

**IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

**Criminal
Case No. 23/837 SC/CRML**

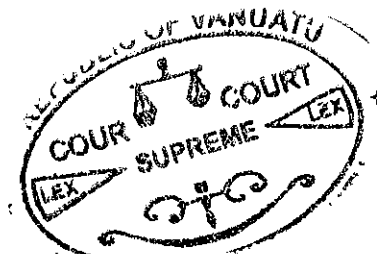
BETWEEN: Public Prosecutor

**AND: Steve Boedoro
Defendant**

Date of PLEA: 10th July 2023
Date of Sentence: 21st July 2023
Before: Justice Oliver Saksak
In Attendance: Mr Gregory Simeon for Public Prosecutor
Mr Steven Garae for the Defendant

SENTENCE


1. Steve Boedoro pleaded guilty to one charge of act of indecency with a young person. He is here for sentence today.
2. The offence of act of indecency with a young person is a serious offence as the maximum penalty under section 98A of the Penal Code Act [CAP 135] carries the maximum penalty of 10 years imprisonment.
3. The defendant is a 45 years old man from Maewo Island. His victim is a 14 year old girl. On 24th March 2023, Beleru Area, Santo the complainant visited the defendant whom she calls "Daddy". He welcomed her and asked her into the house to have some cooked taro. The victim went into the house. The defendant followed her in and stood behind her and squeezed on her breasts two times with his hands. He then told the girl not to tell anyone. The girl felt bad and ran out of the house.
4. Later that same week the girl told her mother about what the defendant had done to her.
5. The matter was reported to the Police who investigated and questioned the defendant about the incident. His explanation was that he threw his right hand on the victim's shoulder and in so doing his hand touched her breast and she was shocked, but that he did not mean or intend to do it.



6. Taking all the aggravating features with no mitigating circumstances, with the gravity of the offence charged, I adopt the start sentence of 12 months imprisonment.
7. In mitigation I first deduct his sentence by 1/3 for his guilty plea which is 4 months. The balance is 8 months.
8. I have seen his pre-sentence report noting him to be a simple gardener. His family and children are dependent on him. He has 2 children in Junior Secondary School at Nandiotu and Ambaebulu. He has good and community report. He has clean past record and he expressed remorse and regret for his actions. He spent 21 days in custody before being released on bail.
9. For all these factors together his sentence is reduced by a further 2 months. His end sentence is therefore 6 months imprisonment. I therefore convict and sentence him accordingly.
10. Due to the circumstance, the nature of crime and character of the defendant, I order that his end sentence of 6 months be suspended for a period of 2 years under section 57 of the Penal Code Act. This means that he does not go to prison today. He must remain offence free for a period of 2 years. If he commits this offence or any other criminal offence for which he would be charged and convicted, he will go to prison for 6 months.
11. That is the sentence of the Court. There is a right of appeal against the sentence within 14 days.

DATED at Luganville, this 21st day of July 2023

BY THE COURT


OLIVER A. SAKSAK
Judge

