

CF

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

CHARLOT BULEMEME

Mr Justice Oliver A. Saksak
Mrs Mandeng M. John – Clerk

Mr P. Wirrick for Public Prosecutor
Mis J. Tari for Defendant

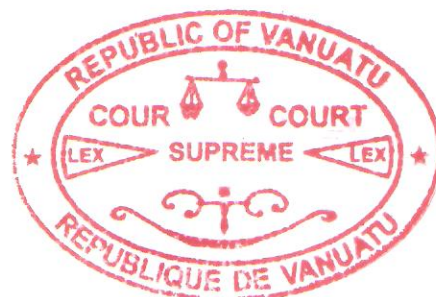
SENTENCE

1. Charlot Bulememe, on 3rd August 2011 you admitted to one charge of sexual intercourse with Ronita Valikar, a 15 year old girl. Your action was in contravention of Section 91 of the Penal Code Act Cap 135. It carries a maximum sentence of life imprisonment.

2. You do not dispute the facts therefore there is no need to restate them. But the facts reveal the following aggravating features -
 - (a) Your victim was only 15 years old at the time of the commission of the offence on 31st May 2011. You are 4 years older than her.
 - (b) You were living with the victim's family at the time as Uncle and therefore you were in a position of trust which you breached.



- (c) There was a degree of force used when you threatened to punch the victim if she shouted. You grabbed her and tore her singlet in the process.
- (d) You ejaculated into her, exposing her to risk of teenage pregnancy.
3. From your pre-sentence report, it appears you put all the blame on your victim. You do not appear to show any remorse whatsoever. You have not performed any customary reconciliation ceremony at anytime.
4. In sentencing you today I consider that the only appropriate punishment for you is to be a term of imprisonment. This is to mark the gravity of your offending, the public disapproval of your actions, and to deter you and other boys and men from behaving the way you did.
5. I therefore convict and sentence you to a term of imprisonment for 6 years as a starting point. However I will allow a reduction of 1/3 for the following mitigating factors :-
- (a) That you are a first time offender with no previous convictions.
- (b) You pleaded guilty on the first available opportunity.
- (c) Your cooperation with the Police during interview.
6. Therefore from 6 years (72 months) there is a reduction of 24 months leaving the balance at 48 months which is 4 years. I consider your youth and deduct 10 months from 4 years, leaving the balance of 3 years and 2 months to serve at the Correctional Centre. Your sentence began on 11th July 2011, the date when you were first taken into custody.



7. In sentencing you today the Court has adopted the sentencing principles in the following cases: PP v. Scott [200] VUCA 29, PP v. Ali August, Criminal Case No. 14 of 2000 and PP v. Gideon [2002] VUCA 7.
8. That is the sentence of the Court. You have a right of appeal within 14 days if you so choose.

DATED at Luganville this 19th day of August 2011.

BY THE COURT


OLIVER A. SAKSAK

Judge.

