

PUBLIC PROSECUTOR -v- JAMES NIURRIE

JUDGEMENT

The accused was a teacher at Vila North school and living in the school compound. He was charged that between January and March 1986 he had unlawful sexual intercourse with Setri Leipakoa, his adopted daughter.

He pleaded guilty to the charge on the 19th January 1987. Two statements were admitted in evidence. One made by the complainant, parts of which the accused did not agree with but which, in my opinion, in no way effected the charge against him and to which he has pleaded guilty. The other statement made by the accused to the police the first line of which he does not admit.

The statements are marked Exhibit 1 and Exhibit 2 and the admission was not objected to by Mr Rissen, the public solicitor.

It is clear that the accused had sexual intercourse with this young girl on a number of occasions, with the result that she became pregnant and in due course had a stillborn child.

The accused was the girl's adopted father and was but 15½ years of age when first intercourse took place.

The charge concerns a girl under the age of 20 years so whether she was 15½ or 16½ years at the time of the offence it makes little difference.

It is submitted in mitigation that the girl consented to the intercourse and was a willing partner.

The parliament of this country has clearly stated by virtue of section 91 (1) of the penal code Act that they wished such an offence to be considered a serious one in that they imposed a maximum sentence of 10 years imprisonment.

I have taken into consideration everything that has been said on behalf of the accused by Mr Rissen and what the accused himself has said but I consider this a very serious offence and it is the duty of the court to protect these young girls as parliament intended.

I therefore sentence James Niurrie to 4 years imprisonment with effect from the 19th January 1987.

dated at Vila this 20th day of January, 1987.

Frederick G. Cooke
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CHIEF JUSTICE