

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

Criminal Case No. 3940 of 2016

**PUBLIC PROSECUTOR**

-v-

**WILLIAM URE**

-and-

**KALMET KALO**

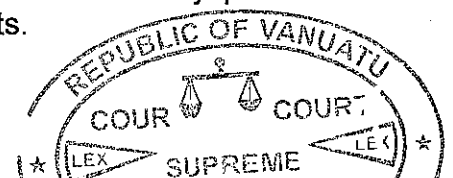
*Before Justice David Chetwynd  
Hearing 15<sup>th</sup> March 2017 (Written reasons published 21<sup>st</sup> March 2017)  
Mr Massing for the Public Prosecutor  
Mr Garae for the Defendant*

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## Sentence

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1. The two defendants William Ure and Kalmet Kalo have both pleaded guilty to an offence of having unlawful sexual intercourse with a girl under 15 contrary to section 97(2) of the Penal Code. The maximum sentence is 5 years. It should be noted that the maximum sentence has been increased to 15 years by the Penal Code (Amendment) Act of 2016. For the reasons set out earlier today in the case of *PP v Malau*, I shall sentence the two defendants in accordance with existing guidelines.
2. The defendants do not deny the basic facts. Both of them knew the victim and both had sexual intercourse with her. She was aged 15. They knew that. William Ure was aged 21 and Kalmet Kalo was aged 22. It was said that there were girlfriend/boyfriend relationships existing at the time. That is not borne out by the dates of the charges. One refers to a period from April to October 2016 and the other from July to October 2016. This case has all the hallmarks of older men taking advantage of an immature girl. They appear to have used the victim as a sex object
3. I will treat both defendants the same although I have considered their circumstances separately. The appropriate sentence in both cases after taking into account the difference in ages and the admitted repetition of offending is 3 years.
4. Neither defendant has shown much remorse. They both say the girl agreed to have sex and it was her father who reported them to the police. They overlook the obvious fact that in law the girl could not consent and of course the father reported them to the police when he found out. That's what good fathers do. They protect their daughters from sexual predators like these two defendants.



5. I will discount each sentence by six months to take some account of the limited regret they express and for their lack of previous convictions. That leaves final sentences of 2 years. They have had the maturity to admit their offending and plead guilty so they are both entitled to a full 1/3<sup>rd</sup> reduction in their sentences. They have effectively spent 4 months on remand and so their sentences can be further reduced by 8 months.

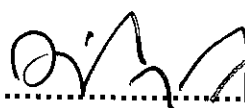
6 The offending apparent by both men in this case is typical of that sought to be prevented by the *Gideon*<sup>1</sup> guidelines. They are two men taking advantage sexually of a younger, less mature girl. There is no particular reason why the sentences should be suspended. Both defendants will go to prison for a period of 8 months from today.

7 I will remind the defendants of what I said in court, namely if they are unhappy with the sentences handed down then they have the right to appeal. The time for appeal will start to run when their counsel receive a copy of these written reasons.

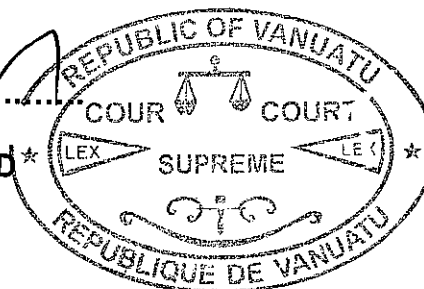
8 My thanks again to counsel and especially the Probation Service for preparing timely and helpful submissions and reports.

**Dated at Luganville this 15<sup>th</sup> day of March 2017.**

**BY THE COURT**



**D. CHETWYND** ★  
Judge



<sup>1</sup> *Public Prosecutor v Gideon* [2002] VUCA 7