

**BETWEEN: Public Prosecutor**

**AND: Kency Tahu**  
*Defendant*

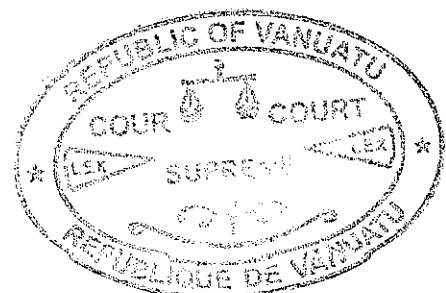
**Before:** *Justice Oliver A. Saksak*  
**Counsel:** *Mr Ken Massing for Public Prosecutor*  
*Mr Steven Garae Junior for Defendant*  
**Date of Plea:** *25<sup>th</sup> October 2024*  
**Date of Sentence:** *25<sup>th</sup> October 2024*

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**SENTENCE**

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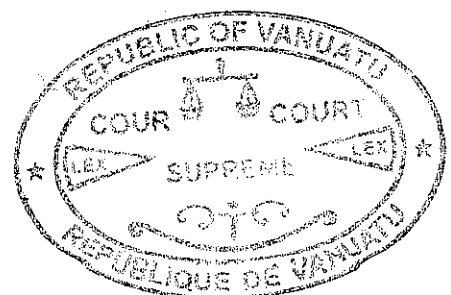
1. The defendant pleaded guilty to 2 representative charges of acts of indecency with a young person contrary to section 98A of the Penal Code Act today, and is here for sentence.
2. During the periods of February 2020 to March 2020 and April to October 2020 on several occasions, the defendant exposed his penis to Juliana Leo, a girl of 15 years old at the time. These occurred as a result of the defendant showing pornographic photographs stored on his mobile phones.
3. From the facts the defendant took pleasure in doing what he did. He became a habitual offender repeating his actions on several occasions from March to October 2020. There was a breach of trust. There was a degree of planning and there was a disparity of age between the defendant and the victim.
4. The penalty for acts of indecency with young person carry the maximum penalty of 10 years imprisonment. This indicates the seriousness of this offence.



5. The defendant has accepted the facts and he is to be sentenced on his own admissions. There are no mitigating circumstances for the offendings
6. In assessing appropriate sentence I consider and apply the principles set out in PP v Gideon [2012] VUCA 7, Gigina v PP [2017] VUCA 15, PP v Steel [2022] VUSC 130, PP v Tari [2023] VUSC 170 and Tangat v PP [2024] VUCA 15.
7. I consider that custodial sentences are appropriate to mark the seriousness of these offendings, to deter the defendant and like-minded persons, to mark public condemnation for his actions, and to protect the young and the vulnerable persons of our community and to punish the offender appropriately.
8. Considering all factors together I adopt the start sentences for the defendant as follows-
  - a) For Count 1- A sentence of 3 years imprisonment.
  - b) For Count 2- A sentence of imprisonment of 3 years.

These sentences are to run concurrently for a total of 3 years. He is convicted and sentenced accordingly.

9. In mitigation, I reduce his sentence by 1/3 down to 2 years imprisonment.
10. For his personal factors, including the substantial reconciliation ceremony he performed showing remorse, his clean past record and the delay in prosecuting his case, I reduce his sentence by a further 8 months. His end sentence is therefore 1 year and 4 months or 16 months imprisonment.
11. I consider that his sentence of 16 months should be suspended for a period of 2 years on good behaviour under section 57 of the Penal Code Act. This means that the defendant does not go to prison today. He must remain in the community but he must not commit any other offences within 2 years for which he would be charged and convicted. If he does, he will go to prison to serve out his sentence of 16 months.



12. In addition, I sentence the defendant to community work for the period of 100 hours to be completed within 12 months from the date of sentence.
13. That is the sentence of the defendant. He may appeal within 14 days if he disagrees with the sentence.

**DATED at Lavatu, North Pentecost, this 25<sup>th</sup> day of October 2024**

**BY THE COURT**

  
**Hon. OLIVER A SAKSAK**

**Judge**

