

BETWEEN: Public Prosecutor

AND: Ronnie Vira
Defendant

Date: 15 October 2021
By: Justice G.A. Andrée Wiltens
Counsel: Ms B. Ngwele for the Public Prosecutor
Mr E. Molbaleh for the Defendant

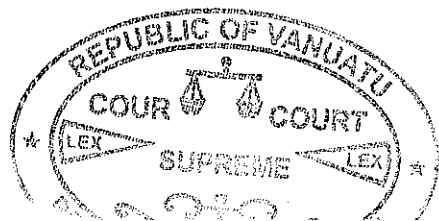
Sentence

A. Introduction

1. Mr Vira was found guilty and convicted of sexual intercourse without consent (x 2) and of an act of indecency without consent.
2. At some time in 2016, Mr Vira kissed and groped Evelyn by touching her vagina and breasts [charge 3]. On subsequent occasions in 2017, Mr Vira forced Evelyn to suck his penis, and he had licked her vagina [charge 2]. Also in 2017, Mr Vira had forced Evelyn to engage in sexual intercourse with his penis penetrating her vagina [charge 1]. Mr Vira was 38 – 39 years old; Evelyn was 17 – 18 years old, a student living with Mr Vira, her uncle.
3. The defence to all charges is that these events did occur, but with Evelyn's full consent and agreement. They occurred during absences from home by Mrs Vira, Evelyn's aunt, due to her work. At the conclusion of trial, I found that Evelyn had not consented to any of the acts described.

B. Sentence Start Point

4. The sentence start point is to be assessed by having regard to the maximum penalty available for the offending and factoring in the aggravating and mitigating aspects of the offending.
5. Sexual intercourse without consent has a maximum sentence of life imprisonment. The maximum sentence for an act of indecency without consent is 7 years imprisonment.



6. There are no mitigating aspects to the offending. However, there are aggravating factors, including the following:

- There is a breach of trust involved;
- The offending was pre-meditated with a degree of planning;
- The offending occurred at Evelyn's home, where she should have been able to feel safe and secure;
- The lack of protection used, which exposed Evelyn to unwanted pregnancy and sexually transmitted disease;
- Mr Vira's controlling behaviour; and
- The repeat nature of the offending, which continued over a 2-year period.

7. I adopt a sentence start point of 10 years imprisonment, on a global concurrent basis.

C. Mitigation

8. Mr Vira is now 43 years old. He has been married to his wife for 15 years and they have 3 children together, aged from 14 years of age down to one year. Mr Vira is the sole breadwinner for the family, although he has a number of business interests including owning a bottle shop, a restaurant, a pig farm, a poultry farm, a commercial bus and a transport business.

9. He has no previous convictions. He offered an apology to Evelyn and gave her VT 5,000 at his wife's instigation when the matter was first revealed to her. However, Evelyn considered that to be an insufficient and insincere apology, and she told you so. Mr Vira has taken no other steps to apologise or show his remorse. However, he stated to the PSR writer that he was willing to take part in a "proper" custom reconciliation ceremony if the Court required. I consider that is too little, too late an offer.

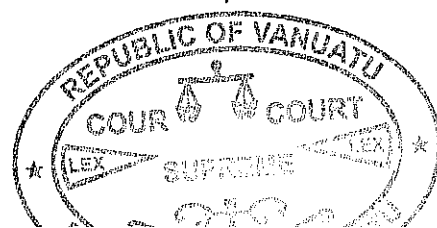
10. Although this offending took place a number of years ago, the delay in completing this matter is largely caused by Mr Vira's threats and aggressive behaviour which resulted in Evelyn being reluctant to report the offending for a number of years. I do not consider the delay in this case to be mitigating.

11. For his personal factors, I reduce the sentence start point by 6 months.

E. End Sentence

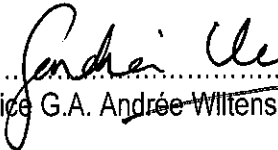
12. The end sentence I impose is 9 years 6 months imprisonment. I impose that on the 2 sexual intercourse charges concurrently. In respect of the act of indecency charge, I impose a sentence of 2 years 6 months imprisonment, to be served concurrently.

13. Mr Vira was arrested on 3 January 2021 and remanded in custody until he was granted bail on 20 January 2021. Following the publication of my verdicts in this matter on 22 September 2021, Mr Vira was remanded in custody due to the inevitability of his sentence resulting in incarceration. Accordingly, the sentence start date is back-dated to commence on 5 September 2021.



14. The seriousness and the sexual nature of the charges militate against any suspension of sentence.
15. Mr Vira has 14 days to appeal the sentence.

Dated at Port Vila, this 15th day of October 2021
BY THE COURT


Justice G.A. Andrée Wiltens

