

**IN THE HIGH COURT OF SOLOMON ISLANDS**

**CRIMINAL JURISDICTION**

**Criminal Case Number 471 of 2024**

**REX -V- JAMES TUPUTA**

**Date of Hearing: 11.02.2026.**

**Date of Sentence: 18.02.2026.**

*Counsel; Ms. Luza for the Crown.*

*Counsel; Mr. Waroka for the Defendant.*

**KENIAPISIA; PJ:**

**SENTENCE ON A CHARGE OF RAPE**

1. By verdict delivered on **19.12.2025**, I convicted you, Mr. Tuputa, for rape of the victim, Ms. Ann Rapeasi. It is time for me to determine the appropriate punishment. The crime you committed carries a maximum punishment of life imprisonment as prescribed by the Legislature (Section 136F (1) (a) and (b) of the Penal Code (Amendment) (Sexual offences) Act 2016). However, the Court has the power to impose a lesser sentence term in the exercise of its discretion based on the merit of each case. Defence counsel rightly submitted that sentencing is not a mathematical exercise with a fixed formula running across all cases (R-v-Wanefiolo (2020) SBHC 16). For this reason, I choose to follow sentencing guidelines rather than comparative analysis of the various sentencing precedents defence counsel put forward.
2. Rape is a very serious crime, and it goes without saying, as *prima facie* reflected in the punishment of life imprisonment. It demonstrates that the Legislature's motive is to deter and condemn those who chose to commit rape. Rape is serious because, it will have a long-term daunting impact on the victim (the scar of shame and stigma). I can see evidence of these in the victim's impact statement (thinking of committing suicide). Ann Rapeasi's moral intactness and sanctity, sense of belonging and pride or human dignity as a young girl have been taken away rather ruthlessly. The same impact extends to her family as well, undoubtedly. This is why in custom hefty compensation is always exchanged to restore social and psychological wounds. When giving evidence at trial, Ann Rapeasi with great bitterness talked about what happened to her. I noted her evidence at paragraph 30 of the verdict, where I said – "...She was defensive in her answers when questions were asked to twist the truth of what happened to her. She appeared angry because she regretted accompanying her sister out that night. She emphasised a few times in her evidence that she would not normally give her body to a stranger".
3. Court of Appeal recognised the seriousness of rape on *adult victims* in a *contested matter*, by setting a higher starting point sentence of 8 years (Bade, Court of Appeal 2023). There is no dispute about the starting point sentence because the Court of Appeal sentencing guideline

is binding on this court. I will set the starting point sentence at 8 years because Ann Rapeasi was an adult (19 years old) and this was a contested matter.

4. I determine the following serious aggravating facts present in this case: -
- (i) **Age disparity** – Defendant was around 29 years old, and the victim was only 19 years old.
  - (ii) **Weak and Vulnerability** – A vulnerability is a weakness that can be exploited by an attacker. A male is stronger than a female, in terms of their gender composition. In this case Tuputa exerted his strength over the weak and vulnerable Ann when he tricked, lured and threatened her at a secluded location. She was threatened and over powered resulting in her surrendering her body for sexual use by Tuputa, the male attacker, who saw fit to exploit her vulnerability and weakness to achieve his sexual desires. The weak cannot fight back. The strong will exploit that weakness to exert control and power to achieve their will over the weak gender, as it happened to Ann in a vehicle at a secluded location.
  - (iii) **Pre-planning** – Defence contends that there is no pre-planning and that the incident was spontaneous. I will reject this argument because pre-planning just means he thought about it. He devised a plan. He pushed the devised plan through Jacklyn and her boyfriend Junior Dagi requesting that he wanted to tell stories with Ann Rapeasi inside the car. Ann was reluctant at first, but eventually gave in after she was convinced by Jacklyn and her boyfriend that their driver wanted to tell stories with her and that she should just give him company. She went to Mr. Tuputa in the car. Instead of telling stories, he tricked her and drove her away to a secluded location and secured sex with her by force and intimidation (see paragraphs 8 to 17 of the verdict). All these were by prior planning or careful thoughts and execution rather than a spontaneous act.
  - (iv) **Detention, threat and use of force (threat, intimidation and violent sexual intercourse)** – In the verdict I found that the defendant secured sex with the victim using threat and intimidation when he drove her away to a secluded location and out of fear for her own safety, she gave her body to the defendant to have sex with her. I said that she was submitting out of fear only (see paragraphs 13 to 18 of the verdict).
  - (v) **Isolation (isolated location)** – Defendant tricked and drove Ann to a secluded location where he was free to execute his evil desires on Ann in a hideaway and uninterrupted environment at Mamara beach.
  - (vi) **Psychological harm and trauma** – Court must always take judicial notice despite of lack of expert evidence.
  - (vii) **Physical harm and injuries** – The very act of rape is physical violation of the victim and physical harm is inherent in it (R-v- Liufirara (2023) SBCA 10; SICOA-CRAC 30 of 2022 (28 April 2023)).
  - (viii) **Night time** – Mr. Tuputa chose to commit his crime under cover of darkness, believing it would conceal his actions.
5. For all of the above 8 serious aggravating factors combined, I will uplift the starting point sentence by 8 more years (1 year for each serious aggravating factor). Increases due to serious aggravation should be made in years and not merely in weeks and months (Bade, Court of Appeal 2023). The aggravated head sentence before mitigation will be 16 years.

6. The aggravated head sentence will be reduced downwards due to the presence of the following mitigating factors present in this case: -
- (i) **First time offender with no previous conviction** – 1 year.
  - (ii) **Rehabilitation and Cooperation with the police** – 2 years. There is a good prospect for the defendant to come out a reformed person and to integrate back into society noting that he is only 30 years of age. Mr. Tuputa's cooperation with the police resulted in the quick disposal of this matter.
  - (iii) **Compensation** – There is active attempt at reconciliation and although it is yet to materialise as I heard in submissions, I will nevertheless allow for this worthy custom by deducting 1 year.
  - (iv) **Personal circumstances** – 2 years.
7. I will impose a 10 years sentence term (16 years aggravated head sentence (minus) 6 years mitigated head sentence). This is a case where the aggravating factors far outweigh the mitigating factors. That is why I considered possible compensation and personal circumstances in the mitigation. Normally personal circumstances of the accused should have less effect in mitigation for sexual offences (*Rex-v- Wilfred Ba'ai, 2014, SBCA22*).
8. As I stand back and look at the circumstances of this case, and ask whether the merit justify the sentence term imposed, I can say the sentence is justified in terms of the seriousness of the offence (life imprisonment as the maximum), the long-term impact on the victim as evidenced in the victim's impact statement and the need to give out a deterrent message to the accused and the wider community at large. This sentence term reflects the gravity of the offence and accords well with Parliament's legislative intent to protect women and girls from sexual abuse under the 2016 Act referred to above.
9. This Court has a duty to see that the punishment it imposed gives out a powerful deterrent message to prevent the commission of such crimes by making it clear to you and others with similar impulses, that anyone who yields to this kind of crime will face severe punishment.
10. **Mr. Tuputa, I sentence you to 10 years imprisonment. You are entitled to 6 months' deduction for pre-trial custody time including the time you have served awaiting this sentence in custody. The Correctional Service will determine from their records. You are also entitled to appeal against this sentence term.**


  
 JUSTICE JOHN A KENIAPISIA  
 PUISNE JUDGE