

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

Criminal
Case No. 21/2786 SC/CRML

BETWEEN: Public Prosecutor

AND: Kevin Tabilepo Tariodo
Defendant

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

SENTENCE

A. Introduction

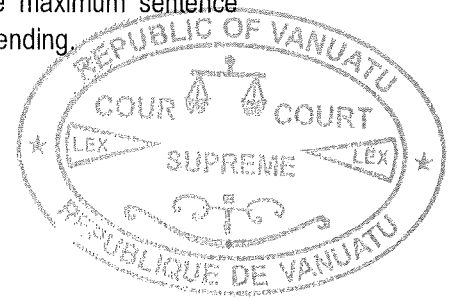
1. Mr Tariodo pleaded guilty to a charge of doing an act of indecency with a young person under the age 15 years.

B. Facts

2. On a day in 2020 Mr Tariodo, aged 22 years met with the complainant MH then aged 8 years and a group of her friends. He gave MH VT 100 and invited her to follow him to get some guavas. When Mr Tariodo saw that it was just he and MH, he ordered MH to sit on a coconut stem. He then took off his trousers and showed his penis to MH. He asked her to smell his penis and later suck it. Instead, MH cried and ran off.
3. The offending came to light when MH was asked how she came by the VT 100 coin.
4. When interviewed by the police, Mr Tariodo admitted this.

C. Sentence Start Point

5. 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.



6. The penalty for this offending is 10 years imprisonment.
7. There are no mitigating aspects to this offending. The aggravating aspects are the extreme youth and gullibility of MH, who was aged only 8 years at the time of the offending and the degree of planning/pre-mediation involved on the part of Mr Tariodo. There is also the age differential of 22 - 8 to be considered; plus the fact that he tricked her into following him.
8. I set the starting point for the sentence at 3 years imprisonment.


D. Personal factors

9. Mr Tariodo pleaded guilty at the first available opportunity, indicating an acceptance of his wrong doing and an element of remorse. His plea has spared MH the need to give evidence. Accordingly, for his prompt plea I reduce the sentence start point by 33%.
10. Mr Tariodo is now 24 years old. He has been in two de facto relationships, both now over, and he has a 4-year old son.
11. He has no previous convictions.
12. He claims to have taken part in a custom reconciliation ceremony and apologised as well as gifted 3 mats.
13. For his personal factors there is a further discount of 9 months taking into account his relative youth and immaturity.

E. End Sentence

14. The end sentence is 18 months imprisonment. The Sentence is to commence as from 14 July 2021. Suspending the sentence is inappropriate. *PP v Gideon [2002] VUCA 7*.
15. All details leading to the identification of MH are permanently suppressed.
16. Mr Tariodo has 14 days to appeal.

Dated at Luganville, this 14th day of September 2021
BY THE COURT


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Justice G.A. Andrée Wiltens

