

(Civil Jurisdiction)

PUBLIC PROSECUTOR

VS.

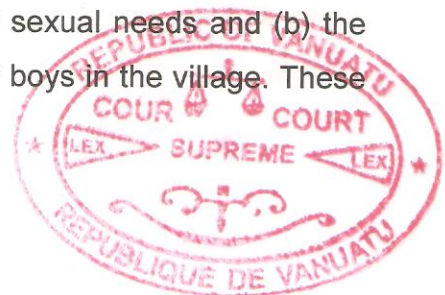
RAVE TIEYA

Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

Mr P. Werrick for Public Prosecutor
Ms J. Tari for Defendant

SENTENCE

1. Rave Tieya on 17th June 2011 you pleaded guilty to 2 counts of Sexual Intercourse with Girl Under Care or Protection contrary to section 96 (1)(a) of the Penal Code Act Cap 135. The maximum penalty for these is 10 years imprisonment.
2. Your victim was born on 18th August 1994. At the time of offending in 2008 she would have been 14 years old. She is your step-daughter. Her mother is your wife. She lives with the two of you and as such has become part of your family. You have admitted to having sex with her on two separate occasions in 2008. On the first occasion you had sex with her in the bush and on the second occasion it happened within the confines of your home, the place where she was supposed to feel safe. Your victim was pregnant as a result of these offendings. You treated this young girl as a substitute for your wife. You treated her as a slave girl by running away with her from the village and hiding with her in the bushes on 9th January 2011. And the only reasons you have provided are that (a) your wife was not meeting your sexual needs and (b) the girl was also having sexual affairs with other boys in the village. These



do not given you any excuse at all. You are a 29 year old man with greater responsibility to exercise restraint in such circumstances but you failed. See Tavusi v. PP [1990] VUCA 4. I consider these as the aggravating features of your offendings.

3. According to the principles laid down in PP v. Gideon [2000] VUCA 7 and PP v. Talivo [1996] VUCA 2 the only appropriate sentence the Court will impose on you today is to be a custodial one. The principle in Gideon and Talivo cases were applied in PP v. Jacob Nof [2004] VUSC 121. Some leniency was shown in Nof's case because he had performed custom ceremony and paid VT85.000 to his wife. The defendant here has not done anything of that sort to deserve any leniency.

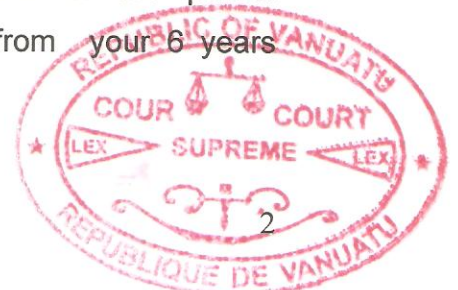
4. In light of the above principles and taking the aggravating features in their totality, I consider that the appropriate sentences this Court will impose are –

(a) For Count 1 – 5 years imprisonment to be served concurrently with the sentence for Count 2.

(b) For Count 2 – 6 years imprisonment.

You are therefore convicted accordingly and sentenced to imprisonment for a period of 6 years imprisonment.

5. I consider that there be a reduction of 1/3 given for two mitigating factors. These are that you pleaded guilty early and that you cooperated and made full and frank admissions to the police. Therefore 24 months or 2 years are deducted from your 6 years



concurrent term of imprisonment. The balance you will serve at the Correctional Centre is 4 years imprisonment.

6. The 4 year sentence commenced on 7th June 2011 when you were first taken into custody on remand.
7. That is the sentence of the Court.
8. You have a right to appeal against sentence within 14 days.

DATED at Luganville this 8th day of July 2011.

BY THE COURT


OLIVER A. SAKSAK

Judge

