

PUBLIC PROSECUTOR

v

LENSLEY YOUNG

*Defendant*

**Coram:** *Justice Oliver A. Saksak*

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

**Dates of Plea:** *17<sup>TH</sup> July 2024*

**Date of Sentence:** *23<sup>rd</sup> July 2024*

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## SENTENCE

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1. Lensley Young pleaded guilty to one count of unlawful entry into dwelling house contrary to section 143 (1) PCA ( Count 1) and to one charge of unlawful sexual intercourse with a girl of 13 years old, section 97 (2) PCA ( Count 2). And he is for sentence today.
2. He was initially charged with one other count of unlawful entry ( Count 3) and with two other counts of unlawful sexual intercourse ( Counts 4 and 5). However Prosecutions entered nolle prosequi pursuant to section 29 of the CPC Act [ Cap 136] and he was acquitted of those three other charges.
3. On the defendant's own admission of guilt, the Court convicts and sentences the defendant accordingly.
4. The facts which the defendant has accepted are simple. In September 2023 he entered into the kitchen house of Georgino Neversevette with intent to commit an offence. He had made plans earlier during the day that he would meet the complainant, a 13 year old student girl who suggested to the



In total the defendant shall be imprisoned for 4 years.

9. In mitigation I reduce his sentence by 1/3 for guilty pleas which is by 1 year 4 months. The balance of his sentence is 2 years and 8 months.
10. Next, I take into account his clean past record, his willingness to perform reconciliation ( though refused) which shows remorse, his acceptance of responsibility and other personal factors including his pre-custodial period of 57 days and deduct the balance of his sentence by a further 8 months. That leaves his end sentence to be 2 years imprisonment.
11. I consider whether or not to suspend the sentence. I note what the Court of Appeal said in Korthy v PP and PP v Malkorkor. The defendant is not a young offender. He is not in school as a student or in any employment. As such there are no exceptional circumstances warranting a suspended sentence. His end sentence of 2 years imprisonment shall not be suspended.
12. His sentence is immediate as of today. His bail is revoked accordingly. His sentence of 2 years is backdated to 27 March 2024 when he was first remanded in custody.
13. That is the sentence of the Court for the defendant. He has a right of appeal against sentence within 14 days.

DATED at Luganville this 23<sup>rd</sup> day of July 2024

BY THE COURT

  
Hon. OLIVER A SAKSAK

Judge

