

PUBLIC PROSECUTOR

v

ROGER JULIAN

Date: 30 October 2025
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mrs B. Tamau
Defendant – Ms C. Dehinavanua

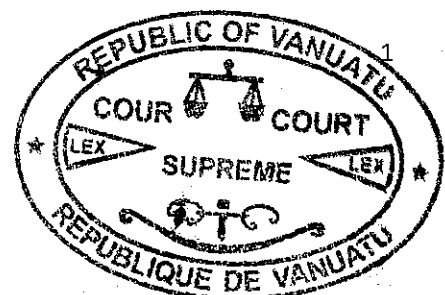
SENTENCE

A. Introduction

1. Mr Roger Julian, you appear for sentence today following your conviction after trial of 3 counts of unlawful sexual intercourse with a child under 13 years of age contrary to subs. 97(1) of the *Penal Code* [CAP. 135].

B. Facts

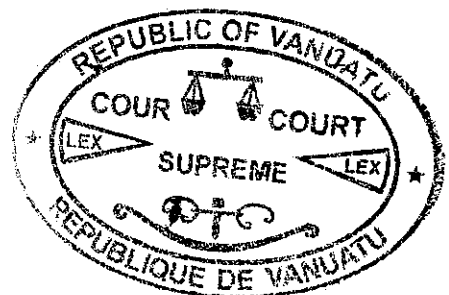
2. You are 22 years old.
3. In December 2020, the boy complainant was 5 years old.
4. In December 2020, in the thatch house next to Susan Kilman's house at Blackgate (L.T.C.) area on Malekula, you had sexual intercourse with the complainant when you made him suck your penis. Your acts of inserting your penis into the complainant's mouth and of making him suck your penis constituted sexual intercourse as defined in para. 89A(c) of the *Penal Code*.



5. Madeleine Kilman heard the movements of 2 people inside the thatch house next to her mother Susan Kilman's house. Then she went outside and found the complainant on the verandah of the thatch house. She suspected that sexual offending had occurred which she immediately raised with the complainant's grandmother. In the timing of less than 2 minutes between being told by her mother of suspecting sexual offending, you had left the thatch house which is consistent with not wanting to be discovered committing criminal offending (Count 1).
6. In March 2021, the same boy complainant was 6 years old.
7. In March 2021, you called the complainant to accompany him to collect water from a water tank behind the L.T.C. building at Blackgate area on Malekula. At the tank, you told the complainant to suck your penis or that you would stab him with a knife. The complainant sucked your penis in the space between the 2 water tanks, which he marked with an "X" on the photograph **Exhibit P2**.
8. When the complainant reached home, he told his mum that you made him suck your penis.
9. On another occasion in March 2021, you made the complainant suck your penis by the kitchen sink in John and Lami's house near the L.T.C. building. There was no one else in the house at the time. The complainant said, "No" but you told him that if he did not suck your penis, that you would stab him with a knife. The complainant sucked your penis in the spot which he marked with an "X" near the kitchen sink in the photograph **Exhibit P4**.
10. Your act of inserting your penis into the complainant's mouth was sexual intercourse as defined in para. 89A(c) of the *Penal Code* and your act of making the complainant suck your penis was sexual intercourse as defined in para. 89A(d) of the *Penal Code* (Count 2).
11. In May 2022, the same boy complainant was 7 years old.
12. In May 2022, you made the complainant lick your anus at your house at Blackgate (L.T.C.) area on Malekula. You were holding a knife at the time, and told the complainant that if he did not lick your anus, that you would stab him with the knife. The complainant's mother heard the complainant cry and then he told her what you had done. Your act of making the complainant lick your anus was sexual intercourse as defined in para. 89A(d) of the *Penal Code* (Count 3).

C. Sentence Start Point

13. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.



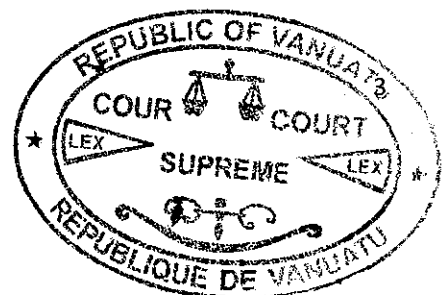
14. The maximum sentence prescribed in the *Penal Code* for unlawful sexual intercourse with a child under 13 years of age is life imprisonment (subs. 97(1)).
15. There are no mitigating aspects to the offending however, it is aggravated by the following:
 - a) Breach of trust;
 - b) 17-year age differential;
 - c) There was some degree of planning and premeditation. The offending occurred when the victim was alone;
 - d) Repeated offending over a 3-year period;
 - e) The use of a weapon – a knife; and
 - f) The psychological effect on the victim including his loss of innocence and dignity.
16. Taking these matters into account, I adopt a global sentence start point of 9 years imprisonment.

D. Personal Factors

17. You are 22 years old. You have two children with your *de facto* partner. You are working at Vila Marine. Your pre-sentence report writer stated that the Department of Correctional Services' records show that you have prior convictions for theft, complicity, accessory after the fact and intentional assault, and that you have been remanded on domestic violence and unlawful sexual intercourse without consent charges. It is unclear whether or not you were convicted of the latter. You refuse to perform any customary reconciliation as you maintain your innocence, as reported to the pre-sentence report writer.
18. For your personal factors, I reduce the sentence start point by 8 months, which includes an allowance for your young age – you were 17 years old when you committed the first offending in 2020.

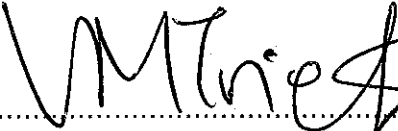
E. End Sentence

19. Taking all matters into account, the end sentences imposed concurrently are:
 - a) Unlawful sexual intercourse with a child under 13 years of age (Counts 1-3)
8 years 4 months imprisonment.



20. The end sentences are back-dated to commence on 30 June 2025 to take into account the time that you have already served in custody from 15 May 2022-11 July 2022, an effective sentence of imprisonment of 4 months, therefore preserving your parole rights.
21. These end sentences reflect the need to denounce this criminal conduct against young children and against the values of society, as a specific and general deterrence, and to hold you accountable for your criminal conduct.
22. I now consider whether or not to suspend the sentences. You are employed and have family responsibilities. Taking those personal factors into account as well as the nature and the seriousness of the offending, I decline to suspend your sentences of imprisonment. There are no exceptional circumstances warranting suspension. An immediate custodial sentence must be imposed for this serious and repeated sexual offending against a young child: *Public Prosecutor v Gideon* [2002] VUCA 7, *Public Prosecutor v Scott* [2002] VUCA 29 and *Public Prosecutor v August* [2000] VUSC 73. You are to begin serving your sentences of imprisonment today.
23. All details leading to the identification of the complainant are permanently suppressed.
24. You have 14 days to appeal the sentence.

**DATED at Sola, Vanua Lava this 30th day of October, 2025
BY THE COURT**


Justice Viran Molisa Trief

