

PUBLIC PROSECUTOR – VS – JOSEPH BULE

Coram: *Mr. Justice Oliver A. Saksak*

Counsel: *Mr. Ken Massing for Public Prosecutor*
Mr. Jacob Kausiama, Public Solicitor for Defendant

Date of Sentence: *9th August 2013*

SENTENCE

1. Joseph Bule, you pleaded guilty to one representative charge of act of indecency contrary to Section 98A of the Penal Code Act Cap. 135 (the Act). This offence carries a maximum penalty of 10 years imprisonment.
2. You also pleaded guilty to one Count of unlawful sexual intercourse (single charge) and to a further Count which was a representative charge of unlawful sexual intercourse contrary to sections 97(1) and (2) of the Act. The maximum penalty for an offence under section 97(1) is 14 years imprisonment and for an offence under section 97(2), the maximum penalty is 5 years imprisonment.
3. Your actions of acts of indecency started back in 2005 when your victim, a very close family member, was only 7 years old and attending class 2. Those actions continued until your victim reached 12 years of age in August 2010 when you started having unlawful sexual intercourse with her for the first time. These actions continued until December 2012. The last time it happened was on 12th April 2013. It was after this time that the victim reported the matter. Since 2010 to April 2013 the sexual encounters had occurred at least 30 times.
4. You have accepted and conceded to those facts. By your actions and according to the case of Public Prosecutor vs. Gideon (Criminal Appeal Case) No. 3 of 2001, you have forfeited the right to remain in the Community Courts.



must continue to protect young girls and women by imposing custodial sentences on men who take advantage sexually of young girls. In your case you used money to attract your young victim and to make sure she responded positively to your sexual demands, and to keep silent about it all for all those years from 2005.

5. The lead offences in your case has to be unlawful sexual intercourse. The circumstances of your offendings warrant that the Court impose custodial sentences as follows:-

(a) For unlawful sexual intercourse under Count 2 – Section 97(1) you are convicted and sentenced to 10 years imprisonment as the starting point.

(b) For unlawful sexual intercourse under Count 3 – Section 97(2), you are convicted and sentenced to 3 years as the starting point. These 3 years are made current to the 10 years imprisonment for the Count 2 offence.

(c) For the acts of indecency under Count 1 – Section 98 A, you are convicted and sentenced to 7 years imprisonment as the starting point. I order that these be made concurrent to your 10 years for Counts 2 and 3 (concurrent). For all three Counts you will serve a concurrent sentence of 10 years imprisonment.

6. I consider that the following aggravating features of your offendings warrant a general uplift by 2 years, increasing the total concurrent sentence to 12 years imprisonment:-

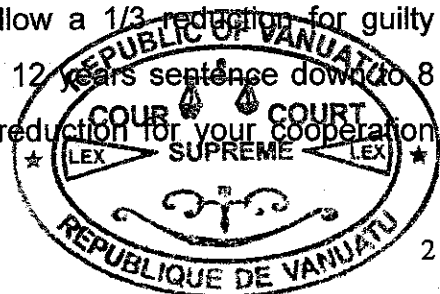
(a) The great age disparity, you being 54, the victim being 15 in April 2013.

(b) Repetitions of actions over some 8 years since 2005.

(c) Breach of trust.

(d) Payments of money.

7. I then consider mitigating your sentence. I allow a 1/3 reduction for guilty pleas based on Gideon's case to reduce your 12 years sentence down to 8 years imprisonment. I allow a further 1 year reduction for your cooperation



with the Police during investigations and at interviews, and for your unblemished past criminal record. That reduces your sentence to a total of 7 years imprisonment.

8. Your sentence serves the following purposes:-

- (a) To deter you and other men from doing the same.
- (b) To mark public disapproval of your actions.
- (c) To mark the seriousness of your offendings.
- (d) To punish you adequately.
- (e) To protect young girls and women.

9. Joseph Bule, you are therefore convicted on all three Counts and Sentenced to a concurrent Sentence of 7 years imprisonment. Your Sentence is made effective from 21st April 2013 when you were first remanded in custody.

10. That is the Sentence of the Court. You have a right of appeal within 14 days, if you so choose.

DATED at Luganville this 9th day of August 2013.

BY THE COURT


OLIVER A. SAKSAK

Judge

