

PUBLIC PROSECUTOR

V

LOLI ALBERT

Date of Sentence: 23rd day of July, 2020 at 3:00 PM

Before: Justice GA Andrée Wiltens

Appearances: Public Prosecutor - Lenry Young

Defendant - Junior Garae

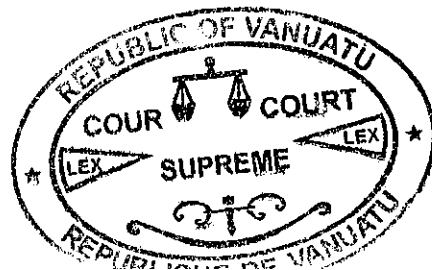
SENTENCE

A. Introduction

1. Mr Loli pleaded guilty to sexual intercourse without consent, attempted sexual intercourse without consent and two counts of domestic violence. The maximum sentences for the two first offences is life imprisonment; and for the second two offences the maximum sentence is 5 years imprisonment.

B. Facts

2. In August 2006 Mr Loli became annoyed with one of his daughters, Dorothy then 16 years old for allegedly talking to and following young boys. Mr Loli sent the other children away to Angoro and made Dorothy do some cooking.
3. Mr Loli took up a tree branch and took Dorothy into the house. There he whipped her with the branch to her back and buttocks. He pulled out a large knife and rapped her on the hand with it. He was "disciplining" her.
4. He again rapped her with the knife and instructed her to take off her clothes. She was scared and crying but did as she was told. He forced her to lie down, spread her legs and said he would teach her a lesson that many a father has taught their daughters. He then pushed his penis into her vagina. She was crying and kicking. He ejaculated onto her belly.



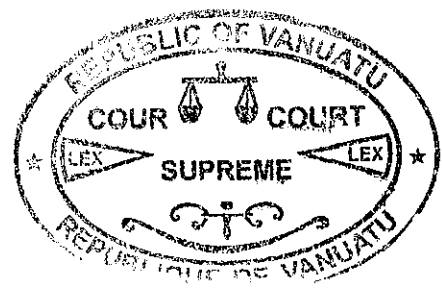
5. Mr Loli told Dorothy to go take a shower and to not tell anyone or he would kill her with the large knife.
6. By December 2016 Mr Loli found Dorothy alone. He locked the door and he assaulted her with a large master charger rope. He forced her into his bedroom. She refused to remove her clothes so he did it for her, and he spread her legs and held them apart to have sexual intercourse with her. He was interrupted by Dorothy's mother, his wife, opening the bedroom window and catching him out. Mr Loli had squeezed Dorothy's neck to make her comply with his demands.
7. May Loli is also Mr Loli's daughter. She was 16-17 years old in 2017. At that time Mr Loli had kicked her, pushed her against a wall and stepped on her head whilst she was on the floor. Again this was due to his alleged concern that she had a boyfriend.

C. Sentence Start Point

8. The sentence start point is arrived at by looking at the maximum sentences available and incorporating the aggravating and mitigating aspects of the offending.
9. There are no mitigating aspects to the offending however there are numerous aggravating factors;
 - a. The age differential- Mr Loli was 36, his daughter only 16 and 17;
 - b. The additional violence over and above that required to complete the sexual offending;
 - c. The threats involved not to tell;
 - d. The used of weapon; branch, knife, rope;
 - e. Repeated offending in a domestic contest;
 - f. The sexual offending occurred at home where Dorothy is entitled to feel safe; and
 - g. The gross breach of trust-father and biological daughters.
10. The start point, taking all the offending into account, is set at 8 years imprisonment for the sexual offending; with an uplift for the domestic violence of a further 6 months imprisonment.

D. Personal Factors

11. Mr Loli pleaded guilty at the first available opportunity. As a result, his wife and 2 of their children do not need to give evidence; and the court's time and cost have been saved. Accordingly, I reduce the sentence start point for this factor by 25%.



12. Mr Loli is 40 years old currently married with 4 children. He is a gardener with a small business. He is the sole provider for the family. He has no previous convictions, and he claims to be remorseful.

13. Mr. Loli has taken part in a custom reconciliation ceremony.

14. For his personal circumstances the sentence is further reduced by 7 months.

E. End Sentence

15. Mr Loli is sentenced to an end sentence of 5 years 9 months imprisonment. That sentence is imposed on both the sexual offending charges, with 8 months imprisonment sentences to be imposed on each of the domestic violence charges.

16. The sentences are to run concurrently and are to commence from 23 May 2020 to reflect the two months Mr Loli has already served.

17. The sentence cannot be suspended due to the seriousness and type of charges involved.

18. Mr Loli has 14 days to appeal this sentence if he disagrees with it.

DATED at Luganville this 23rd day of July, 2020

BY THE COURT

Justice GA Andrée Wiltens
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Justice GA Andrée Wiltens

