

**IN THE MAGISTRATE'S COURT AT LABASA**  
**CRIMINAL JURISDICTION**

*Criminal Case No. 140 of 2013*

**STATE**

v

**PAULIASI NADALI**

For the Prosecution: **Mrs Vavadakua. A**

For the Accused : **Mr Paka. A**

Sentence : **23 June 2017**

**SENTENCE**

1. The accused, *Pauliasi Nadali*, you stand before this Court today to be sentenced for one count of *Indecent Assault*.
2. On 1 June 2016, you change your plea and you pleaded guilty to the charge in the presence of your counsel. I find your plea to be unequivocal.
3. The brief summary facts are; -  
*"Between the years 2008 and 2009, the accused, Pauliasi Nadali gone to his step daughter VT a child of 11 years old. He caused the child to undress and he removed his pants and rubbing his hand with his penis while looking at the child's naked vagina. He used his fingers to touch the vagina of his step daughter while rubbing his hand on his penis. At that time the child was in his care and protection as the step father of the child. In the caution interview, he fully admitted that he had masterbated himself while touching the child's genitalia."*

You admitted to the above summary of facts on 5 July 2016, and convicted as charged. On 20 September 2016, your counsel submitted oral mitigation.

The maximum penalty for *Indecent Assault* is 5 years imprisonment. The tariff is 12 months to 4 years imprisonment, depending on the nature of the assault.

The aggravating factors are ;-

- a. *The victim is your step daughter who was 11 years old at the time of the offence.*
- b. *The child was under your care and protection when you commit the offence.*
- c. *You have no respect for the victim.*
- d. *You breach the trust and the respect of the child on you.*
- e. *You take advantage of the vulnerability of the victim at the time of the offence.*

The mitigating factors are ; -

- a. *Remorseful.*
- b. *Seek the court's leniency.*

For your sentence, I pick 2 years as the starting point. I add 1 year for the aggravating factors and that increase your sentence to 3 years imprisonment. I reduce your sentence by 4 months for your mitigation and that reduce your sentence to 2 years and 8 months imprisonment.

I reduce your sentence by 5 months for your guilty plea and that reduce your sentence to 2 years and 3 months imprisonment.

0. You were in remand for a period of about 10 months. That is from 4 March 2013 to 12 August 2013 and from 22 June 2015 to 14 November 2015. On 14 November 2015, you were sentence for the term that you are currently serving. I therefore, reduce your sentence by 10 months and that reduce your sentence to 1 year and 5 months imprisonment.

1. I have take note of *section 4* of the *Sentence and Penalties Act*. This sentence is founded on the principle of deterrence.

12. *Pauliasi Nadali*, I now sentence you to 1 year and 5 months imprisonment and to be served concurrently with the sentence that you are currently serving in the other case.

**28 days to appeal**



A handwritten signature in blue ink, appearing to read "C. M. Tuberi", written over a horizontal line.

C. M. Tuberi  
RESIDENT MAGISTRATE