

PUBLIC PROSECUTOR

V

WRIGHTLY SENEMBE

Coram: Justice Oliver A. Saksak
Counsel: G Kanegai for the State
F Tasso for the Defendant
Date of Sentence: 18 December 2023

SENTENCE

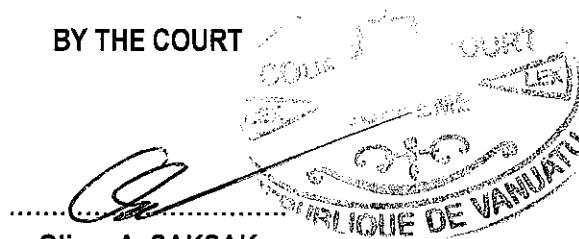
1. The Defendant Wrightly Senembe was found guilty after a two days trial on one charge of unlawful sexual intercourse with a child under the age of 15 years but of or over the age of 13 years under Section 97(2) of the Penal Code Act. The Court returned its guilty verdict on 21 November 2023.
2. The defendant is for sentence today. The facts of the offending and the evidence are contained in the verdict and I need not repeat them.
3. This offence is a serious criminal wrong attracting the maximum penalty of 15 years imprisonment.
4. There were no mitigating circumstances for this offence but there were aggravating features such as the serious breach of trust, the great disparity of ages between the defendant being 35 years and the victim being 14 years old at the time of offending, the degree of planning involved, the offending occurring within the confines of the family home where the victim should feel safe, the risk of teenage pregnancy and the risk of venereal diseases due to unprotected sex, and the mental trauma she will relive in the future. Finally it appears from the facts and evidence that the defendant took advantage and sexually molested the young victim.



5. By comparison with the cases of PP v Kaltong [2021] VUSC 318 and PP v Tom Kleopas [2023] VUSC 195 this case falls on the lower end of the scale.
6. A sentence of imprisonment is warranted to serve as a deterrent, to mark the seriousness of the offending, to mark public disapproval of such behavior, to protect the weak and vulnerable and to punish the defendant adequately.
7. Taking all the aggravating features of the case together with the seriousness of the offence, I adopt a start sentence of 3 years imprisonment.
8. The defendant is sentenced to 3 years imprisonment as the start sentence.
9. In mitigation, the sentence is reduced by 1 year for the following mitigating factors such as being a first time offender with no previous criminal records, the period spent in custody (being 1 month) and his other personal factors as submitted by his legal counsel.
10. The defendant's end sentence is 2 years imprisonment without suspension. This sentence will commence after 14 days from the date hereof on 27 December 2023 when the defendant will report to the Correctional Centre (Ex-British Prison House) at Collardo Area.
11. The defendant has a right of appeal against this sentence within 14 days if he so chooses.

Dated at Port Vila, this 18th day of December, 2023

BY THE COURT



The image shows a handwritten signature in black ink over a circular official stamp. The stamp contains the text 'COURT OF VANUATU' at the top and 'REPUBLIQUE DE VANUATU' at the bottom. The signature is written in a cursive style.

Oliver A. SAKSAK
Judge.