

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

Criminal Case No. 05 of 2013

PUBLIC PROSECUTOR – V – CONIS LORES LANGON

Coram: Mr. Justice Oliver A. Saksak

Counsels: Sgt Rexton Langon, State Prosecutor, as agent for Mr. Wirrick for Public
Prosecutor.
Miss Jane Tari for the Defendant

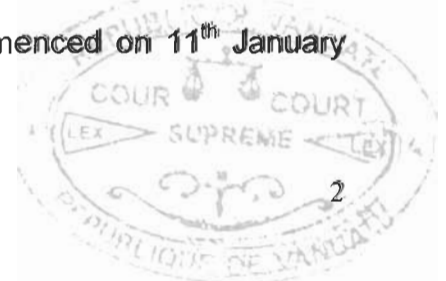
Date of Sentence: 11th March 2013

SENTENCE

1. Conis Lores Langon, you pleaded guilty to one count of Sexual Intercourse Without Consent contrary to sections 90 and 91 of the Penal Code Act Cap. 135. The penalty for this offence is life imprisonment. The length of penalty imposed by Parliament reflects the seriousness of this offence.
2. Your victim was 22 years old at the time of offending. You both live at Tolo village and are known to each other. But the victim has some mental incapacity which has resulted in her deafness and other medical conditions. You took advantage of these physical incapacities and sexually abused her for your own sexual gratification. You are a mature man of 31 years. On 7th August 2012 while the victim's parents had gone off to their garden you went into their Kitchen with a clear intention. You demanded fire from her to light your tobacco roll. She responded to your request but then you proceeded to push her down onto a stool and penetrated her vagina with your penis. You ejaculated and then withdraw and fled from the scene. You covered her mouth to stop her from calling out. She felt great pain in her vaginal area during and after intercourse. Subsequently the victim became pregnant as the obvious result of your offending.




3. Those facts clearly display the aggravating features that add seriousness to what is already a very serious offence. Clearly a custodial sentence is warranted.
4. Both the Prosecutor and Defence Counsel have submitted the cases of Public Prosecutor v. Scott [2002] VUCA 29 and Public Prosecutor v. Gideon [2002] VUCA 7 for the purposes of guiding the Court to impose an appropriate sentence on you. It is clear from those cases that the starting point for your offending will be 5 years imprisonment. For the aggravating features there will be an uplift of 3 years bringing the sentence to 8 years imprisonment.
5. This sentence is imposed to serve as:-
 - (a) A deterrence for you and others;
 - (b) To mark public disapproval and condemnation of your actions;
 - (c) To protect young and vulnerable girls and women; and
 - (d) To punish you appropriately and adequately for your offending.
6. The Court considers your mitigating factors and your Pre-Sentence Report. The following factors are relevant:-
 - (a) Being a first time offender with no prior convictions;
 - (b) Guilty plea at earliest opportunity;
 - (c) Cooperation with Police during investigation and admissions during interview; and
 - (d) Willingness to perform reconciliation, showing remorse.For these factors, there will be a reduction of 2 years and 8 months representing a 1/3 reduction following Gideon's and Scott's. That decreases your sentence of 8 years down to 5 years and 4 months. However, the 4 months are deducted for the other remaining mitigating factors following Andy's case.
7. In the final analysis, you will serve only 5 years imprisonment for this offence. This term of imprisonment is deemed to have commenced on 11th January 2013 when you were first remanded in custody.



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

DATED at Luganville this 11th day of March 2013.

BY THE COURT


OLIVER A. SAKSAK

Judge

