

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

Criminal Case No. 23/2645

BETWEEN: Public Prosecutor

AND: STANISLAS LAL
Accused

Date of Sentence: *13th day of December, 2023*
Before: *Justice E.P. Goldsbrough*

In Attendance: *Meltebury, M. for Public Prosecutor*
Taleo, B. for the Accused

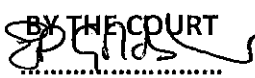
SENTENCE

1. Stanislas Lal pleaded guilty at the first opportunity to the offence of committing an act of indecency with a young person. The young person was a girl, a relative and 14 years of age. This is against section 98 A of the Penal Code.
2. The offence occurred in July of 2021, more than two years ago. It happened in Port Olry, where the offender and victim live. He came across her after she returned from school to shower and then returned to school around 6.00 pm. Whilst walking in the rain under the same umbrella, Stanislas Lal touched her buttocks in an indecent way. She ran away. The guilty plea to this offence is consistent with instructions according to the defence counsel, who also indicates that the statement of facts is agreed.
3. This offence attracts a maximum penalty of ten years imprisonment. The maximum penalty is used to assist the Court in setting a starting point for the sentence in this case, considering factors that make this offence more serious. Those factors are aggravating features of this offending. The aggravating feature here is that the offender is a senior relative of the female victim. She is entitled not to expect him to offend against her as his relative. She should be able to trust him and expect him to protect her, not injure her.
4. A starting point for this offence is one year of imprisonment. It falls at the lower end of the offences caught under this provision. Yet it amounts to a breach of trust in that this girl is a relative of yours and should expect protection, not abuse, from you.



5. In your favour, Stanislas Lal, you pleaded guilty at the first available opportunity, and that goes in your favour. You have saved your victim from the ordeal of giving evidence and talking about this crime again. You have saved the Court time, and your early guilty plea goes towards the remorse you are reported to feel. There is also an unexplained delay in bringing this matter to Court.
6. You have not been in trouble with the police before, which is also in your favour. The pre-sentence report about you suggests that you are unlikely to re-offend. There is an indication that you are prepared to perform a traditional reconciliation ceremony. Still, your chief and others believe this should only take place after your appearance in court and have been sentenced.
7. As you have not offended before and because this particular offence falls towards the less serious end of the range of offences, you will not be sentenced to imprisonment today. A community work sentence will be imposed upon you, requiring you to work unpaid for your community for 80 hours. That means that you must report to a probation officer who will assign you a supervisor, and you will undertake 80 hours of unpaid community work under supervision. That work must be completed within the next twelve months and completed satisfactorily; if not, you may be brought back to court and sentenced again in a different way for this offence.
8. You have the right to appeal but must exercise that right within 14 days from today if you wish to exercise it.

DATED at Luganville this 13th day of December, 2023.

BY THE COURT

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E.P. Goldsbrough
Judge of the Supreme Court

