

PUBLIC PROSECUTOR

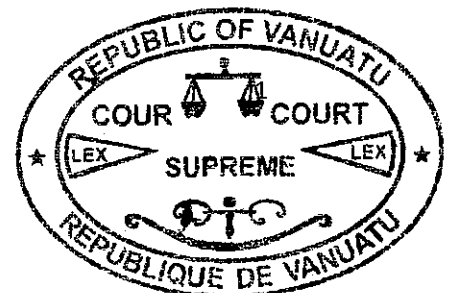
v

BLACKY ELMAN

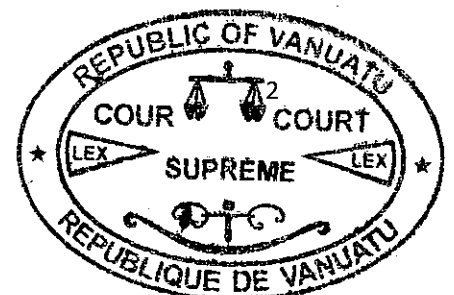
Date: 30 October 2025
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr D. Liu
Defendant – Mr K.S. Amos

SENTENCE

1. Mr Blacky Elman, you appear for sentence today having pleaded guilty and accepted the summary of facts in relation to act of indecency without consent contrary to para. 98(a) of the *Penal Code* [CAP. 135]. You are convicted on your own plea and the admitted facts.
2. At the time of the offending, the complainant Dora Tabi was 20 years old and you were 29 years old.
3. On 21 October 2023, the complainant and her younger sister Cindy went to the garden to harvest cassava (manioc).
4. On their way, they met you and two others. You signalled to the complainant that you would come over later to have sex with Cindy. She told you that you are married and that you are crazy.
5. Cindy was scared and so they asked Collin to accompany them to the garden.



6. At the garden, you approached them while they were harvesting manioc. Again, you told the complainant that you wanted to have sex. She ignored you. You removed the small knife from Cindy and helped them to harvest manioc.
7. The complainant told Cindy to follow her to another garden because she was scared of you. They moved to another garden. You followed them, you moving closely behind the complainant. She tricked you into cutting your leg, intending to make you leave her. You became angry and insulted her as well as threatening her by saying, "Tⁱpskin, you wantem mi kilim yu pispis" ('Foreskin, you want me to assault you and you pee yourself').
8. The complainant left. You followed her still armed with that small knife. When you reached her, you pushed her, causing her to fall to the ground. You hugged her and kissed her forehead and asked her again for sex. She was scared and did not want to. She pushed you away from her and returned to Cindy and Collin.
9. She put the manioc they had harvested in a bag and left for home with Cindy. You and Collin followed them. On the way, you offered VT100 to the complainant as a fine for what you did to her. She refused to accept it. Later, she reported the matter to the Police.
10. You admitted the offending to the Police under caution.
11. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
12. The maximum penalty for the offence of indecency without consent is 7 years imprisonment.
13. There are no mitigating factors to this offending.
14. The aggravating factors of the offending include:
 - The 9-year age differential between the defendant and the complainant;
 - A degree of premeditation;
 - The use of a weapon - a small knife; and
 - The effect on the complainant.
15. The sentence start point I adopt is 2 years imprisonment.



16. In June 2024, you pleaded not guilty hence the Court directed that the matter be relisted in the next Torba Court tour. In October 2025, the Court came to Sola on Vanualava island for the trial in this matter. You then asked to be re-arraigned and then pleaded guilty. Accordingly, 11 percent (2 months) is deducted from the sentence start point for your guilty plea.
17. You are 30 years old. You live at Vetiboso village at Voreas Bay on Vanua Lava island. You are a Year 4 school leaver. You have two children with your *de facto* partner, one aged 4 and 2 years old. You make a living from planting and selling kava, and your general gardening to sustain your family. You have no prior convictions. You attempted a custom reconciliation with the complainant but it was refused. A further 3 months are deducted from the sentence start point for your personal factors.
18. You have served time in custody prior to sentencing from 2 April 2024 to 10 June 2024, an effective sentence of 4 and a half months. Accordingly, a further 4 and a half months is deducted from the sentence start point.
19. The end sentence imposed is 1 year, and 2 and a half months imprisonment.
20. Taking into account the circumstances, the nature of the offending, your prior clean record and prospects of rehabilitation, the end sentence is suspended for 18 months. You are warned that if you are convicted of any offence during that 18-month period, that you will be taken into custody and serve the sentence of imprisonment imposed today, in addition to any other penalty that may be imposed for the further offending.
21. In addition, you are to complete 120 hours of community work within 12 months.
22. You have 14 days to appeal the sentence.

DATED at Sola, Vanua Lava this 30th day of October, 2025
BY THE COURT



Justice Viran Molisa Trief

