

**IN THE SUPREME COURT OF THE
REPUBLIC OF VANUATU – Luganville**
(Criminal Jurisdiction)

Criminal Case No. 25/3655 SC/CRML

BETWEEN: PUBLIC PROSECUTOR
Port Vila

State

AND: Karae Andron
Port Vila

Defendant

Date of plea: 9 December 2025
Date of Sentence: 19 December 2025
Before: Justice B. Kanas Joshua
Counsels: Ms Betina Tamau, for the State
Mr Rollanson Willie, for the defendant

SENTENCE

Preliminary

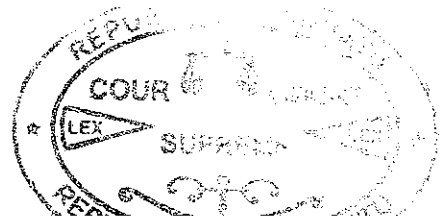
1. No defence submission was filed. Evidence used in place of defence submission was derived from PSR and other cases of similar nature.

Introduction

2. Mr Karae Andron, today you appear for sentence after pleading guilty to two counts of incest¹ on 9 December 2025. They were counts 5 and 6 on the Information filed by prosecution.
3. Initially there were 7 counts of incest and 1 count of domestic violence. You pleaded not guilty to counts 1, 2, 3, 4 and 7 of incest, and count 8 for domestic violence. The prosecutor entered a *nolle prosequi* to these counts, under Section 29 of the Criminal Procedure Code CAP 136.²
4. This sentence is to hold you both responsible for your actions so others, who also behave this way, can see that this is against the law and it has serious consequences. It will help to stop their actions, as it causes social harm. This sentence should help you to rehabilitate, and must be generally consistent.

¹ Section 95(1)(a) and 95(4) of the Penal Code Act (CAP 135).

² Section 29(1): *In any criminal case and at any stage thereof before verdict or judgment, the Public Prosecutor may enter a nolle prosequi by informing the court that he intends that the proceedings shall not continue, and thereupon the accused shall be at once discharged in respect of the charge for which the nolle prosequi is entered, and if he has been committed to prison shall be released; such discharge of an accused person shall operate as a bar to any subsequent proceedings against him on account of the same facts and he shall be treated in all respects as though he had been acquitted.*



Facts

5. The complainant is your stepdaughter, LA. The first incidents occurred between January and December 2022. LA was 17 years old then. These incidents continued to 2023, when LA was 18 years old. In the two years, you treated LA as if she were your wife. You controlled everything she did and where she went. She did all the house chores. The sexual acts happened in different places – in the home or in the garden. Each time you had sex with LA you had a knife or iron with you to intimidate or cause fear on LA.
6. Sometime in September 2025, LA ran away after she had an argument with you. You then sent word for her to return, but she refused. Her grandmother tried to talk her into returning back to you but she still refused. She then told her grandmother about the incidents.
7. You admitted, under caution, that you had sex with LA since 2022. You also confirmed these facts in court.

Starting point

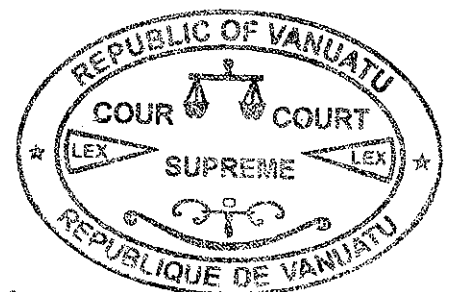
8. Following the two steps approach in *Jimmy Philip v. Public Prosecutor*³, the first step is to set a starting point. Reference is made to the aggravating and mitigating factors of the offending and the maximum penalty of the offence. The maximum penalty for incest is 15 years imprisonment.
9. The aggravating factors are:
 - a. The close relationship of father and child,
 - b. Breach of trust between parent and child,
 - c. Offending occurred in the house where the victim should be protected and the defendant should be acting in the best interests of his stepdaughter,
 - d. Repeated offending,
 - e. Psychological effect on the victim.
10. There are no mitigating factors of the offending.
11. Cases of *PP v. Bae*⁴, *PP v. Marae*⁵, *PP v. Wiguet*⁶ were referred to by prosecution. The guideline principle in *Bae*, is that the "[p]arents who use their children for their own sexual gratification will go to prison". This gives us a sense in the direction which this present case will go. In *Marae*, the starting point adopted by the sentencing judge was 7 years. This was upheld in the court of appeal. In that case, the defendant had had sex with his daughter while she was sleeping with her child. In *Wiguet*, the defendant had sex with the victim multiple times which led to a pregnancy. The starting point adopted was 9 years. There are no pregnancies in the present case, however, the incidents occurred multiple times. A starting point between 7 – 8 years is appropriate.

