

CF

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

JOEL MARK

Coram: Justice Oliver A. Saksak

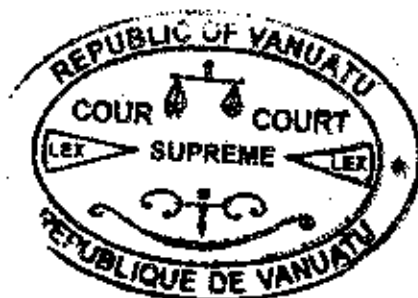
Counsel: Ms Kayleen Tavoia, Public Prosecutor for the State
Ms Jane Tari for the Defendant.

Date of Hearing: 3rd September 2013

Date of Sentence: 4th September 2013.

SENTENCE

1. Joel Mark you pleaded guilty to two Counts of acts of indecency with young persons contrary to Section 98 A of the Penal Code Act Cap 135 (the Act).
2. Following your admissions the Court hereby convicts you on both Counts as charged.
3. The maximum penalty under Section 98 A of the Act is imprisonment for 10 years.



4. Your victims were two female children. One was 5 years 3 weeks and 5 days and the other 5 years, one month and 16 days at the time of offending on 21 June 2013. These are just babies who were not in any position to appreciate your actions at the time or at any other time. What you did to them is deplorable and the Court must impose a punishment that will reflect –

(a)The seriousness of your offending;

(b)Public condemnation and disapproval of your actions;

(c)A deterrence on both you and other men;

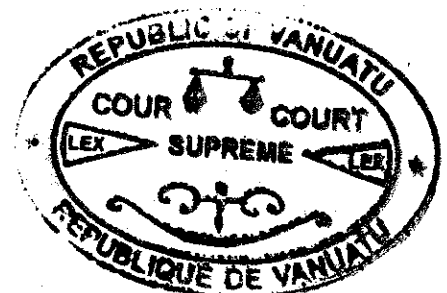
(d)The Court's obligation to protect young girls and women generally; and

(e)Appropriate and adequate punishment for you.

5. Had it not been for your young age, I would have to send you to immediate custody today. However as an 18 year old, you have a future ahead of you. Sending you to prison today may not help you. But there are other sentencing options which the Court can impose in order to achieve the purposes stated in the preceding paragraph. The Court will therefore impose a Community - based Sentence.

6. I therefore sentence you under Section 58 N of the Act to a Sentence of Community Work for a period of 100 hours.

7. You must report in person to a probation officer within the Probation Service:




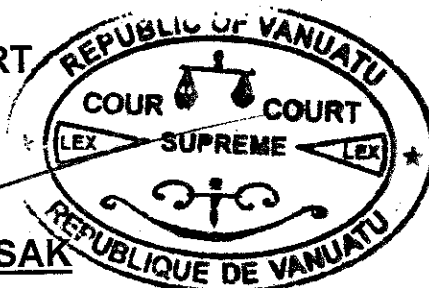
- (a) as soon as practicable, and not later than 72 hours, after the sentence is imposed; and
- (b) as directed at any other time during the sentence for the purpose of monitoring the sentence.

8. You are therefore released from custody.

DATED at Luganville this 4th day of September 2013.

BY THE COURT


OLIVER A. SAKSAK
Judge.

The seal of the Supreme Court of Vanuatu is circular. It features a central scale of justice. The words "REPUBLIC OF VANUATU" are written along the top inner edge, and "REPUBLIQUE DE VANUATU" along the bottom inner edge. Inside the circle, the words "COUR" and "COURT" are positioned on either side of the scale, with "SUPREME" centered below it. Two small boxes containing the word "LEX" are located on the left and right sides of the scale. A small star is visible on the right side of the seal.