

**BETWEEN: Public Prosecutor**  
*Prosecutor*

**AND: George Tevi**  
*Defendant*

**Coram:** *Justice Aru*  
**Counsel:** *Ms. M. Taikie for the Public Prosecutor*  
*Mr. E. Nalyal for the Defendant*

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## SENTENCE

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### Introduction

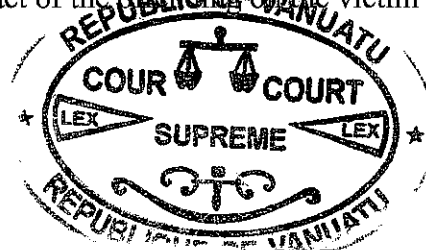
1. Mr George Tevi pleaded not guilty to all the charges against him. Following a trial, he was found guilty and convicted on two counts of unlawful sexual intercourse, two counts of incest and two counts of acts of indecency with a young person. This is his sentence.

### Facts

2. The facts in brief as found at trial are that from 2012 onwards at various times Mr Tevi had been touching the victim's vagina. In 2018 Mr Tevi had sexual intercourse with the victim on different occasions. In 2019 at various times Mr Tevi inserted his fingers into the victim's vagina; he showed his penis to the victim and told the complainant to suck his penis and had sexual intercourse with victim.

### Sentence start point

3. The offence of unlawful sexual intercourse with a child under 13 years is punishable by a maximum sentence of life imprisonment. Similarly, incest with a child under the age of 16 is punishable by a maximum sentence of life imprisonment. Acts of indecency with a young person under 15 years is punishable by a maximum sentence of 10 years imprisonment.
4. The offending is aggravated by the following factors. There is a serious breach of trust given that the victim is the defendant's daughter and the offending occurred in the home where the victim is meant to be protected. There is also an age disparity as the defendant is older than the victim. There is an element of planning involved and the offending was repeated.
5. The victim was also exposed to the risk of pregnancy at a very young age and risk of contracting sexual transmitted diseases. The impact of the offence on the victim will remain with her for some time.



6. There are no mitigating factors of the offending.
7. The prosecution submitted that taking account of the offending totality, the sentence start point should be between 10 to 12 years imprisonment to be served concurrently. (*Boesaleana v. PP [2011] VUCA 33*) I was also referred to *PP v. Bule [2021] VUSC 310* where the defendant was convicted of representative charges of unlawful sexual intercourse and incest with his adopted daughter who was under 13 years of age. The starting point was set at 9 years imprisonment.
8. The offending by Mr. Tevi involves his biological daughter. Mr Nalyal on the other hand submitted that this case warrants a starting point of 3 to 5 years imprisonment to be served concurrently. The offending is very serious as the young victim endured the sexual abuse by her father over a number of years.
9. On a totality basis, the concurrent starting point of sentence is 9 years imprisonment.

### Mitigation

10. A Pre-sentence Report was filed as directed. It gives the following information about Mr Tevi. He is 52 years old and was married but now lives in a defacto relationship.
11. He has 5 children three with his former wife and 2 with his current partner. He is a first-time offender. Mr Tevi completed his education at year 10. He started off as a construction worker before moving into kava business. He earned his living as a kava farmer and kava business man. His ambition is to work for a better future for his children.
12. For his personal factors and the fact that he is a first-time offender, the sentence start point is reduced by 12 months. A further two months is deducted for time previously spent in custody.

### End sentence

13. The end sentence is therefore 7 years and 10 months imprisonment **effective from 23 June 2023 when Mr Tevi was remanded into custody pending his sentence.**
14. All details leading to the identification of the victim are permanently suppressed.
15. Mr Tevi has 14 days to appeal if he disagrees with this decision.

DATED at Port Vila this 6<sup>th</sup> day of September, 2023  
BY THE COURT

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D. Aru  
Judge

