

IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU  
(Criminal Jurisdiction)

Criminal  
Case No. 21/ 784 SC/CRML

**BETWEEN:** Public Prosecutor

**AND:** Rennie Aining

*Date:* 23<sup>rd</sup> April 2021  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr M Taiki for the Public Prosecutor  
Mr L Tevi for the Defendant

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**SENTENCE**

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A. Introduction

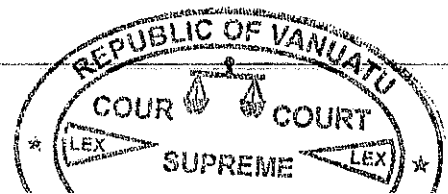
1. Mr Aining pleaded guilty to unlawful sexual intercourse.

B. Facts

2. On 24 August 2020 at around 3pm Mr Aining approached CH at her house and told her to meet him near a football field. CH remained silent. Then between 5.00pm to 6.00pm, Mr Aining approached CH and told her to follow him, CH refused but Mr Aining forced her until she followed him. Mr Aining took CH to a plantation, Mr Aining forced CH to remove her clothes, and Mr Aining removed his clothes. Mr Aining told CH to lie down and open her legs. When she did what Mr Aining told her to do, Mr Aining then laid on top of CH and penetrated his penis inside her vagina. CH felt pain. When Mr Aining finished, he told CH to not tell anyone where had been.
3. When CH returned home, her aunty Wenita Haial asked her where she had been, CH told her aunty what had happened.
4. When interviewed by the police, Mr Aining admitted his offending.

C. Sentence Start Point

5. The sentence start point is assessed by having regard to the maximum sentence available for the offending and then factoring in the aggravating and mitigating aspects of the offending.



6. The maximum sentence for this offending is 10 years imprisonment.
7. There are no mitigating aspects to this offending. However there are several aggravating factors which include:
  - pre-meditated;
  - age differential;
  - exposure to disease/pregnancy; and
  - telling CH not to report;
8. The sentence start point that I adopt, is 5 years imprisonment.

D. Mitigation

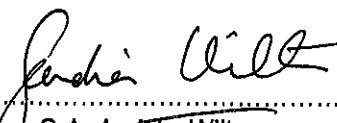
9. Mr Aining pleaded guilty at the earliest available opportunity. That is an acknowledgement of his wrong-doing. It has saved court time and expense. It has also spared CH the ordeal of having to give evidence. For his prompt plea I reduce the sentence start point by 33%.
10. Mr Aining is young and immature. He is 19, almost 20 years old and lives with his parents. He has no previous convictions.
11. For Mr Aining's personal factors I further reduce the sentence start point by 15 months.

E. End Sentence

12. The end sentence I impose is a sentence of 2 years imprisonment.
13. I suspend the sentence for 2 years because of Mr Aining's lack of previous convictions, his prompt plea and his youth and immaturity.
14. I also impose 12 months supervision and 80 hours community work.
15. Mr Aining has 14 days to appeal the sentence if he disagrees with it.
16. All details leading to CH's identity are permanently suppressed.

Dated at Luganville, this 23<sup>rd</sup> day of April 2021

BY THE COURT

  
Justice G.A. Andree Wiltens

