

PUBLIC PROSECUTOR – VS – JEAN PAUL WORWOR

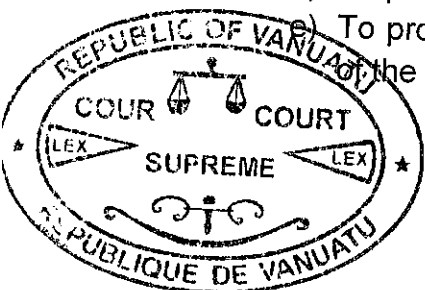
Coram: Mr. Justice Oliver A. Saksak

Counsel: Mrs Losana Matariki for Public Prosecutor and State
Mr Henzler Vira for Defendant

Date of Sentence: 18th June 2014

SENTENCE

1. Jean Paul Worwor, you are before the Court today for sentencing pursuant to the Court finding you guilty on 23rd May 2014 for one count of sexual intercourse without consent contrary to section 91 and for one count of threats to kill contrary to section 115 of the Penal Code Act cap 135.
2. You ought to understand that those are very serious criminal offences because sexual intercourse without consent carries a maximum penalty of life imprisonment and threats to kill carries a maximum penalty of 15 years imprisonment.
3. Your victim was a 16 year old student nurse at the Vila Central Hospital. In the early hours of 27th November 2013 she left her home at Bladiniere's Estate and walked all the way to attend her classes which would begin at 0730 hours. At around 0645am that morning you approached her, held her hands and pulled her to an empty house opposite the Hospital. You had a piece of iron in your hand. You threatened to use the piece of iron on her if she did not respond positively to your sexual demands. You threatened to kill her just like the Monmarte student girl who was killed and later found dead. As a result of those threats and intimidation you overcame the girl's free-will and had sexual intercourse with her against her free-will. In the process, there was a struggle which resulted in a torn zipper and panty. Her damaged trousers and panty were tendered as exhibits and evidence before the Court. Her medical report reveals a bruise around the libia. You have accepted those facts summarised from the brief of facts presented by the prosecutions.
4. The circumstances of your offending warrant that you be sent to prison to serve a custodial sentence. This is to serve the following purposes:-
 - a) To mark the gravity or seriousness of your offendings,
 - b) To mark public disapproval and condemnation of your actions,
 - c) To deter you and others who may be minded to do the same thing you did,
 - d) To punish you appropriately and adequately, and
 - e) To protect women and young girls, the weak and vulnerable members of the community.



The cases of Public Prosecutor v. Ali [2000] VUSC 73 and Public Prosecutor v. Keven Gideon [2002] VUCA 7 provide the basis for the Court imposing custodial sentences on you. And I do not find anything exceptional or extreme about you to warrant a suspension of your custodial sentence.

5. The Prosecutions submitted the case of Public Prosecutor v. Kell Walker [2007] VUSC 63 in relation to the offence of threats to kill, however that case must be distinguished from your case and therefore it is not relevant or applicable.
6. I accept the starting point for you for the lead offence of sexual intercourse without consent (count 1) to be 6 years imprisonment. There will be no separate penalty for the threats to kill offending in count 2. I consider threats to kill as an aggravating feature together with force used, and loss of dignity and self-esteem which warrant an uplift by two years, thus bringing the total sentence to 8 years imprisonment.
7. I have considered the mitigating factors submitted on your behalf but accept only the following to be the relevant factors for which some reductions will be allowed:-
 - a) Your past clean record with no previous convictions.
 - b) Your skills and goals for the future.
 - c) Your apology and willingness to perform custom ceremony to the victim, and
 - d) Your young family with two very young children with you being the only bread-winner.For these, I allow a general reduction of 2 years. That leaves the balance of 6 years imprisonment.
8. You are therefore convicted for the lead offence of sexual intercourse without consent to an end sentence of 6 years imprisonment. Your sentence shall commence from 13th May 2014 when you returned to the Correctional Centre- after you had escaped from lawful custody.
9. That is the Sentence of the Court. You have a right of appeal against this sentence within 14 days if you do not accept it.

DATED at Port Vila this 18th day of June 2014.

BY THE COURT.


OLIVER.A.SAKSAK
Judge

