

PUBLIC PROSECUTOR

v

TOTO BULE

Date: 24 November 2021
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr D. Boe
Defendant – Mr R. Willie

SENTENCE

A. Introduction

1. Mr Bule pleaded guilty to one charge of act of indecency with a young person. I convict Mr Bule on his plea and the admitted facts.

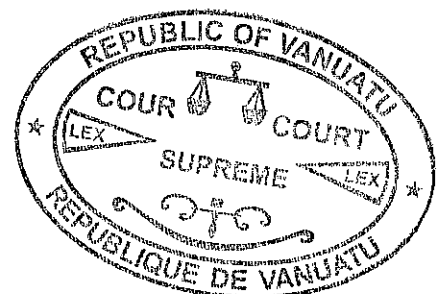
B. Facts

2. The complainant KK was 13 years old and in Class 5. Mr Bule was her teacher.
3. In 2016, in a classroom, Mr Bule touched KK's breast. He then held her tight and pushed 2 fingers into her vagina. KK felt pain and cried. KK went home and immediately told her family.
4. Mr Bule made full admissions to the Police.

C. Sentence Start Point and Personal Factors

5. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
6. The maximum sentence provided in s. 98A of the *Penal Code* [CAP. 135] for an act of indecency upon, or in the presence of another person under the age of 15 is 10 years imprisonment.
7. There are no mitigating factors related to the offending. The offending is aggravated by:

- The breach of trust involved;



- The offending occurred on school premises where the complainant was entitled to feel and to be safe and secure;
 - Skin-to-skin contact; and
 - The effect on the complainant.
8. The factors set out above require a sentence start point of 3 years 6 months imprisonment.
 9. I deduct 33% from the sentence start point for Mr Bule's early guilty plea which has also saved the complainant the need to give evidence in Court.
 10. Mr Bule is 42 years old, married and has two children attending Ranwadi Secondary School who he supports.
 11. He has no previous convictions. However, in offences of sexual nature, a person's previous good character has very little relevance in mitigating a sentence.
 12. Mr Bule has performed a custom reconciliation ceremony with the complainant. He is stated to have accepted responsibility for his offending and is remorseful.
 13. I reduce the sentence by 6 months for Mr Bule's personal factors.

D. End Sentence

14. Mr Bule is sentenced to 1 year 10 months imprisonment. The sentence is back-dated to run from 23 November 2021 when Mr Bule was taken into custody.
15. The sentence is imposed to denounce such criminal conduct against young girls and against the values of society, to hold Mr Bule accountable for his criminal conduct and to deter Mr Bule and others from such offending.
16. The end sentence will not be suspended. No exceptional circumstances are shown to warrant suspension.
17. Mr Bule has 14 days to appeal the sentence.
18. All details leading to the identification of KK are permanently suppressed.

**DATED at Bwatnapni, Central Pentecost this 24th day of November 2021
BY THE COURT**

VM Trief
Justice Viran Molisa Trief

