

**PUBLIC PROSECUTOR**

**v**

**GIDEON TASAROFA**

*Date:* 6 December 2022  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Mr L. Young  
Defendant – Ms F. Kalsakau

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**SENTENCE**

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A. Introduction

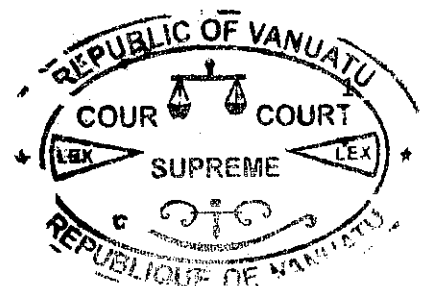
1. Mr Tasarofa pleaded guilty to two charges of indecency without consent (Charges 6 and 7).

B. Facts

2. Mr Tasarofa is the step-father of the complainant LT (name suppressed). She was a secondary school student at the time of the offending.
3. At the end of 2019, LT went on holiday to Aneityum island with Mr Tasarofa.
4. One early morning, he invited her to accompany him for a jog along the beach. On their way, he touched her breast and told her not to tell anyone. She was uncomfortable but could not resist as she was too scared (Charge 6).
5. On another occasion in 2020 at their home at Eratap, Mr Tasarofa entered LT's room when she was in bed, pushed his hands under her shirt and fondled her breasts and nipples (Charge 7).

C. Sentence Start Point

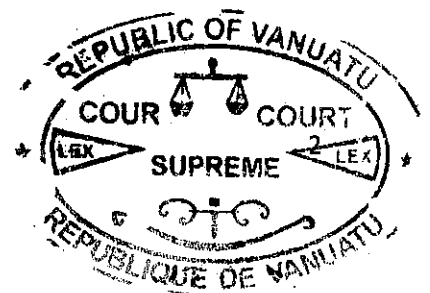
6. The sentence start point is to be determined by looking at the maximum sentence available for the offending, and then factoring in the aggravating and mitigating aspects of the offending.



7. The maximum sentence provided in s. 98(a) of the *Penal Code* [CAP. 135] for indecent act without consent is 7 years imprisonment.
8. There is no mitigating aspect to the offending.
9. The offending is aggravated by:
  - Breach of trust;
  - Age differential of 33 years;
  - Premeditation – the offending was calculated and took place after the complainant was lured to an isolated area (on the first occasion of the offending);
  - The offending occurred at the complainant's home, where she should have been able to feel safe and protected (on the second occasion of the offending);
  - The contact involved skin-on-skin (on the second occasion of the offending);
  - The negative effects on the complainant including that she lost concentration on her studies as a result of the trauma she suffered from the offending;
  - The offending was repeated; and
  - The offending escalated in seriousness over time.
10. Given the factors set out above, I adopt a global sentence start point of 3 years imprisonment.

D. Personal Factors

11. Mr Tasarofa pleaded guilty at the first opportunity to. A third is deducted for his prompt guilty pleas as it has saved the Court's time and spared the complainant the ordeal of giving evidence in front of a group of strangers.
12. Mr Tasarofa is 53 years old. He is married.
13. At the time of the offending, he was employed as a security guard.
14. He has no previous convictions. However that is of little relevance to mitigate a sentence in the case of sexual offending.
15. A further month is deducted from the sentence start point for Mr Tasarofa's personal factors.
16. Mr Tasarofa spent 15 days in custody (7 July 2022-22 July 2022), effectively one month imprisonment. Accordingly, another month is deducted from the sentence start point.



E. End Sentence

17. The end sentence imposed concurrently on both charges is 1 year 10 months imprisonment.
18. The sentence is imposed to denounce such criminal conduct against young girls and against the values of society, to hold Mr Tasarofa accountable for his criminal conduct and to deter him and others from such offending.
19. The end sentence will not be suspended. No exceptional circumstances are shown to warrant suspension.
20. This sentence of imprisonment may not be enforced until the time of appeal against sentence has expired or Mr Tasarofa earlier elects to begin serving his sentence in accordance with s. 50 of the *Penal Code*.
21. Mr Tasarofa has 14 days to appeal the sentence.
22. All details leading to the identification of LT are permanently suppressed.

**DATED at Port Vila this 6<sup>th</sup> day of December 2022  
BY THE COURT**

  
Justice Viran Molisa Trief

