

PUBLIC PROSECUTOR

v

JAMES WOL

*Defendant*

*Coram: Justice Oliver A. Saksak*

*Counsel: Ms Laura Lunabek for Public Prosecutor  
Mr Steven Garae for Defendant*

*Dates of Plea: 15<sup>th</sup> July 2024*

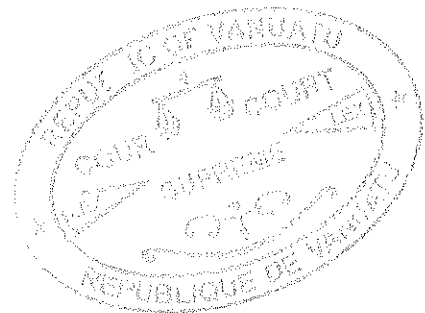
*Date of Sentence: 22<sup>nd</sup> July 2024*

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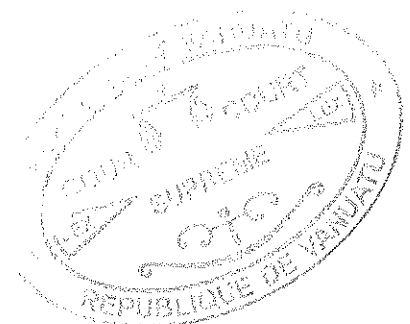
## SENTENCE

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1. James Wol pleaded guilty to one charge of unlawfully entering a dwelling house with intent ( Count 1) and to one charge of act of indecency ( Count 2). And he is for sentence today.
2. He is convicted and sentenced on his own guilty pleas.
3. On 22<sup>nd</sup> April 2024 the defendant entered into Trisha Bule's house whilst drunk and kissed her on the mouth twice without her consent. The victim, a mother of 2 children was at home with one of her children who witnessed what happened. The father of the children was away overseas on seasonal work. She felt embarrassed by what occurred and also afraid because her husband was not home.
4. This was unacceptable behaviour. Women whose husbands are overseas for seasonal work should not be subjected to men who wish to take advantage to sexually abuse them to gratify their sexual desires.



5. In assessing appropriate punishment for the defendant I have seen and considered the sentencing submissions by the Prosecutions and defence counsel. I note the cases referred to by Counsel but none are similar to this case. This case is peculiar in its facts and circumstances. The forceful entry into the victim's house was aggravated by his indecent acts in the presence of the victim's children but without the presence of their father.
6. The principle is however well settled in PP v Gideon [2002] VUCA 7 that men who take advantage sexually of young girls and women forfeit the right to remain in the community.
7. Therefore the defendant's punishment is to be a custodial sentence to mark the seriousness of his offendings, the public disapproval of his actions, to mark a deterrence for him and for other likeminded persons, to protect women generally and the vulnerable members of our community and to punish the defendant adequately.
8. Unlawful entry into a dwelling house carries the maximum of 20 years imprisonment while act of indecency carries the maximum penalty of 7 years imprisonment.
9. Taking all these factors into account I sentence the defendant as follows-
  - a) For unlawful entry, Count 1- A sentence of 3 years imprisonment
  - b) For acts of indecency, Count 2- A sentence of 2 years imprisonment concurrent with the 3 years for the charge in Count 1. In total the defendant will serve 3 years imprisonment.
10. In mitigation I reduce the sentence first by 1/3 for his guilty pleas by 1 year. The balance of the sentence is 2 years imprisonment.
11. Next I consider his clean past record, his verbal apology to the victim although without any formal reconciliation ceremony, his acceptance of responsibility, his willingness to perform reconciliation showing remorse, his preparedness to rehabilitate, and the time he had spent in custody on remand, I reduce his sentence further by 8 months. His end sentence shall be 1 year and 4 months.



12. I consider that due to the circumstances and the nature of the offences and the character of the defendant that his sentence should be suspended and I so order. His end sentence is suspended under section 57 of the Act for a period of 2 years on good behaviour. He must remain offence free for this period.

13. However I will impose an additional sentence of 60 hours of community service to be performed within 12 months from the date of this sentence and before he travels overseas for seasonal work.

14. That is the sentence of the Court. The defendant has 14 days as his right of appeal against the sentence if he so chooses.

DATED at Luganville this 22<sup>nd</sup> day of July 2024

BY THE COURT



Hon. OLIVER A SAKSAK

Judge

