

PUBLIC PROSECUTO- VS-YARVEL LENKON

Coram: *Mr. Justice Oliver A. Saksak*

Counsel: *Betina Ngwele for Public Prosecutor*
Linda Bakokoto for Defendant

Date of Plea: *23rd October, 2017*

Date of Sentence: *24th October, 2017*

SENTENCE

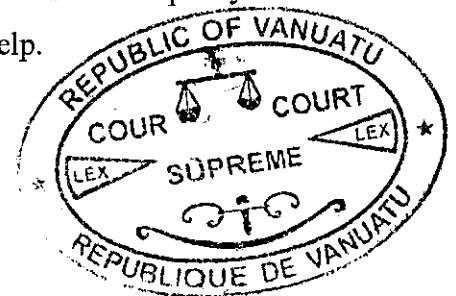
1. Yarvel Lenkon, you pleaded guilty to one count of Abduction yesterday. This is an offence under section 92 of the Penal Code Act [CAP 135]. The penalty for this offence is 10 years imprisonment.

2. The facts are contained in the Brief of Facts presented by the prosecution dated 17th October 2017. You have conceded to them. Briefly they are these-
 - a) On 30th September 2016 at around 6-7:00pm the victim Dorneth Ben, a 15 year old student was walking on the road from Lanvitvit village to Asorok Village with her 2 friends Jenny and Glodine.

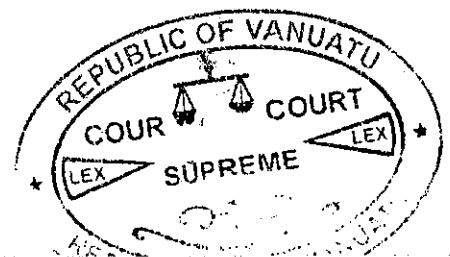
 - b) On the road they stopped to talk to some boys leaving the victim 6-7 meters away. You and Bong Kalveta came along and one you put his hand over her lips and the other grabbed her shirt and you both dragged her to the nearby bush. You both know the victim well.

 - c) She struggled in the process to get away but she was overpowered by the 2 of you.

 - d) In the bushes you tried to undress her by removing her skirt shirt and panty but she kept on struggling you off . And she yelled out for help.



- e) Some distance away Saiken Ateph heard her yelling and ran towards the bushes with a torch light. When he arrived both of you ran off leaving the victim lying on the ground.
- f) The complainant told Saiken Ateph what you did to her in the bush trying to rape her. He ran after you but you both ran away.
- g) The complainant was very scared and was taken to her parents in a truck.
- h) Both of you were arrested by the police. And upon interview both you admitted trying to rape her but were distracted by the old men coming with a torch light and you ran away.
3. You must understand that you had committed a very serious offence. You had the intention of having forced sexual intercourse on this young student girl. You dragged her away from her friends and into the bushes at night and was attempting to remove her clothes to execute your intentions. Luckily she struggled and yelled out and an old man came to the scene and both you and Bong fled. It could have got much worse.
4. I accept the prosecution's submission that this is a case with serious aggravating features that warrant a custodial sentence and a starting point of 3 years imprisonment. But there will be no uplift.
5. I therefore convict you on your guilty plea and impose a starting sentence of 3 years imprisonment.
6. In mitigation I accept the case of PP.v. Iatiknu must be distinguished from your case. And I accept you are entitled to a 1/3 reduction for guilty plea. Your sentence of 3 years is reduced to 2 years.
7. I accept you are entitled to further reduction for being a first time offender with clean past record, good cooperation with the police and your willingness to perform custom reconciliation, although the victim's relatives have refused. Your willingness shows



remorse. I note your positive behaviour and attitude towards change of direction. For these mitigating factors, I further deduct 6 months.

8. I accept this is not a sexual intercourse case. It is a case of abduction, with intention but falling short of sexual intercourse taking place. Therefore in my view, with your young age a chance should be given to you to rehabilitate to safeguard your future. I therefore order that your balance of 1 year and 6 months be suspended for 2 years from the date of this sentence.
9. In addition, I impose an order of Community work for 100 hours. This is to mark-
 - a) The Court's disapproval of your offending;
 - b) The seriousness of your offending;
 - c) A deterrence to you and other like minded people;
 - d) Protection to young girls and women, and
 - e) Adequate and appropriate punishment.
10. That is the sentence of the Court. You must report to the Probation Service within 72 hours (by Thursday this week) to receive your Community service order and for other instructions.

DATED at Lakatoro this 24th day of October, 2017

BY THE COURT

OLIVER.A.SAKSAK

Judge

