

PUBLIC PROSECUTOR

VS.

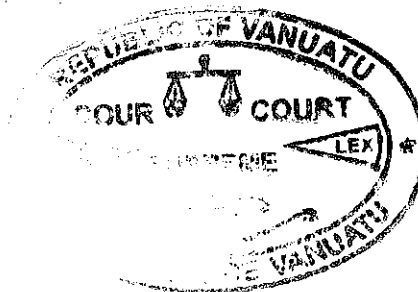
SIMEON SIGI

Coram: Vincent Lunabek CJ

*Counsel: Mr Kent Massing for Public Prosecutor
Mr Collin Leo for Defendant [Not Present]*

SENTENCE

1. Simeon Sigi, this is your sentence. You are charged with two counts of unlawful sexual intercourse, contrary to section 97(1) of Penal Code Act and one count of acts of indecency with a young person, contrary to section 98A of Penal Code Act. Those offences are of representative nature type. You plead guilty to each of them as charged against you.
2. The brief facts are these-
3. A formal complainant was made against you for the offence of unlawful sexual intercourse and Act of Indecency with a young person.
4. The offence occurred way back in the year 2013 on a village named Navusi on the Northern Part of the Island of Pentecost.
5. The complainant was 11 years old at the time of the first alleged incident. The complainant went to live with her grand parents and you since you are her uncle and you also live with her grand parents at that time.
6. Sometimes in June 2013 when the complainant went to live with her grand parents and you, you would have entered her room and inserted and penetrated her vagina with your finger. When she woke up she usually saw you on the side of her bed. She stated in her statement that she could re-call that you did unlawful acts a lot of times to her since she went and lived with her grand parents and you on the month of June 2013.
7. However, you continue to have sexual intercourse with the complainant since January 2014 until September 2015.
8. On the month of October 2015, you took the complainant out of her school because she was pregnant and you sent her back to her parents.



Handwritten signature or initials.

9. During those times of sex, you would have penetrated her vagina with your penis. She could not re-call dates, times and places but she could re-call that it was a lot of times that you had sex with her when you penetrated her vagina with your penis.
10. The complainant was pregnant when she made the statement to the police and that was on the 27th of October 2015. The medical report also confirmed that she was 28 weeks pregnant.
11. The matter was revealed to the public and you are arrested by the police. You are cautioned and interviewed where you admitted you did something wrong to the girl complainant.
12. Unlawful sexual intercourse and act of indecency with a young person are serious offences.

Section 97(1) provides:

"97. (1) No person shall have sexual intercourse with any child under the age of 13 years.

Penalty: Imprisonment for 14 years"

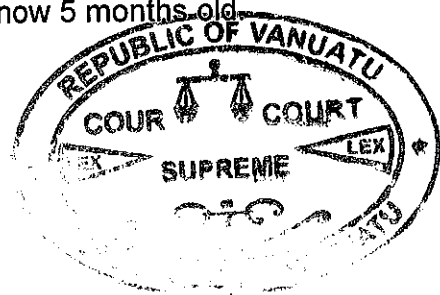
Section 98 A provides:

"98. A person must not commit an act of indecency upon, or in the presence of another person under the age of 15.

(a) Without that person's consent;

Penalty: Imprisonment for 10 years

13. The seriousness of these offences are as reflected in the respective penalties imposed respectively by law.
14. In this instant case, the nature and seriousness of the offences are aggravated by the following factors:
 - (a) There is a serious breach of trust – you are the uncle of the girl complainant. You have asked the father of the girl to look after her for her schooling so she could come and stay with you and her grand parents as you live with her grand parents as well.
 - (b) The offences have been repeated and on numerous occasions.
 - (c) The offences started back from the year 2013 to September 2015. The period of sexual abuses extend on a period of some 2 years.
 - (d) The complainant was pregnant and at the time of sentence today the complainant gave birth to a baby. Her baby is now 5 months old.



A

(e) There is an age differential of 39. You are 52 years old while the girl complainant was 11 years when you started sexually abusing her. You ended your sexual abuse on her when she was 13 years of age.

(f) You are not a first time offender. This is your second time of offending. You committed the same type of offences again of unlawful sexual intercourse and indecent matter. You were sentenced to 8 years imprisonment on 9 July 2007 for the charge of unlawful sexual intercourse and indecent matters. You were released on parole on 08 July 2011 and you were fully served your Parole sentence until 08 July 2015.

(g) However, this current offending occurred sometimes in August 2013 which means that Mr Sigi, you re-offended during your parole sentence but the matter was not reported until after your parole end date.

15. I sentence you to a term of 12 years imprisonment as a starting point sentence which is inclusive of the aggravating factors for the offences of unlawful sexual intercourse to be concurrent to each other and 4 years imprisonment as a starting point for acts of indecency with a young person.

16. In mitigation, you are a man of 52 years old. You are not married. You are the second child to the family of five boys and 3 girls. Your parents are still alive and they reside back at your home island. You are in good terms with your family and community.

17. You highest level of education is class 6. You undertook a piggery course at St Michel College in Santo. You also undertook some agriculture trainings and life skills experience while you were at Luganville Correctional Centre in 2007.

18. You plead guilty at the first opportunity given to you by the Court.

19. You performed custom reconciliation ceremony to the victim and her family by making custom fines of these goods to the victim and her family:

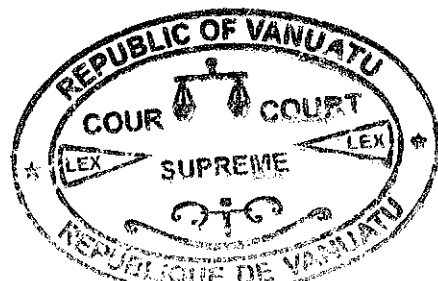
- 8 pigs
 - one valued at Vatu 40,000
 - one valued at Vatu 20,000
 - six valued at Vatu 2,000

- You made a fine to your community with a red mat at a value of Vatu 5,000.

20. The victim and her family confirmed this reconciliation ceremony.

21. You have health issues. Dr Basil Leodoro wrote a letter dated 26 May 2016 to the following effect:

"Simeon Sigi is a 50 years old male who has been in prison since December and will be appearing in Court this week. He had a right knee injury more than 20 years ago and has, now presented with the right knee pain and swelling. Xray shows osteoarthritis of the right knee.



Assessment: 1. Osteoarthritis of right knee
2. History of knee injury

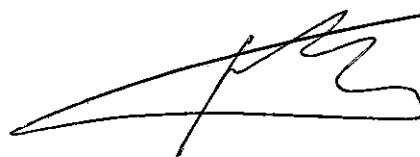
His condition is chronic and will continue to cause pain and discomfort throughout his life.

Thank you"

22. On balance, I reduce your sentence of 12 years imprisonment for one third (1/3) to reflect your guilty pleas. I do the same for the offence of act of indecency with a young person.
23. I reduce your sentence further to 3 months to reflect the other mitigating factors and in particular the custom reconciliation you have performed to the complainant and her family.
24. Your end sentence is 7 years and 9 months for unlawful sexual intercourse and 2 years and 9 months for act of indecency with a young person. These sentences shall be served concurrently. This means you shall serve a total of 7 years and 9 months imprisonment at once.
25. This sentence is of immediate effect.
26. However, since you are remanded since 5 December 2015 and kept into custody since then, I direct that your sentence is deemed to be served from 5 December 2015.
27. You have 14 days to appeal this sentence if you are not satisfied with it.

DATED at Luganville, Santo this 22nd day of June 2016

BY ORDER OF THE COURT



VINCENT LUNABEK
Chief Justice

