

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

Criminal  
Case No. 21/1160 SC/CRML

BETWEEN: Public Prosecutor

AND: Lazard Edison Gideon  
Defendant

Date: 14<sup>th</sup> September 2021  
By: Justice G.A. Andrée Wiltens  
Counsel: Mr D. Boe for the Public Prosecutor  
Mr R. Willie for the Defendant

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**SENTENCE**

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A. Introduction

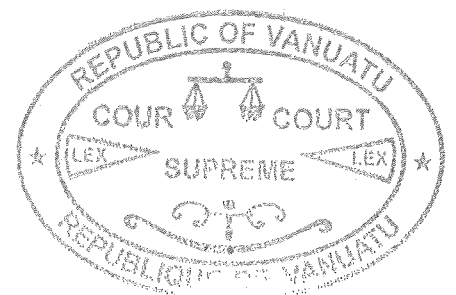
1. Mr Gideon pleaded guilty to an act of indecency with a young person.

B. Facts

2. On 29 March 2019, the mother of the complainant ("LS") was preparing laplap in her kitchen and LS was inside playing inside the house. Mr Gideon approached LS's mother and asked for ice water. She told him to get some from the fridge inside the house. After a while, LS' mother heard LS laughing and when she went to check she saw Mr Gideon lying on top of LS with his erect penis poking her stomach. When LS' mother called out Mr Gideon got up and left the house. LS confirmed that Mr Gideon had been rubbing his penis on her belly button.
3. Mr Gideon later admitted the offending to the police.

C. Sentence Start Point

4. The sentence start point is to be assessed by having regards to the maximum sentence available and factoring in the aggravating and mitigating aspects of the offending.



5. An act of indecency with a young person is punishable by maximum penalty of 10 years imprisonment. The offending in this case is aggravated by: (i) there is an age disparity as the victim was 14 years old while Mr Gideon was 24 years old; (ii) the offending occurred in LS' home, (iii) there was skin-on-skin contact; and (iv) the youth and vulnerability of LS.
6. There are no mitigating factors.
7. The starting point for the sentence is 2 years 8 months imprisonment.

D. Personal factors

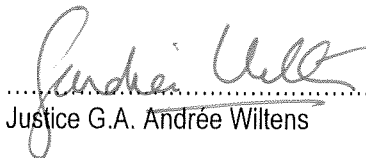
8. Mr Gideon entered a guilty plea at the first available opportunity. He was caught in the act by LS' mother. The prosecution case was accordingly very strong. The sentence start point is reduced by 25% for the guilty plea.
9. Mr Gideon was a first time offender. He is now 27 years old. He studied at College de Lycée and from there did job experience as a mechanic with Jean Bernard's Garage at Luganville. He has some mechanical skills and earns his income through selling copra and raising livestock. In 2020 he was elected President of the local Youth Centre and participates in Church activities as a member of the Catholic Church.
10. He regrets his actions. Mr Gideon told the Probation Officer that he performed a custom reconciliation with VT 100,000 which was facilitated by the village chief. This could not be verified.
11. Taking into account the above factors, the sentence start point is further reduced by 4 months.

E. End Sentence

12. The end sentence is therefore 1 year 8 months imprisonment. Considering the nature and circumstances of this case, the sentence cannot be suspended: *PP v. Gideon [2002] VUCA 7*.
13. All details leading to the identification of LS are permanently suppressed.
14. Mr Gideon has 14 days to appeal.

Dated at Luganville, this 14<sup>th</sup> day of September 2021

BY THE COURT

  
Justice G.A. Andrée Wiltens

