

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

**DOUGLAS DIN**

Mr Justice Oliver A. Saksak  
Mrs Anita Vinabit – Clerk

Mr Lent Tevi for Public Prosecutor  
Mr Jacob Kausiama for the Defendant

9<sup>th</sup> May 2006

### **CONVICTION AND SENTENCE**

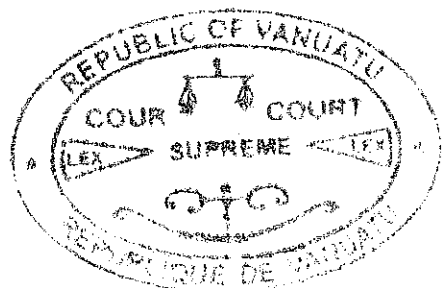
Douglas Din (DD) pleaded to one count of rape contrary to section 91 and to one count of Incest contrary to section 95(1)(a) of the Penal Code Act [CAP.135] (the Act).

Accordingly the Court enters convictions against the defendant in respect of the two charges.

The victim is a 15 year old girl the daughter of the defendant. The offending took place on 13<sup>th</sup> February 2006. The defendant asked his daughter to accompany him to the bushes to collect thatch leaves. In the bushes, he forcefully put her on the ground and had sex with her. He penetrated her and ejaculated. The victim cried and felt pain and she saw blood after the intercourse.

The aggravating features of this case are that:-

- (a) The victim is a young girl of 15 years.
- (b) The victim is the defendant's own daughter.



- (c) As such her father stood in a position of trust.
- (d) But he abused and breached that trust.
- (e) There was some degree of physical force used on her.
- (f) The offending took place in the bushes, and isolated place.
- (g) The father is a mature person.

His only mitigating factors are that:-

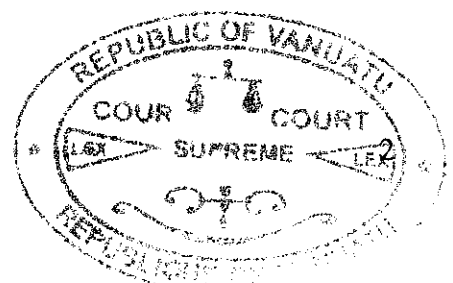
- (a) He is a first time offender.
- (b) He pleaded guilty at the first opportunity.
- (c) He has shown remorse and contrition by apologizing to this Court and this daughter.

A father who abuses the trust placed on him by his daughter by abusing his daughter can expect to go to prison. There can be no other alternative. This is to ensure there is a deterrence to both the offender and other men.

The aggravating features far outweigh the mitigating factors. This is an offence that calls for immediate custodial sentence of 6 years for rape and 3 years for incest. These terms will be served concurrently making a total of 6 years with immediate effect.

However allowing for his mitigating factors the Court allows a 1/3 reduction on 6 years. In months, 6 years is equal to 72 months divided by three equals 48 months which is 4 years exactly.

I now sentence Douglas Din to imprisonment to a total of 4 years in respect of these two charges.



At the end of his 4 years, Douglas Din will begin to serve his 2 years in respect of Criminal Case No. 10 of 2006 which will run separately and on its own.

Douglas Din will serve his terms of imprisonment in the prison at Luganville.

**DATED at Luganville this 12<sup>th</sup> day of May 2006.**

**BY THE COURT**



**OLIVER A. SAKSAK**  
**Judge**

