

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

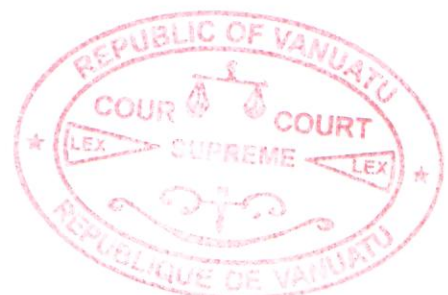
**ANNIE GEORGE**

Mr Justice Oliver A. Saksak  
Mrs Anita Vinabit – Clerk

Mr Simcha Blessing for Public Prosecutor  
Ms Jane Tari for Defendant

### **SENTENCE**

1. Annie George you pleaded guilty to one charge of tendering obscene or indecent messages contrary to section 58 of the Telecommunications Act Cap 206.  
The maximum penalty for this offence is a fine not exceeding VT200.000 or imprisonment not exceeding 1 year (12 months) or to both.
2. Your offending is perhaps one of the first of its kind involving the abuses of mobile phones. It is indicative of perhaps more of these cases coming before the Courts in the near future.
3. Under those circumstances, the sentence which the Court will impose on you today must act as -
  - (a) A deterrence for you and for others.
  - (b) A public disapproval of your behaviour.
  - (c) A gesture of seriousness of your offending.
  - (d) An adequate punishment.



4. The appropriate sentence for you therefore will be a custodial sentence. You are hereby convicted as charged and sentenced to imprisonment for a term of 5 months. However, these 5 months are suspended for a period of 12 months from today under the provision of section 57 of the Penal Code Act Cap 135.  
You must understand that within 12 months you must not commit this same offence or any other offences for which you would be charged. If you do, you will automatically be apprehended and sent to the Correctional Centre to serve your term of 5 months imprisonment.
5. From your Pre-Sentence Report you are a young girl of 18 years. But you already have a one year old child and you are expecting a second one next month. I consider that to send you to the Correctional Centre in your current condition would be detrimental to your baby.
6. You have four mitigating factors which far out-weigh the one aggravating feature of your offending. These are -
  - (a) Early guilty plea.
  - (b) Admissions to the Police on investigation.
  - (c) Good cooperation with the Police.
  - (d) Being a first-time offender.
7. Had it not been for these factors your sentence would have been much higher than 5 months imprisonment and without suspension.
8. Both Counsel submitted in oral submissions that you should receive spiritual counseling as part of your conditions. The Probation Officer also recommended this course. However, since



your sentence is only 5 months it is less than the period required under section 58 F (2) of the Penal Code Act. Therefore, there will be no supervision condition imposed.

9. That is the sentence of the Court.

DATED at Luganville this 12<sup>th</sup> day of December 2011.

BY THE COURT

  
OLIVER A. SAKSAK

Judge

