

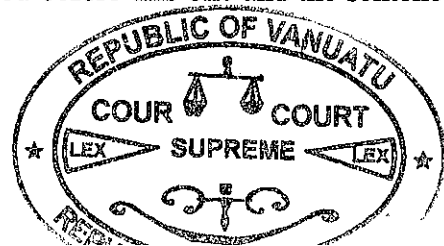
BETWEEN: Public Prosecutor

AND: Samuel Simeon
Accused

Date of Sentence: 23rd August 2022
Before: Justice EP Goldsbrough
Appearances: Ngwele, B for the Public Prosecutor
Karu, K for the Accused

SENTENCE

1. Samuel Simeon you have pleaded guilty to having unlawful sexual intercourse with a child of fourteen years. This happened not once, but four times. At the time, 4 – 6 January 2022, of these offences you were 21 years old. You were working as a security guard when you met your victim who had run away from her home. At the end of your shift, you took the girl home with you and gave the impression that you would look after her.
2. You suggested that she take some rest and she did, but later you lay down beside her and asked for sex. With some attempt at an excuse, the victim gave some initial resistance which did not stop you from having sex with her. You left, she then slept. This was repeated, without the attempt at resistance until news of the girl running away from home was widespread and the two of you hid elsewhere, continuing to have sex until you gave her the bus fare home, having sex just as she left.
3. You have made yourself liable to a maximum penalty for this offence of fifteen years imprisonment. You were seven years older than your victim and could not say that you had any previous relationship with her that might suggest you were a boyfriend. It was by chance that you came across this vulnerable victim and you simply took advantage of her situation for your own selfish needs. These factors make your offence more serious than others.
4. This court will start the sentencing process with a starting point of 6 years, taking into account everything set out above and cases decided before this one and the sentences



imposed there. Unlike *Shing v PP* [2021] VUCA 21, your offending involved repeated vaginal penile penetration.

5. You entered a guilty plea in this case which has saved everyone involved the ongoing trauma of a trial. That guilty plea entitles you to a reduction in the sentence to be imposed on you. As to mitigation, you did co-operate with the police investigation and you did, eventually, send your victim home. But it is not mitigation to suggest that your offer of help when you took her to your home was beneficial to her, nor that she was a willing sexual partner. That may go to say that as you did not need to use force your sentence need not be increased, but not to reduce it.
6. It is also noted that there has been no customary reconciliation yet between you and your victim or her family. There can thus be no reduction in your sentence for that.
7. You are given a substantial discount of one third on your sentence and an additional one month for your previous good character and help in the investigation. That reduces the total imprisonment imposed today to forty-seven months. In addition, you were in custody for these offences for two months before you were released on bail. That reduces this sentence to forty-five months. There are no reasons found in your case which suggests that this sentence should be suspended.
8. The order is that you be sentenced to forty-five months imprisonment. You have been on bail since you were sent here from the magistrates' court. Your sentence of imprisonment cannot be enforced, unless you choose to begin it now, until after the period within which you can appeal, that is fourteen days from today.
9. You may appeal this sentence and if you wish to do that, you must do so within 14 days from today. Your sentence of imprisonment will also start at the end of those fourteen days unless you choose to start your sentence earlier. You will need to report to the Correctional Services Department on or before 5 September 2022 to begin your sentence.

Dated at Port Vila this 23rd August 2022

BY THE COURT

EP Goldsbrooke

Justice EP Goldsbrooke

