

**PUBLIC PROSECUTOR – VS – YANNICK BULEWAK
CHARLOTTE MATANSUWE**

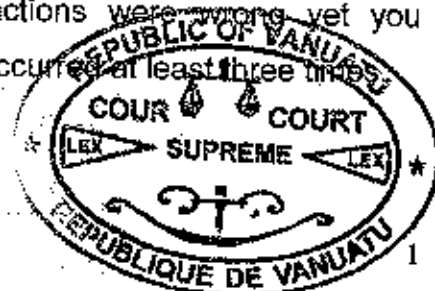
Coram: Mr. Justice Oliver A. Saksak

Counsel: Ms. Kayleen Tavoia, Public Prosecutor for the State
Ms. Jane Tari for Defendant Yannick Bulewak
Mr. Lent Tevi for Defendant Charlotte Matansuwe

Date of Hearing and Sentence: 4th September 2013

SENTENCE

1. Yannick Bulewak you pleaded guilty to one count of incest contrary to section 95 (1) (a) and (2) of the Penal Code Act [Cap. 135] (the Act). And you Charlotte Matansuwe you pleaded guilty to one count of incest also contrary to section 95 (1) (a) and (2) of the Act.
2. The offence of incest carries a maximum of 10 years imprisonment.
3. Based on your own admissions, the Court convicts both of you of incest as charged.
4. Both of you have accepted the facts as presented by the prosecutions. Those facts show the following aggravating features –
 - (a) You are both very closely related to each other as mother and son biologically.
 - (b) As such there is a serious breach of trust.
 - (c) Both of you are mature adults; you Yannick are 27 years old and your mother is 47 years old.
 - (d) As mature adults you both knew your actions were wrong yet you continued to engage so that the offendings occurred at least three times.



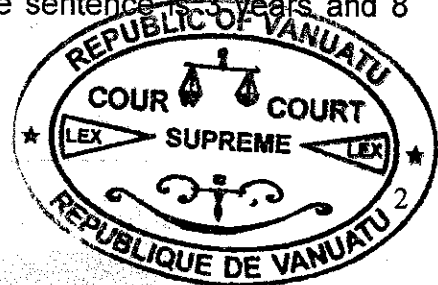
5. For those aggravating features, your offending is placed on a higher end of the scale and warrant that the appropriate punishment be a custodial sentence. And the Court agrees with the prosecutions that the starting point will be 8 years imprisonment for both of you. However, there will be no uplift.

6. The Courts must continued to impose severe punishment for this offence in order to reflect –
 - (a) The seriousness of the offence;
 - (b) The public disapproval and condemnation of your actions;
 - (c) A deterrence effect on both of you and others;
 - (d) A general protection or safeguard for the institution of "family" which is the bedrock of society; and
 - (e) Appropriate and adequate punishment for both of you.

7. I have considered the mitigating factors raised by Counsel on your behalf. I accept that both of you are entitled to reduction of sentences for –
 - (a) Guilty plea at first available opportunity.
 - (b) Customary reconciliation showing remorse.
 - (c) Cooperation with the police during investigations and interviews.
 - (d) For Charlotte Matansuwe, your family circumstances, obligations and responsibilities.

8. Allowing for the above mitigating factors the Court allows reduction as follows:-
 - (a) Yannick Bulewak
 - (i) Guilty plea – 2 years and 8 months representing a 1/3 reduction is allowed. The sentence is reduced to 5 years and 4 months.

 - (ii) For custom ceremony showing remorse, being a first-time offender and cooperation with police, a further reduction of 1 year and 4 months is allowed. The balance of the sentence is 3 years and 8 months.



(iii) Yannick Bulewak, you are therefore sentenced to imprisonment for a term of 3 years and 8 months at the Correctional Centre in Luganville. Your sentence is backdated to 19th June 2013 when you were first remanded in custody on remand.

Your sentence will not be suspended because you were the instigator of the offence, and despite being asked to stop you permitted it to happen for at least two more times after the first incident.

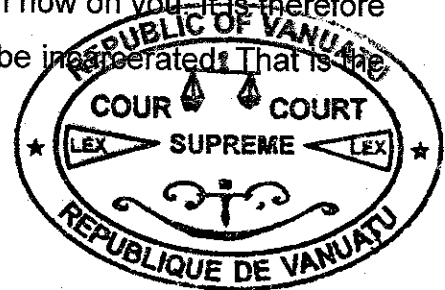
(b)Charlotte Matansuwe

(i) Guilty plea – 2 years and 8 months representing a 1/3 reduction is allowed. The sentence is reduced to 5 years and 4 months.

(ii) For custom ceremony showing remorse, being a first-time offender and cooperation with police, a further reduction of 1 year and 4 months is allowed. The balance of the sentence is 3 years and 8 months.

(iii)Charlotte Matansuwe, you are therefore sentenced to imprisonment for a term of 3 years and 8 months. However, this sentence is suspended under section 57 of the Act for a period of 2 years from the date of this sentence, on condition that you must not commit this offence again or any other criminal offences for which you would be charged and convicted. If you do, you will go to prison right a way to serve your sentence of 3 years and 8 months.


(iv)You have since 29th June 2013 to 7th August 2013 when you were released on bail following an application, spent one month and 9 days in custody. No doubt you have had a taste of what it is like to be in prison. As a mother with your current family circumstances and responsibilities to your children and relatives in the absence of your husband, their livelihood depends very much now on you. It is therefore not necessary that you should immediately be incarcerated. That is the reason your sentence is suspended.



9. That is the Sentence of the Court for both of you. Each of you has a right of appeal against your sentence if you do not agree with them.

DATED at Luganville this 4th day of September 2013.

BY THE COURT


OLIVER A. SAKSAK
Judge

