

**PUBLIC PROSECUTOR**

**v**

**FRANCOIS WIREKAOP**

Date: 19 March 2026  
Before: Justice V.M. Trief  
Counsel: Public Prosecutor – Ms G. Kanegai  
Defendant – Mr J. Garae

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**SENTENCE**

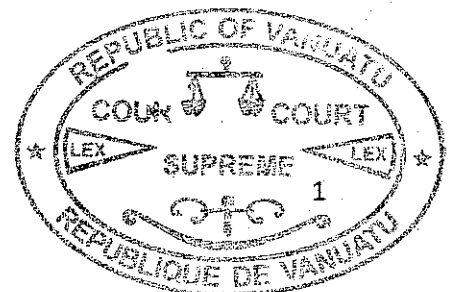
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A. Introduction

1. Mr Francois Wirekaop, you appear for sentence today having pleaded guilty and accepted the summary of facts in relation to one charge of incest contrary to para. 95(1)(c) and subs. 95(6) of the *Penal Code* [CAP. 135]. You are convicted on your own pleas and the admitted facts.

B. Facts

2. The complainant MM (name suppressed) is 16 years old. She is your granddaughter. At the time of the offending, you all lived on Pentecost island.
3. Sometime between 1 October 2025 and 31 November 2025, MM came to your house. You gave her VT20 and asked her to accompany you to the garden. She came with you because you are her grandfather. At the garden, you had sexual intercourse with MM by penetrating her vagina with your penis. When you were done, you sent her home.



4. MM was ashamed and afraid of her parents and family. She did not tell anyone what had happened until weeks later.

5. On 29 January 2026, you admitted the offending to the Police.

C. Sentence Start Point

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

7. The maximum penalty for the offence of incest without consent with a person over the age of 16 years is 20 years imprisonment (para. 95(1)(c) and subss 96(6) and (7), *Penal Code*).

8. There are no mitigating aspects to the offending however, it is aggravated by breach of trust, premeditation, the sex was unprotected exposing the complainant to the risk of sexually transmitted infection and pregnancy, and the 76-year age differential.

9. The factors set out above require a sentence start point of 6 years 6 months imprisonment.

D. Personal Factors

10. One third (26 months) is deducted from the sentence start point for your early guilty plea which has saved the victim the ordeal of trial and saved the Court's time.

11. You are 92 years old from Central Pentecost. You are married and have 8 children. You are a market gardener. You have no prior convictions although that is of little relevance to mitigate a sentence in the case of sexual offending. You cooperated with the Police. You state that you have performed custom compensation to the victim. For your personal factors, I reduce the sentence start point by a further 10% (8 months).

E. End Sentence

12. The end sentence imposed is 3 years 8 months imprisonment.

13. The end sentence is back-dated to commence on 30 January 2026 when you were remanded into custody.
14. The end sentence reflects the need to denounce this criminal conduct against young girls and against the values of society, as a general and specific deterrence and to hold you accountable for your criminal conduct.
15. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
16. There are no exceptional circumstances warranting suspension. An immediate custodial sentence must be imposed for this serious sexual offending; *Public Prosecutor v Gideon* [2002] VUCA 7.
17. All details leading to the identification of the complainant are permanently suppressed.
18. You have 14 days to appeal the sentence.

**DATED at Luganville this 19<sup>th</sup> day of March, 2026  
BY THE COURT**

*VM Trief*  
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Justice Viran Molisa Trief

