

PUBLIC PROSECUTOR

V

BILL KAHI

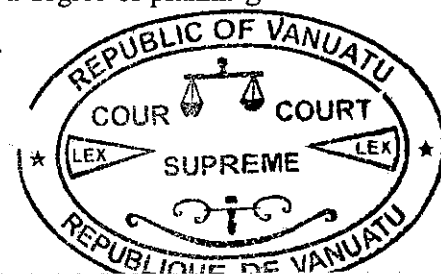
Date of Sentence: 7th day of December, 2017 at 2:00 PM

Before: David Chetwynd

*Counsel: Ms Betina Ngwele for Public Prosecutor
Ms Kylie Bakeo for Defendant*

SENTENCE

1. The defendant Bill Kahi has entered a plea of guilty to an offence involving an act of indecency with a young person. I have received a comprehensive and helpful report from the Probation Officer and helpful submissions from both prosecution and defence counsel.
2. The defendant is 26 years. In October 2016 he duped the victim into going into the bush with him. She is a mute and at the time was 13 years old. Shortly after, she came out of the bush crying and obviously upset. She was showing everyone her hands but it was not until her grandmother appeared that she was able to explain what happened. Her grandmother understands the sign language used by the victim.
3. The victim explained the defendant had put his penis close to her buttocks. He also made the victim hold his penis.
4. The maximum sentence for this offence is 10 year imprisonment.
5. This offence by the defendant involves more than mere touching. It involves a very young girl with a disability. These was also a degree of planning and selection of the victim. The starting point is 5 years.

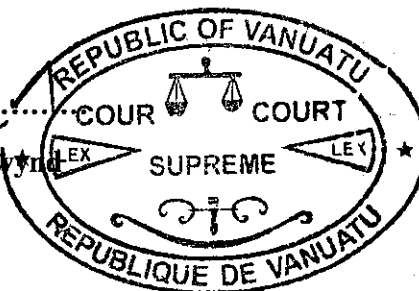


6. These is very little that can be put forward in mitigation. The defendant has no previous convictions and has participated in a custom reconciliation ceremony. I will reduce the sentence by 6 months.
7. In the defendant's favour it must be acknowledged he has entered a plea of guilty at the earliest opportunity. He is entitled to a full 1/3 reduction of his sentence. That will leave a sentence of 3 years.
8. Given the guidelines set out in the case of Gideon where the Court of Appeal said that men involved in sexual abuse offences should only remain in the community in the most extreme or exceptional circumstances, and given there are no such circumstances apparent in this case, the defendant must go to prison immediately and serve the 3 years.
9. As I told the defendant in Court if he is unhappy with this sentence he can appeal it. He must do within 14 days. However time will not start to run until he receives a copy of these written reasons through his lawyers.

DATED at Port Vila this 13th day of December, 2017.

BY THE COURT

.....*DM*.....
David Chetwind
Judge

The seal of the Supreme Court of Vanuatu is circular. The outer ring contains the text "REPUBLIC OF VANUATU" at the top and "REPUBLIQUE DE VANUATU" at the bottom. Inside the ring, the words "COUR" and "COURT" are positioned on either side of a central scale of justice. Below the scales, the word "SUPREME" is written in a larger font. On either side of "SUPREME" are the letters "LEX" inside a decorative frame. At the bottom of the seal, there is a decorative flourish and a small star on the right side.