

**PUBLIC PROSECUTOR**

**v**

**FRED MARK GINIWEL ALLEN**

*Date:* 19 March 2026  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Ms G. Kanegai  
Defendant – Mr J. Garae

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**SENTENCE**

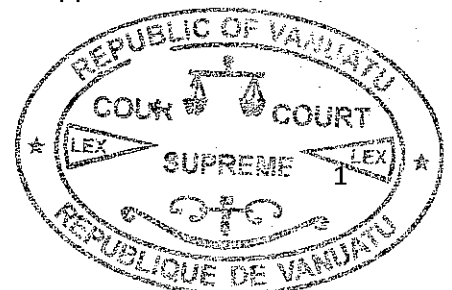
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A. Introduction

1. Mr Fred Mark Giniwel Allen, you appear for sentence having pleaded guilty to two charges of unlawful sexual intercourse with a child under 13 years of age contrary to subs. 97(1) of the *Penal Code* [CAP. 135] (Counts 1 and 2). You are convicted on your own pleas and the admitted facts.

B. Facts

2. The 3 girl complainants FD, JW and SW (names suppressed) are aged 9, 9 and 11 years old respectively.
3. In February 2025 at Atkor village on Gaua island, you called the three girls to go for a swim at a nearby creek. The girls bathe naked at that creek as they are little girls. You also bathed with them, naked. After a long time in the water, they were cold so you instructed them to lie down on a rock to dry off. You approached them and



intentionally had sexual intercourse with them when you opened each of their legs and pushed your finger into their vagina, one after the other. They felt pain (Count 1).

4. You then took the girls to one of their father's bush house, where you cooked and ate. At night time, the girls went inside the tent to sleep. You went inside the tent after them and intentionally had sexual intercourse with them when you inserted your finger into their vagina, one after the other. They felt pain.
5. At day break the next morning, you instructed the girls that they must not tell a soul what had happened otherwise you will hit them. They later informed their families (Count 2).
6. On 20 June 2025 and 27 July 2025, you admitted your offending under caution.

C. Sentence Start Point

7. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
8. The maximum penalty for unlawful sexual intercourse with a child under 13 years of age is life imprisonment (subs. 97(1), *Penal Code*).
9. There are no mitigating aspects to the offending however, it is aggravated by the following:
  - a) Breach of trust;
  - b) There were three victims;
  - c) 49- and 51-year age differential;
  - d) There was some degree of planning. The offending occurred when the victims were alone;
  - e) Repeated offending;
  - f) The offending occurred at the home of one of the victims where the victims should have been able to feel safe and secure; and
  - g) The psychological effect on the victims including their loss of innocence and dignity.
10. Taking these matters into account, I adopt a global sentence start point of 10 years imprisonment.

D. Personal Factors

11. One third (3 years 3 months) is deducted from the sentence start point for your early guilty pleas which has saved the victims the ordeal of trial and saved the Court's time.
12. You are 70 years old. You have no prior convictions although that is of little relevance to mitigate a sentence in the case of sexual offending. You are a subsistence gardener. You cooperated with the Police. You have performed custom compensation to the 3 victims. For your personal factors, I reduce the sentence start point by a further 15% (1 year 6 months).

E. End Sentence

13. Taking all matters into account, the end sentences imposed concurrently are:
  - a) Unlawful sexual intercourse with a child under 13 years of age (Counts 1 and 2) 5 years 3 months imprisonment.
14. The end sentences are back-dated to commence on 23 June 2025 when you were remanded into custody.
15. The end sentences reflect the need to denounce this criminal conduct against young girls and against the values of society, as a general and specific deterrence and to hold you accountable for your criminal conduct.
16. There are no exceptional circumstances warranting suspension. An immediate custodial sentence must be imposed for this serious and repeated sexual offending against children: *Public Prosecutor v Gideon* [2002] VUCA 7, *Public Prosecutor v Scott* [2002] VUCA 29 and *Public Prosecutor v August* [2000] VUSC 73.
17. All details leading to the identification of the complainants are permanently suppressed.
18. You have 14 days to appeal the sentence.

DATED at Luganville this 19<sup>th</sup> day of March, 2026  
BY THE COURT

  
Justice Viran Molisa Trief

