

IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU

Criminal
Case No. 22/2116 SC/CRML

(Criminal Jurisdiction)

BETWEEN: Public Prosecutor

AND: Keith Lorence
Accused

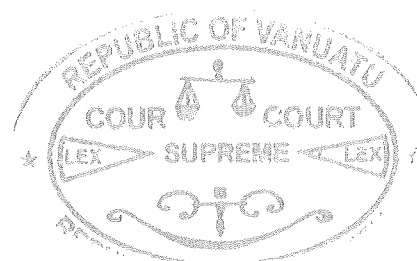
Date of Sentence: 22 September 2022

Before: Justice EP Goldsbrough

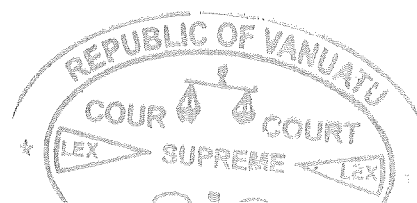
Appearances: Taiki, M for the Public Prosecutor
Garae, J for the Accused

SENTENCE

1. Keith Lorence pleaded guilty to two representative charges of having unlawful sexual intercourse with a child in two different locations, in the garden and at the beach. He also pleaded guilty to committing an act of indecency with the same child victim, the sister of his wife who was 15 years of age when the offending took place.
2. It was when Keith Lorence was trying to force his victim to give him oral sex that he was caught by his wife. That put an end to his offending, at least with his wife's sister. It appears as if the wife suspected something was going on and followed her husband to find out and came across him trying to push her sister's head in towards his penis.
3. The sexual intercourse had taken place when the two of them went to the beach looking for fish, where he told his victim to lie down and take off her clothes. That happened in 2019. His wife asked on their return what had taken so long.



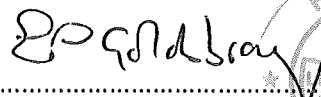
4. At a garden harvesting yam, the defendant decided to take a swim in some water. He was naked. After he finished his swim, he decided that he wanted to have sex with his victim at a local area away from the garden. Sex took place, in 2019 and similar conduct was repeated until the year 2020.
5. Later in 2020 whilst cracking nangai nuts, the defendant tried to push the face of his victim into his crotch, attempting to make her give him oral sex. His effort was thwarted when his wife chanced upon them.
6. The maximum penalty for unlawful sexual intercourse with a child under care or protection is 10 years and committing an act of indecency without consent 7 years. The court will take into account maximum penalties and aggravating feature when assessing a starting point for this offending.
7. Aside from count three, there is nothing that happened without consent. The victim may not have been enthusiastic but did not have to be persuaded by violence and threats, although she may have been fearful of this much older man who was married to her sister. The harm lies in the fact that she was still only 15 years of age and could not lawfully give her consent to these acts of intercourse. Her assailant was also in a position of control over her as the husband of her sister. He was also twenty years older than her.
8. This behaviour was not a one off. It lasted until they were found out. It was thus repetitious. It will no doubt have a lasting effect on the victim who has been sent to live elsewhere.
9. For the two offences of unlawful sexual intercourse, the court determines a starting point of six years. For the offence of committing an act of indecency without consent the court sets a starting point of two years.
10. In mitigation, the offender has pleaded guilty thus saving his victim the ordeal of a trial and reliving the offences through that. To a small extent he has expressed remorse.
11. The offender has spent some time in custody for these offence for which he will be given due credit. He is a first-time offender and that will also set him in credit from the



starting point. There is a long gap between these offences coming to light and him being brought to court, about two years, none of which seems to be his fault and so that is also taken into account. A customary reconciliation ceremony has taken place between the more senior members of the family and that is also taken into account

12. Given a 33% reduction for his guilty plea and a smaller discount for other factors set out above the court determines a sentence of forty-three months imprisonment for each of the two offences of unlawful sexual intercourse and 16 months for the act of indecency to all run concurrently making a total sentence of forty-three months imprisonment. This sentence is not to be suspended as the offences are far too serious to consider that option. The sentence is deemed to have commenced on 12 June 2022 when the offender was first taken into custody for these offences.
13. There is a right of appeal against this sentence. Any appeal must be commenced within fourteen days from today.

Dated at Luganville this 22nd September 2022
BY THE COURT


.....
Justice EP Goldsbrough

