. Given the circumstances, I consider therefore that it is not appropriate to make you suffer immediate imprisonment. Accordingly, the sentences of imprisonment are suspended for 2 years on the condition that you commit no further offence within that period. You are warned that if you are convicted of any offence in the next 2 years, that you will be taken into custody and serve your sentences of imprisonment imposed today as well as the penalty imposed for the further offending.
17. In addition, you are to complete 12 months of supervision.
18. All details leading to the identification of the complainant are permanently suppressed.
19. You have 14 days to appeal the sentence.

**DATED at Saratamata, Ambae this 17th day of April, 2026
BY THE COURT**


Justice Viran Molisa Trief

