

PUBLIC PROSECUTOR VS- WASANDY HAROLD

Coram: *Mr. Justice Oliver A. Saksak*

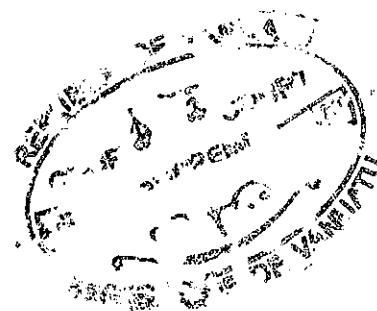
Counsel: *Laura Lunabek for Public Prosecutor
Junior Garae for Defendant*

Date of Plea: *28th February 2018*

Date of Sentence: *1st March 2018*

SENTENCE

1. Wasandy Harold, you are for sentence today for having pleaded guilty to three counts of (a) sexual intercourse without consent (Count 1) and to (b) incest (Counts 2 and 3).
2. The offence of sexual intercourse without consent under section 91 of the Penal Code Act carries a maximum of life imprisonment. And incest under section 95 (1) (a) of the Act carries the maximum penalty of 10 years imprisonment.
3. These offences occurred on 29th December 2003 when you had penile intercourse with Rosemon Harold without her consent. On 24th September 2004 you had intercourse with her again knowing that she is your biological daughter. Again in 2009 you had penile intercourse with your daughter again. In 2003 she was 18 years old. And she got pregnant and bore a child in 2005. In 2009 when she was 22 years old she got pregnant with a second child.
4. You breached the trust that exists between you as the father and the victim as your daughter. The acts were repeated over a period of 6 years. You had unprotected sex resulting in two pregnancies. You stood in a position of a chief. These are the features that add seriousness to offences which are already serious in themselves. For these I consider that the appropriate punishment the Court will impose is to be a custodial one.
5. I therefore convict and sentence you as follow:-



- a) Count 1- Sexual Intercourse without consent- 8 years imprisonment as the starting point.
- b) Count 2- Incest- 6 years as starting point made concurrent.
- c) Count 3- Incest- 6 years concurrent.

I order that the sentences of 6 years for incest in Counts 2 and 3 be served concurrently with the 8 years imprisonment for sexual intercourse without consent in Count 1.

The total concurrent sentence is therefore 8 years imprisonment for all three offences.

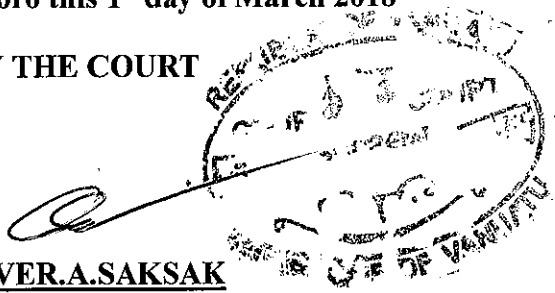
6. In mitigation I accept you are entitled to a 1/3 reduction for guilty plea on 28th February 2018. For this 2 years and 8 months are deducted from 8 years leaving the balance of 5 years and 4 months imprisonment.
7. For unreasonable delay I apply PP.v. Morkoro [2017] VUCA 16 and allow 12 months to be deducted from 5 years and 4 months. That leaves the balance of 4 years and 4 months.
8. For all other mitigating factors as submitted by defence Counsel including your pre-custodial period of about 2 weeks, I allow a further deduction of 4 months. The ultimate balance of the sentence is 4 years.
9. You are therefore sentenced to an end sentence of 4 years imprisonment as a concurrent sentence for all three offences. There will be no suspension of sentence. Your sentence is effective immediately today.
10. This sentence is to mark-
 - a) The seriousness of your offendings
 - b) The Court's disapproval and condemnation of your actions.
 - c) A deterrence for you and other like-minded people.
 - d) Protect young girls and women generally.
 - e) An adequate punishment for you.



11. You have a right of appeal against the sentence if you disagree with it. You have 14 days to do so. But you must begin to serve your sentence today.

DATED at Lakatoro this 1st day of March 2018

BY THE COURT



OLIVER.A.SAKSAK

Judge