

**BETWEEN:** Public Prosecutor

**AND:** Goddy Stanley  
Defendant

*Date of Sentence:* 23 November 2018  
*Before:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr L. Young for the Public Prosecutor  
Mr G. Takau for the Defendant

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**SENTENCE**

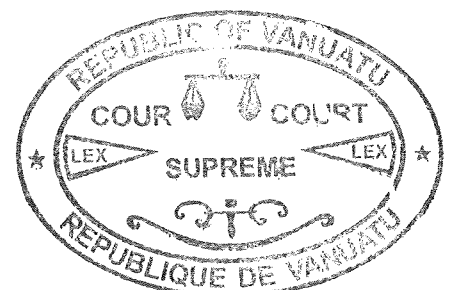
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A. Introduction

1. Mr Stanley pleaded guilty to 4 charges involving him having sexual intercourse with a child under care and protection. The maximum sentence for each offence is a term of 10 years imprisonment.

B. Facts

2. When the offending commenced in 2015, the complainant was 16 years of age and living with Mr Stanley – he called her his daughter; she called him her father. The first offence occurred when only Mr Stanley was home with the complainant at around midday. He locked door, forced her onto a bed, removed both their clothes and had sexual intercourse with her to the point of ejaculation. Mr Stanley explained to her that it was normal for fathers to have sex with their unmarried daughters, and he warned her to not report the matter to her mother or anyone else. He also said that he did not want her to have a boyfriend; but if she did, then he would kill her.
3. The second similar incident occurred in 2016.



4. The third and fourth similar incidents occurred in December 2017. The complainant went to the police after the fourth incident and reported the offending. When Mr Stanley learnt of her report, he gave the complainant VT 1,000 and told her that if the police came to question her she should tell them that he had not had sexual intercourse with her.
5. When Mr Stanley was questioned by the police he frankly admitted having sex with the complainant between 2015 and 2017.

C. Aggravating Factors of the Offending

6. There are a number of aggravating factors to the offending. There was a relationship context to the offending – he thought of her as his daughter – she thought of him as her father. There was a significant age difference between them – Mr Stanley was 45 – 48; the complainant was but 16 - 18 years of age. Mr Stanley threatened the complainant if she reported his offending; and he later tried to bribe her to withdraw her complaint to the police. Mr Stanley ejaculated, and took no precautions, thereby exposing the complainant to sexually transmitted disease and unwanted pregnancy.

D. Mitigating Factors of the Offending

7. There are no mitigating factors relating to the offending.

E. Start Point

8. The start point for this offending, as required to be identified by *PP v Andy* [2011] 14, is set at 7 years imprisonment, on a totality basis taking all 4 offences into account.

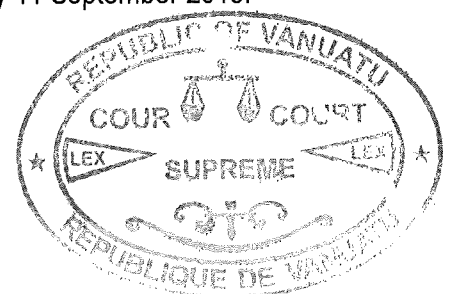
F. Personal Factors

9. Mr Stanley has participated in a custom reconciliation ceremony – but I apprehend it was more to do with the local Village Chiefs, rather than the complainant. I reduce the start sentence by 4 months due to his participation. He also has no previous convictions – which enables a further reduction of 8 months. I further take into account that he has spent some time in custody prior to trial – the date of sentencing will be adjusted to make allowance for that.
10. The final matter of mitigation is Mr Stanley's pleas. There is but a low level of remorse, given that Mr Stanley waited until the day of trial to plead to the 3<sup>rd</sup> and 4<sup>th</sup> charges – the effect of that is that the complainant would have come to Court with the expectation of having to testify about these matters. His lack of remorse is also referred to in the PSR – he minimised the offending and attempted to shift the blame to the complainant.

11. For his pleas, I allow 15% reduction to the end sentence.

G. End Sentence

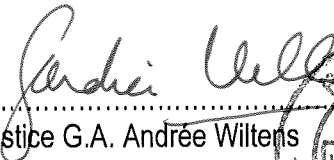
12. Taking all of those matters into account, the end sentence that must be imposed is one of 5 years 10 months imprisonment. I impose that on all charges concurrently, and order that the sentence commence from the date of his incarceration, namely 11 September 2018.



H. Suspension

13. Suspending Mr Stanley's sentence cannot possibly be countenanced: *PP v Ali August* [2000] VUCA 29; and *PP v Gideon* [2002] VUCA 7.
14. Mr Stanley has 14 days to appeal this sentence if he disagrees with it.

**Dated at Luganville this 23rd day of November 2018  
BY THE COURT**

  
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Justice G.A. Andrée Wiltens

