

PUBLIC PROSECUTOR

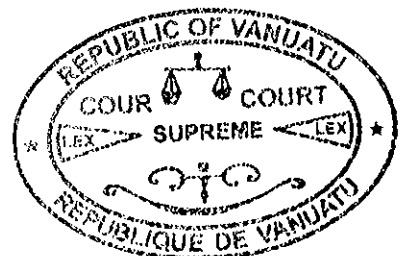
V

JOHNNY PAUL

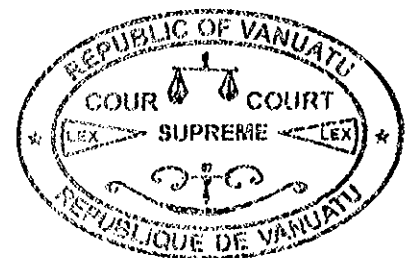
Hearing: 9 June 2011
Before: Justice Robert Spear
Appearances: Simcha Blessing for the State
Eric Molbaleh for the Accused

SENTENCE

1. Johnny Paul you are for sentence today on one charge of committing an indecent act. This is an offence that carries with it a maximum term of imprisonment of 7 years. You have pleaded guilty to this charge at an early occasion and you are entitled to full credit for that.
2. The circumstances of the offending are disturbing. A tourist was staying at a resort near your home. As she was returning to the resort with her arms full of shopping bags, you approached her in broad daylight and asked her if she wished to go with you and look around your village. She said that she wished to go back to the resort and did not wish to go with you. You persisted with your approach to her and, when it became clear that she was not going to go with you, you then took advantage of her vulnerability and stuck your hand up her skirt between her legs. She had the presence of mind to stand back and tell you in very forceful terms that what you had done was wrong and that she was going to call the police. You were apprehended shortly afterwards.



3. You are 19 years of age and it does not appear as if you have ever been in trouble before. Be that as it may, this is disturbing offending because it is a gratuitous attack upon a woman who was not known to you and who was defenceless at that time because her arms were occupied. It is significant that she was a tourist. It is well understood that the economy of this country depends upon tourism. If this country was to get a reputation for being a place that was unsafe for tourists then everyone who lives in this country would suffer. Fortunately, Vanuatu does not have that reputation now but, if offending like this was allowed to go unchecked and it then increased in frequency, that would be a result.
4. How do I deal with you? You are a young man who presents as something of an enigma because no one can identify why you behaved in this way. It does appear from the pre-sentence report that you are without direction, without ambition and without any real motivation to do anything. In other words, you are just developing as a drifter.
5. You have spent a month in custody and you know now that that is where you will end up if you offend again. Hopefully, it will provide you with some motivation to ensure that you do not offend again; particularly in this way. I propose to deal with you by keeping you in custody for a short period of time, suspending a term of imprisonment and coupling that with community work and supervision. The reason why I am not suspending the full sentence of imprisonment is because you have caused difficulties by absconding on your bail and that is why you are in custody. You were indeed on bail but fail to attend Court.
6. For this offending, having regard to the circumstances that I have identified, I consider that a starting point of 12 months imprisonment is appropriate. Women should be able to walk the streets of Vanuatu without being accosted by young men such as yourselves who were only looking out for their own pleasures. This sentence must denounce what you have done, hold you fully accountable for what you have done and do its best to



promote in you a sense of responsibility for your actions. It must also deter you from contemplating offending in this way again.

7. I adopt a starting point of 12 months' imprisonment. I reduce that by 1 month to reflect your youth and a further 4 months recognise your guilty plea leaving 7 months' imprisonment. You have already spent a month in custody and so that brings it back to 6 months' imprisonment.
8. You are sentenced to 6 months imprisonment which I suspend for 2 years again to reflect your youth and also so that community based sentences can apply. The suspended sentence means that if you commit any further offences over the next 2 years, you will go back to prison for that 6 month period.
9. You will also carry out 100 hours community work and you are placed under supervision for a period of 12 months with special conditions proposed by the Probation Officer:
 - i) that you undertake spiritual programmes with the seventh day church at Pango village;
 - ii) that you undertake the Niufala Rod programme;
 - iii) that you undertake educational programmes as directed by a probation officer and
 - iv) that you do not associate with any person in respect of whom the probation officer directs that you are not to associate.
10. You have 14 days to appeal this sentence if you are not satisfied with any aspect of it.

BY THE COURT

