

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

CHRIS AKOTEO

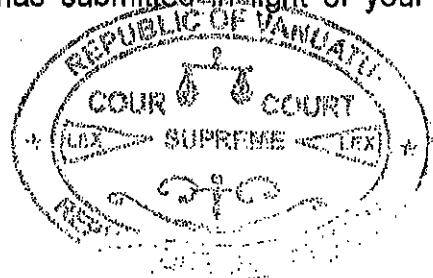
Mr Justice Oliver A. Saksak
Mrs Anlta Vinabit – Clerk

Mr Alain Frederic Obed for Public Prosecutor
Mr Chirs Tavoia for the Defendant

Date of Plea: 4th March 2009
Date of Sentence: 9th April 2009

SENTENCE

1. Chris Akoteo, you pleaded guilty to one count of sexual intercourse without consent on 4th March 2009 under Section 91 of the Penal Code Act Cap. 135. This is a very serious offence because it carries a maximum of life-time imprisonment.
2. From the facts, it appears the victim is a 15 year old girl and is relative of yours. She was walking innocently to a shop to buy ice block when you approached her and started to have conversation with her. You blocked her path so she could not run back to her house for safety. You dragged her into a house and forced her onto a bed and removed her clothes and forcibly had sex with her. You subjected her to sexual pervasion for your personal gratification. The act was horrendous because the victim was admitted to hospital for two days to receive treatment.
3. The only reason you have provided for your action is that alcohol took the better of you. You have not performed any customary reconciliation.
4. In assessing your punishment, I have considered what has been said by the prosecutor Mr Obed, and what Mr Tavoia has submitted in light of your pre-sentence report.



5. I accept the following aggravating features that contribute to the seriousness of your offending:-

(a) The young age of the victim being 15 while you are to turn 24 years old in May 2009.

(b) You stood in a position of trust as a relative of the victim to protect her instead of abusing her.

(c) You used some degree of force to achieve your sexual desires.

(d) You subjected her to some sexual pervasion without her consent.

6. The Court agrees the appropriate sentencing guidelines are provided in the cases of PP v. Ali August CR. 14/2000, PP v. Jeremiah Tual and Maslea Scott CR. 2/2002 and PP v. Keven Gideon Cr. 3/2001. These are cases which strongly condemn the kind of sexual activities done by men on women and young girls which destroy their dignity and leave a permanent scar on their lives. These are cases which make it very clear that men who commit sexual offences of this nature forfeit their right to remain in the community.

7. Following those principles the Court will sentence you to a custodial sentence. The Court accepts that this is not a contested case and therefore the starting point should be 5 years imprisonment. However due to the aggravating features of your case, these are increased by two years to seven years.

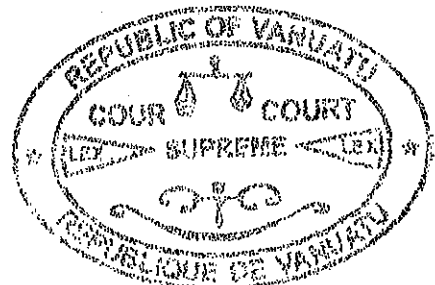
8. However, I accept that there are mitigating factors which the Court must allow some reduction. These are –

(a) That you pleaded guilty on the first available opportunity; and

(b) That you are first-time offender with some good report by your pastor.

For these, the Court will reduce your sentence of 7 years by 2 years. The total is therefore 5 years imprisonment.

9. You have spent up to 1 month and 13 days already in custody since 26th February 2009 when you were first remanded into custody. These are further deducted from your 5 years term leaving the balance of 4 years 11 months and 17 days.




10. The Court therefore ultimately sentences you to imprisonment for a term of 4 years 11 months and 17 days.

11. This period of imprisonment commences today 9th April 2009.

DATED at Luganville this 9th day of April 2009.

BY THE COURT



OLIVER A. SAKSAK

Judge

