

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Criminal
Case No. 23/2253 SC/RML

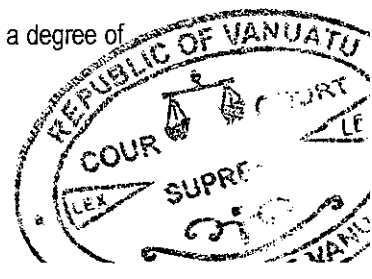
BETWEEN: Public Prosecutor

AND: Wanga Sine
Defendant

Before: *Justice Oliver A. Saksak*
Counsel: *Mr Jordan Aru for Public Prosecutor*
Mr Steven Garae (Junior) for Accused
Date of Plea: *21st October 2022*
Date of Sentence *22nd October 2022*

SENTENCE

1. Wanga Sine was charged with Abduction (Count 1), Sexual Intercourse without consent (Count 2), unlawful entry of a dwelling house (Count 3) and Criminal Trespass (Count 4).
2. He pleaded not guilty to the offences in Count 1 and 2 for which he was discharged after Prosecutions entered nolle prosequi pursuant to section 29 of the Criminal Procedure Code Act [Cap 136].
3. He however pleaded guilty to the charges in Counts 3 and 4 and is therefore here for sentence for those two charges.
4. The facts he admitted to were that on 10th July 2021 at St Patrick's college, he unlawfully entered into the Girl's Dormitory with intent to intimidate a female student by name of Charity Ala, and having entered he forced the girl to follow him outside when he kicked the door of the dormitory causing a lot of noise and disturbance to students.
5. Unlawful entry into a dwelling house is a serious offence carrying the maximum penalty of 20 years imprisonment. And trespass carries the maximum penalty of 1 year imprisonment.
6. Both offenses occurred together, at the same time at the same environment. The defendant was drunk at the time. He was 24 years in 2021 on the date of offending. The girl was a student sleeping in the dormitory. The defendant had no lawful excuse or reasons to be there at all. His drunken state led him to be at the wrong place, at the wrong time for the wrong reason or intentions. There was a degree of



planning on is part. And there was a breach of trust as the girl's liberty was interfered with where she was supposed to feel safe. There are no mitigating circumstances for the offendings.

7. Both Mr Aru and Mr Garae made references to numerous cases involving unlawful entry and trespass and other offence. However none of those cases were helpful as they are all have different circumstances and facts.
8. This case stands alone. In my view the offendings warrant a custodial sentence to act as a deterrence. I therefore adopt the starting sentences to be 3 years imprisonment for unlawful entry and 6 months for trespass. These are to be made concurrent. The total sentence shall be 3 years imprisonment.
9. In mitigation I reduce his sentence by 8 months for guilty pleas.
10. For his other personal factors including the substantial custom reconciliation he performed, his clean past records, his pre-custodial period of 78 days (over 2 months) and the delay in completion of his case and prosecution thereof, I deduct his balance of sentence by a further 12 months, leaving his end sentence by a further 12 months, leaving his end sentence to be 1 year and 4 months imprisonment.
11. I consider that the end sentence should be suspended for a period of 2 years on good behaviour under section 57 of the Penal Code Act. This means the defendant does go to prison today. But he must remain offence free for the next 2 years. If he reoffends within this period, he will go to prison to serve his sentence, if he is convicted for any new offence he commits.
12. In addition I sentence the defendant to community work for 80 hours to be performed within 12 months from today.
13. That is the sentence for the defendant. He may appeal within 14 days if he disagrees with the sentence.

DATED at Saratamata, East Ambae, this 22nd day of October 2024

BY THE COURT


Hon. OLIVER A SAKSAK

Judge

