

(Criminal Jurisdiction)

PUBLIC PROSECUTOR – VS – KAMI KAMERE

Coram: Mr Justice Oliver A. Saksak
Ms Cynthia Thomas – Clerk

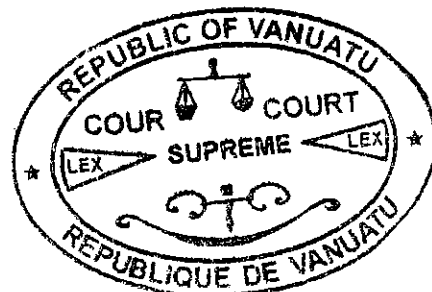
Counsel: Mrs Linnes Moli for the Public Prosecutor
Mr Chris Tavoia for the Defendant not appearing

SENTENCE

To the Defendant appearing personally.

You are charged with Incest under section 95(1) and with Unlawful Sexual Intercourse – section 97(2) and with Attempted Incest – sections 28 and 95(1) of the Penal Code Act [CAP.135]. Incest carries a maximum of 10 years imprisonment. Unlawful sexual Intercourse carries a maximum of 5 years. Attempted Incest can be treated as Incest which also carries a maximum of 10 years imprisonment. Altogether you could be imprisonment for 25 years. You have pleaded guilty to these charges and therefore you stand convicted in this Court.

In sentencing you today I have considered the mitigating factors submitted on your behalf by your lawyer, Mr Tavoia and allow some credit for your admissions to the police; that you are a first offender; that you pleaded guilty in the first instance, that you have shown remorse and contrition; that you have promised not to re-offend; that you have performed a customary ceremony and paid a fine of VT600 to the child.



I was invited by Mr Tavoia on your behalf to consider other sentencing options apart from imprisonment. However this is not a case where imprisonment can be avoided.

This girl was and is your daughter. She was 13½ years when you started committing incest with her in 2002. When she was only 14 years old you had unlawful sexual intercourse with her. You are a father, a mature man. Your daughter expected care and protection from you. Instead you abused her causing her irreparable damage that she will live with all her life.

In assessing your punishment, I have considered and applied the sentencing principles laid down by the Court of Appeal in:-

- (1) Peter Talivo v. Public Prosecutor (1996); and
- (2) Public Prosecutor v. Keven Gideon (2003)

I have also considered and applied the principles of sentencing by this Court in:-

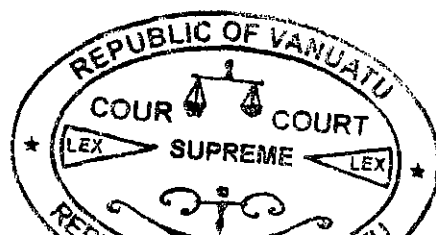
- (1) Public Prosecutor v. Louis Boe (1994)
- (2) Public Prosecutor v. Aitip (2003)

Based on the above cases, I consider that the appropriate sentence I should impose are prison terms as follows –

1. Count 1 – Incest – 2 years imprisonment.
 2. Count 2 – U/S/I – 2 years imprisonment.
 3. Count 3 – Attempted Incest - 2½ years imprisonment.
- Total - 6½ years imprisonment.

These terms will run consecutively so as to reflect the seriousness of the offences, the public disapproval of such behavior and as an act of general deterrence.

You must begin to serve these terms immediate from today.



Your term of 6½ years imprisonment includes the 2 months in which you were first remanded in custody from 15th January 2004.

You may appeal within 14 days if you wish.

DATED at Luganville this 16th day of March, 2004.

BY THE COURT



OLIVER A. SAKSAK
Judge

