

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

Criminal
Case No. 22/1454 SC/CRML

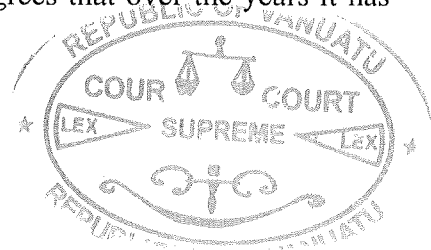
BETWEEN: Public Prosecutor

AND: Lee Joe
Accused

Date of Sentence: 23 September 2022
Before: Justice EP Goldsbrough
Appearances: Taiki, M for the Public Prosecutor
Garae, J for the Accused

SENTENCE

1. Lee Joe has pleaded guilty to having sexual intercourse without consent. There is only one charge, but this illegal behaviour is admitted to have taken place more than once. The offences were always committed against his wife and always, without her consent, and always through anal intercourse. It was used as a punishment, along with other aberrations.
2. The period over which this behaviour took place was between 2006 and 2022. It may even have extended as far back as 1992. In May 2022 the victim, his wife, decided that enough was enough and left home when she perceived that she was about to be punished again. The punishment ritual usually began with a requirement to recite the alphabet backwards.
3. Lee Joe knew well that his wife did not consent to being abused in this way. Yet he persisted and did this when angry with his wife. He agrees that over the years it has happened about 5 or 6 times.



4. The maximum penalty for this offence is life imprisonment. That maximum assists the court, along with other factors which make this offence more serious, to determine a starting point.
5. Making this offence more serious is its repetition, its taking place in the matrimonial home and, to the victim, its inevitability. The effect was to make his wife feel 'like an animal'.
6. A starting point of seven years imprisonment is set.
7. Lee Joe has pleaded guilty. His guilty plea has spared his wife from coming to court to give evidence about what happened to her. It has saved court time. He is entitled to receive credit for that.
8. As to other mitigation, there is little. He is a first-time offender. He did once pay compensation to his wife, back in 2011 but latterly has made no attempt at reconciliation. He has expressed remorse but nothing more than that, an expression.
9. For this offence he is given a one-third discount on his sentence which reduces it to fifty-six months. For this type of offence where there are no exceptional circumstances to justify suspension, the sentence of imprisonment will be immediate.
10. The offender has been in custody since 4 June 2022 for this offence and so his sentence is backdated to begin on that date. He has the right to appeal against this sentence but must do so if he chooses to appeal within the next fourteen days.

Dated at Luganville this 23rd September 2022

BY THE COURT

EP Goldsbrugh
Justice EP Goldsbrugh

