

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

Criminal
Case No. 20/3538 SC/CRML

BETWEEN: Public Prosecutor

AND: George Billy
Defendant

Coram: Justice Aru
Counsel: Mr. D. Boe for the Public Prosecutor
Mr. J. Garae for the Defendant

SENTENCE

Introduction

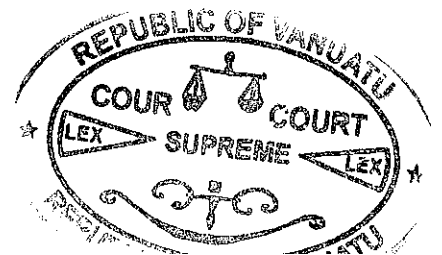
1. Mr George Billy pleaded guilty to a single charge of sexual intercourse without consent.

The facts

2. At the time of the offending the victim was so drunk and was accompanying some friends and relatives to the beach. She fell asleep and Mr Billy found her and removed her clothes and had sexual intercourse with her while she was asleep.
3. The victim's relatives looked for the victim and found Mr. Billy having sexual intercourse with her. Mr. Billy then fled the scene.
4. The victim's relatives helped the victim to put on her clothes then took her to the hospital. When Mr. Billy was arrested and interviewed by the Police, he admitted the offending.

Sentence start point

5. In determining the starting point of sentence I take into account the maximum penalty available for an offending of this nature is imprisonment for life. There are a number of aggravating features of the offending and I take these into account as well. These are:-
 - there is some element of planning involved;
 - the victim was drunk and helpless;
 - the victim was exposed to the risk of pregnancy and sexually transmitted diseases



- the effects of Mr Billy's actions will continue to affect the victim mentally .
6. There are no mitigating factors of the offending.
 7. I set the starting point of sentence at 7 years imprisonment.


Personal factors

8. Mr Billy admitted his offending to the Police and entered a guilty plea when called to take his plea. I reduce his sentence by the full one third discount.
9. The Same Day Report filed on Mr Billy's behalf states that he is a first time offender and comes from Ambrym but resides with his parents and siblings at Liro on Pamma. His father is a health practitioner at the Liro Health Centre. He is an active member of his community and is also involved in sports as well. His father spoke highly of him.
10. Taking into account Mr Billy's personal factors I reduce his sentence by a further 12 months.

End sentence

11. The end sentence is therefore 3 years and 6 months imprisonment effective from 1 December 2020 when Mr Billy was remanded into custody.
12. 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

