

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

Criminal Case No.25 of 2003

PUBLIC PROSECUTOR
-v-
JACK LUI

CRC 25-2003

SENTENCE

There are very serious offences. They are acts of indecency with children. The victims are aged 7 - 9 years. You lured them away to private places. You committed acts of indecency by getting them to fondle you, putting your penis in their mouths and in their bottoms. The charges are of assault, not penetration. This was not one occasion, but several over a period. They were different boys each time. There was an element of premeditation, it was not on the spur of the moment or a sudden temptation. You are not a young man.

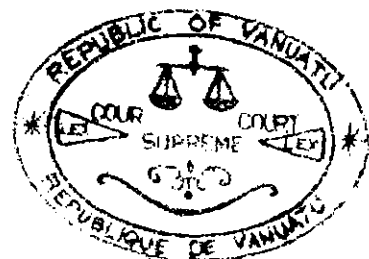
Everyone must understand that it is well recognised that such activities can cause great harm to children, even if it is not apparent at first.

There must also be a strong deterrent element in the sentence.

No previous cases have been cited to me. It has been suggested a suspended sentence might be appropriate. I have considered that but cannot accept it for a case of this seriousness and repetition.

It is greatly to your credit that you have pleaded guilty. You have been honest about this from the start with the police and with this court. You have saved the boys from giving very difficult evidence.

I also give you credit for the fact you have no previous convictions. You have a wife and 3 very young children. It will be very hard for them. Not just you going to prison but also for the offences you go to prison.



If this case had been for sentence after a plea of not guilty on full trial I would consider 5 - 7 years.

I said I will give credit for a plea of guilty and that credit must be substantial. I look to the totality of the offending and the period, rather than each individual offence and make sentences consecutive.

I realise the sentence will cause you and your family great hardship and upset. But it must be clear that such offences will attract substantial prison sentences.

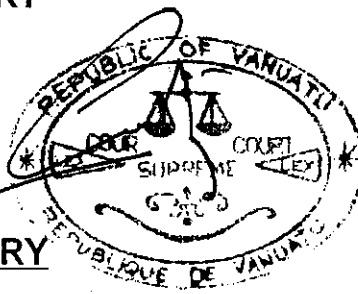
I sentence you to 3 years concurrent on each count. This sentence also reflects the fact that I accept you are genuinely sorry for what has happened.

Informed of Right of Appeal.

Dated AT PORT VILA, this 12th day of June 2003

BY THE COURT

R. J.



R. J. COVENTRY
Judge

The seal of the Supreme Court of Vanuatu is circular. It features a central scale of justice. The words "REPUBLIC OF VANUATU" are written along the top inner edge, and "REPUBLIQUE DE VANUATU" along the bottom inner edge. In the center, the words "COUR SUPREME" and "COURT SUPREME" are written on either side of the scales. There are also two small stars on the left and right sides of the seal.