

**BETWEEN:** Jean Elie ROUVOUNE  
Appellant

**AND:** PUBLIC PROSECUTOR  
Respondent

**Date of Hearing:** 14 August 2023

**Before:** Hon Justice John von Doussa  
Hon Justice Raynold Asher  
Hon Justice Oliver A Saksak  
Hon Justice Dudley Aru  
Hon Justice Viran Molisa Trief  
Hon Justice Edwin Goldsbrough

**Counsel:** E Molbaleh for Appellant  
BN Tamau for Respondent

**Date of Order:** 18 August 2023

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## JUDGMENT OF THE COURT

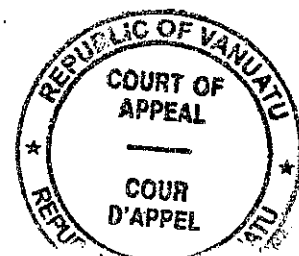
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### Background

1. The appellant, Jean Elie Rouvouné was sentenced on 23 June 2023 and now appeals his sentence.
2. Mr Rouvouné pleaded guilty to one count of unlawful sexual intercourse, one count of acts of indecency with a young person and one count of acts of indecency without consent and was sentenced to 3 years and 2 months imprisonment. The sentence was deemed effective from 27 February 2023 to reflect time he had already spent in custody.

### Appeal

3. Initially Mr Rouvouné filed his appeal notice with two grounds. First that the sentence was excessive and second, that the sentence should have been made effective from 27 December 2022 when he was remanded into custody and not 27 February 2023.



4. In exchanges with the bench about his submissions, Mr Molbaleh confirmed that he had abandoned the first ground and will not be pursuing it. In response, the Prosecution conceded that Mr Rouvoune was remanded on 27 December 2022 and not 27 February 2023.
5. Had Counsel brought the matter to the attention of the primary judge, it would have been corrected under the "Slip Rule".

**Result**

6. The appeal is allowed by consent. We also make the following orders:
  - 1) The sentence be recalled for correction.
  - 2) Mr. Rouvoune's warrant of committal be also recalled.
  - 3) The sentence of imprisonment of 3 years and 2 months is deemed to have commenced on 27 December 2022 being the date of which he was first taken into custody for these offences.

**DATED at Port Vila, this 18<sup>th</sup> day of August 2023**

**BY THE COURT**



**Hon. Justice John W von Doussa**