³ [2020] VUCA 40, which applied *Moses v. R* [2020] NZCA 296.

⁴ [2003] VUCA 14.

⁵ [2023] VUSC 114.

⁶ [2018] VUSC 47.



12. I impose a starting point of 8 years imprisonment.

Guilty plea and personal factors

13. In the second step appropriate deductions must be made for the guilty plea and personal factors of the defendant. I give a $\frac{1}{3}$ discounts for the guilty plea, bringing the sentence to 5 years 4 months imprisonment.

14. For the following mitigating factors, I reduce their sentence by 2 months:

- a. Early guilty plea at the first available opportunity.
- b. The defendant did a custom reconciliation to his wife and children.
- c. He cooperated with the police and made admissions under caution.
- d. He is remorseful and made a public apology in court on 9 December 2025.

15. This now brings the sentence to 5 years 2 months imprisonment. The time spent in remand is taken into account. The defendant was remanded on 11 September 2025 to date. That is a total of 3 months 8 days, which is equivalent to an effective sentence of 6 months 16 days. In deducting this, the sentence reduces to 4 years 8 months.

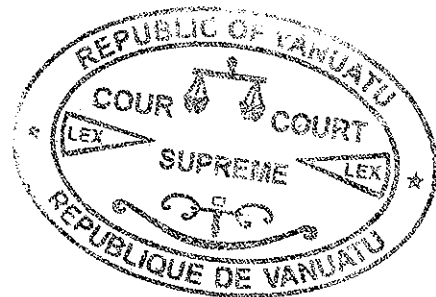
End Sentence

16. Mr Karae Andron, you are sentenced to 4 years 8 months.

17. As expressed in *PP v. Gideon*⁷, *PP v. Scott*⁸ and *PP v. August*⁹, sentences for such offences are custodial ones, unless there are exceptional circumstances that warrants a suspension. There are no exceptional circumstances in your case.

18. Your sentence is effective today and you must serve it immediately.

19. In addition, I order that you must attend any suitable program offered by Probation Services to assist with your rehabilitation.



⁷ [2002] VUCA 7.

⁸ [2002] VUCA 29.

⁹ [2000] VUSC 73.

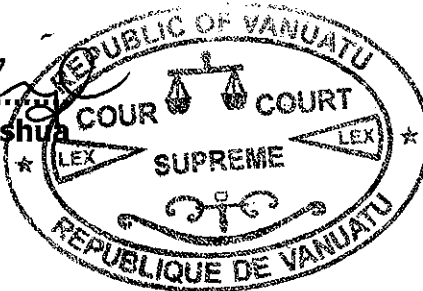
20. All details leading to the identity of the complainant (for incest) must be permanently suppressed.

21. You have 14 days to appeal.

Dated at Port Vila on this 19th day of December 2025

BY THE COURT

B. Kanas Joshua
Justice B. Kanas Joshua

The seal of the Supreme Court of Vanuatu is circular. It features a central scale of justice. The words "REPUBLIC OF VANUATU" are written along the top inner edge, and "REPUBLIQUE DE VANUATU" along the bottom inner edge. In the center, the words "COUR" and "COURT" are positioned on either side of the scale, with "SUPREME" below them. Two small triangles containing the word "LEX" are located on the left and right sides of the seal. Two stars are also present, one on each side of the central text.