

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

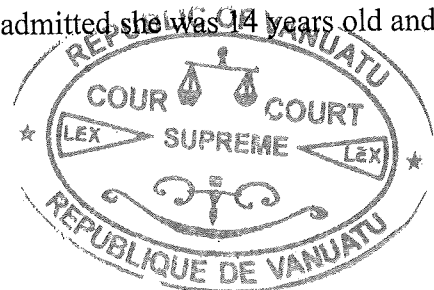
Criminal
Case No. 19/1782 SC/CRML

PUBLIC PROSECUTOR VS DANIEL SUMPE

Date of PLEA: 22nd day of July, 2019 at 9:00 AM
Date of Sentence: 26th July 2019
Before: Justice Oliver Saksak
In Attendance: Damien Boe for Public Prosecutor
Jane Tari Aru for Defendant

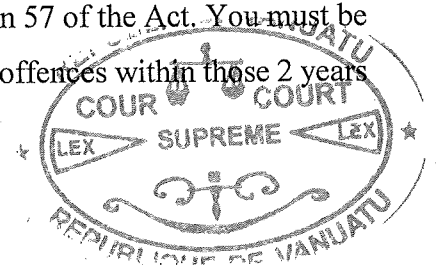
SENTENCE

1. Daniel Sumpe you pleaded guilty to one count of unlawful sexual intercourse contrary to section 97 (2) of the Penal Code Act CAP 135 on 22nd July 2019. You are here for sentence today.
2. The maximum penalty of this offence is one of 15 years imprisonment.
3. The victim and complainant of your offending is now a 15 year old girl. She attended class 5 at the Kamewa Primary School . She is related to you as cousin . She was only 14 years old at the time of offending. In the night of 23rd June 2019 the complainant had just returned from a church program at Radio station. She went to the bush toilet. You followed her there and had sexual intercourse with her beside the toilet. This happened at Mango Station. Her parents found this out and the girl's mother beat her up that night. She reported the matter to the police on 26 June 2019. This was the second time you had sex with the complainant. The first time you had sex with her was in 2018 at Malotau when she went for Christmas holidays. The complainant went for further medical check on 5 July 2019. Her report shows she was 21 weeks into her pregnancy as at 5 July 2019.
4. The police interviewed you about all this on 25 June 2019. You admitted having sex with the complainant at Mango Station on 23rd June 2019. You admitted to have sex with her 3 times. You admitted she was 14 years old and



that you knew it is unlawful to do this. You admitted sex was consensual and that you ejaculated into the girl's vagina.

5. It is trite law that men who take advantage sexually of young girls will go to prison. PP.v.Gideon [2002] VUCA 7 and PP.v. Talivo.
6. Taking the aggravating features of your offending together with the serious offence you have committed, I consider that the appropriate punishment on you is to be a custodial sentence. And your starting sentence shall be 5 years imprisonment as proposed by the Prosecution.
7. I have seen your pre-sentence report, which shows you are now 18 years old in a family of 7. You left school from class 4 and now earn a living only from sale of garden produce and kava. You have ambition to work hard to buy a transport vehicle. You have no previous criminal record. You consume kava and smoke cigarette occasionally. You are a music leader in your church. You regretted your action but have not performed any custom reconciliation yet. You blame responsibility also on the girl. You say you love her and intend to marry her in future.
8. Taking those mitigating factors into account I reduce your 5 year sentence by 12 months (1 year) down to 4 years imprisonment.
9. I deduct a further 1/3 from the balance of 4 years for your early guilty plea, which is 1 year 4 months. Your end sentence is 2 years and 8 months imprisonment.
10. I have seen the submissions by Mrs Aru on your behalf about suspending your sentence. I agree with Mrs Aru that your end sentence should be suspended.
11. You are therefore convicted and sentenced to an end sentence of 2 years 8 months imprisonment for one charge of unlawful sexual intercourse. I suspend your sentence for a period of 2 years under section 57 of the Act. You must be of good behavior and must not commit any other offences within those 2 years



for which you would be charged and convicted. If you do, you will go to prison for 2 years and 8months.

12. You have a right of appeal against this sentence within 14 days if you do not accept it.

DATED at Luganville this 26th day of July, 2019.

BY THE COURT

.....

Oliver Saksak

Judge

