

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

Criminal
Case No. 23/2851 SC/CRML

PUBLIC PROSECUTOR

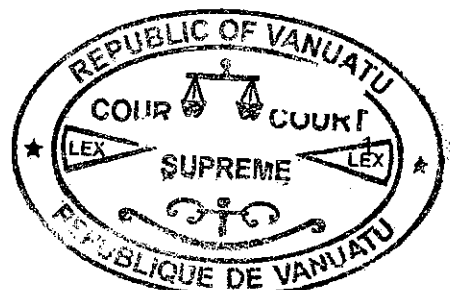
v

JEAN LEON FRANK

Date: 19 March 2025
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms J. Tete
Defendant – Mr L. Tevi

SENTENCE

1. Mr Jean Leon Frank, 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. On 18 September 2020, the villagers at Port Olry village on the east coast of Santo came together to celebrate the opening of the branch of the National Bank of Vanuatu ('NBV'). The complainant Annaise Tiome and her cousins Florina, Rene, Michou and Jacques were at the Chez Louis restaurant. You were drunk. You approached Annaise from behind, reached over her shoulders, grabbed her breasts and squeezed them. You then removed your hands and left.
3. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
4. The maximum penalty for the offence of indecency without consent is 7 years imprisonment.



5. There are no mitigating factors to this offending.
6. The aggravating factors of the offending include:
 - The 21-year age differential between the defendant and the complainant;
 - The psychological effect on the complainant; and
 - The loss of dignity of the complainant.
7. The sentence start point I adopt is 12 months imprisonment.
8. This matter was twice listed for trial, 13 months apart, before you pleaded guilty to the charge. Accordingly, one sixth (2 months) is deducted from the sentence start point for your guilty plea.
9. You are 43 years old. You live at Port Olry village and are self-employed. You have no previous convictions. A further 2 months are deducted from the sentence start point for your personal factors.
10. The end sentence imposed is 8 months imprisonment.
11. Taking into account the circumstances, the nature of the offending, your prior clean record and prospects of rehabilitation, the end sentence is suspended for 12 months. You are warned that if you are convicted of any offence during that 12-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.
12. In addition, you are to complete 100 hours of community work within 12 months.
13. You have 14 days to appeal the sentence.

DATED at Port Vila this 19th day of March 2025

BY THE COURT

VM Trief

Justice Viran Molisa Trief

