

**PUBLIC PROSECUTOR VS- BRUCE RUBEN**

**Coram:** *Mr. Justice Oliver A. Saksak*

**Counsel:** *Philip Toaliu for Public Prosecutor*  
*Francis Tasso for Defendant*

**Date of Plea:** *3<sup>rd</sup> July 2018*

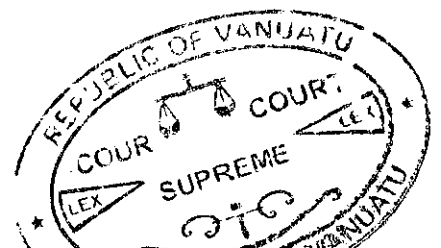
**Date of Sentence:** *5<sup>th</sup> July 2018*

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**SENTENCE**

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1. Bruce Ruben you are for sentence for pleading guilty to one count of intentional assault contrary to section 107 (b) of the Penal Code Act, two counts of damage to property, section 133, (Count 2 and Count 3) and one count of sexual intercourse without consent contrary to section 90 and 91 of the Penal Code Act.
2. These are serious offences as Sexual Intercourse without consent carries a maximum penalty of life imprisonment. Intentional Assault carries a maximum penalty of 1 year imprisonment and Damage to Property carries a maximum of 1 year imprisonment or a fine of VT 5.000.  
  
I will treat the sexual intercourse charge as the lead offence.
3. Applying the principle in PP.v. Scott for Sexual Intercourse without consent a custodial sentence is warranted and your starting sentence shall be 8 years imprisonment. You are convicted and sentenced accordingly. For intentional assault, 6 months imprisonment concurrent. For damage to property, 5 months imprisonment



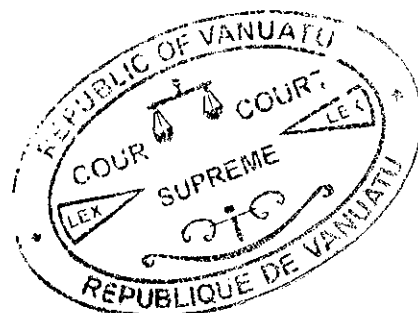
on each count, concurrent. Altogether your starting sentence shall be 8 years imprisonment.

4. In mitigation reductions are allowed for-
  - I. Good cooperation with police,
  - II. Clean past record and no prior conviction,
  - III. Willingness to perform custom ceremony showing remorse, and
  - IV. Community standing and contributions.

For these together 2 years are deducted leaving the balance of 6 years imprisonment.

5. Applying Step 3 of Karl Andy's case- A 1/3 reduction as established by Court of Appeal in PP.v. Gideon. 2 years is allowed and reduced from 6 years leaving the balance at 4 years imprisonment. I deduct the 5 months you spent in custody in remand from 4 years, leaving your end sentence of 3 years and 7 months. There will be no suspension of sentence.


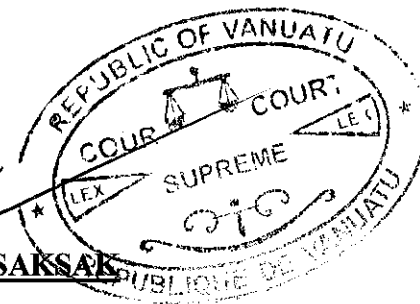
6. The purposes of imposing custodial sentences are to-
  - a) Mark the seriousness of offendings
  - b) Mark costs disapproval of your unlawful actions,
  - c) Deterrence for you and others,
  - d) Protection of women, girls and the vulnerable in society, and
  - e) Adequate punishment.



7. It appeared from your PSR that you are putting blame on overconsumption of alcohol but alcohol bottles did not run into your mouth, it was you who held the bottles and drank from them. You could have controlled how much you took in but did not, so do not blame the alcohol.
8. Your end sentence of 3 years and 7 months takes immediate effect as of today.
9. You have a right to appeal against this sentence within 14 days if you do not agree with it.

**DATED at Lamenu Bay, Epi, this 5<sup>th</sup> day of July 2018.**

**BY THE COURT**

  
  
**OLIVER A. SAKSAK**

**Judge**

