

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

Criminal
Case No. 20/3470 SC/CRML

BETWEEN: Public Prosecutor

AND: Donington Tarileo
Defendant

Coram: Justice Aru
Counsel: Mr. D. Boe for the Public Prosecutor
Mr. R. Willie for the Defendant

SENTENCE

Introduction

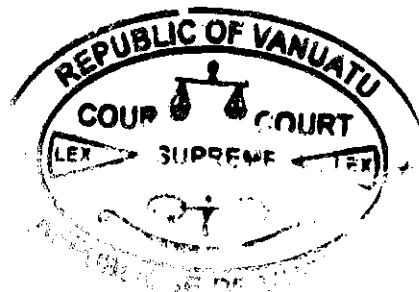
1. Mr Donington Tarileo pleaded guilty to two counts of acts of indecency with a young person.

Facts

2. Sometime in March 2020 the victim a 6 year old girl was walking home from school when Mr Tarileo came out of the bushes and grabbed her and pulled her into the bushes by the road side. He put his hands under the victim's clothes and touched her vagina. Then he took the victim's hand and placed it on his penis and told her to masturbate it. She did so until Mr Tarileo ejaculated on her hands. After cleaning the victim Mr Tarileo allowed the victim to go home.
3. The victim upon arriving home reported the incident to her parents. The matter was reported to the Police and upon being interviewed, Mr Tarileo admitted the offending.

Starting point

4. Acts of indecency with a young person is punishable by a maximum penalty of 10 years imprisonment. In determining the starting point of sentence I also take into account a number of aggravating features of the offending. These are:-
 - Age disparity
 - Act of indecency was repeated



- A degree of force was used to pull the victim to the bushes and to masturbate Mr Tarileo's penis
5. There are no mitigating factors. Considering all these factors I set the starting point for both counts to be served concurrently at 5 years imprisonment.

Personal factors

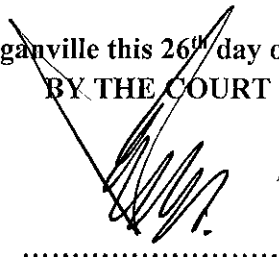
6. Mr Tarileo admitted his offending to the Police and entered guilty pleas when called to take his plea. He has accepted responsibility for his offending. The sentence is therefore reduced by the full one third discount on his guilty plea.
7. The Same Day Report states that Mr Tarileo is around 41 years old and is a first time offender. He comes from Levondo Village, East Central Pentecost and is married with two children and is the breadwinner for his family. He earns his income by selling kava. He has no formal education apart from attending custom school and is an active member of his community.
8. The report states that Mr Tarileo performed custom reconciliation by giving 10 pigs, three (3) red mat, food crops and VT 52,000 but this could not be confirmed with the victim or the victim's relatives.
9. For the personal factors the sentence is further reduced by 12 months.

End sentence

10. The end sentence that I impose to be served concurrently is therefore 2 years and 3 months imprisonment effective from 12 November 2020 when Mr Tarileo was remanded into custody.
11. He has 14 days to appeal if he is not happy with the decision.

DATED at Luganville this 26th day of February, 2021

BY THE COURT



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D. Aru
Judge

