

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

**Criminal**  
**Case No. 25/189 SC/CRML**

**BETWEEN:** Public Prosecutor

**AND:** Jarod Kelep  
Defendant

***Date of Plea:*** 2<sup>nd</sup> April 2025  
***Date of Sentence:*** 4<sup>th</sup> April 2025

***Before:*** Hon. Justice Oliver A. Saksak

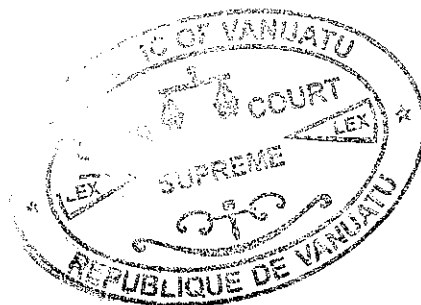
***Counsel:*** Ms Josephine Tete for Public Prosecutor  
Ms Barbara Taleo for the Defendant

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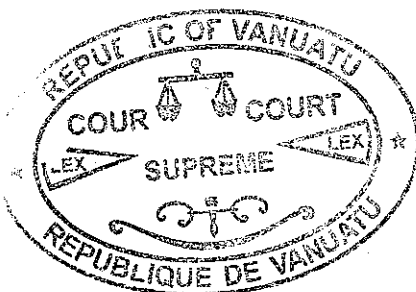
**SENTENCE**

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1. Jarod Kelep pleaded guilty to one charge of sexual intercourse without consent contrary to sections 90 and 91 of the Penal Code Act. He is for sentence today.
2. On 28<sup>th</sup> September 2024 at Tautu Village, Malekula the defendant sent a text message to the complainant, Angelina Palmer to go and meet him and the other boys at Dangken's store where they would play games and smoke cigarettes. At this the girl went over to Dangken store but did not see the defendant or any other boys. When she turned to go back to her house she saw the defendant but he did not speak to her and she walked passed him. Just then the defendant grabbed her right hand and pleaded to have sex with her. The girl refused and told him quite surprised that he would ask her for sex when they are closely related as brother and sister. The girl told the defendant to let go of her hand to go back as the door to the house was open and her mother was already sleeping.



3. The defendant however pleaded with her further that they have sex in a hurry then they would return home. The girl insisted he let her go. At that ,the defendant slapped her on her cheeks with his right hand as he held her with his left hand. He started pulling her to follow him. She continued to resist whereby the defendant took a stone. This made her afraid. Then defendant pushed her towards a cocoa and naus tree and told her to lie down but she refused. He then pushed her further to the Naus tree where he proceeded to touch her breasts, vagina and started to kiss her. She was still resisting but he removed her trousers and pants and forced her to suck on his penis. She still refused. He then took the stone and struck the girl's head with it. She then knelt down and performed oral sex on the defendant. After that the defendant lifted her up and had sex with her. The girl was crying so much that the defendant stopped and told her to go home.
4. Next morning the girl's mother noticed the girl was not walking properly and enquired what happened. The matter was then reported to the Police who investigated. The defendant made admissions as to having sex with the girl, but denied hitting her with a stone.
5. The facts as read by Prosecutions were accepted by the defendant. He is therefore convicted and is to be sentenced on is own guilty plea. There are no mitigating circumstances but there are aggravating features such as the serious breach of trust, the deception by the defendant that she would meet him and other boys to play games and smoke cigarettes. There was a deliberate plan by the defendant to do what he did. It occurred in the night away from the girl's house. She was at great risk of being harmed. There was force used. The pulling and the pushing and the stone held to cause her fear. Whether used or not does not matter. Clearly she became a participant in the actions without her consent.
6. The cases of PP v Scott [2002] VUCA 29, PP v Gideon [2002] VUCA 7, PP v Samson [2024] VUSC 304, PP v Warsal [2023] VUSC 73 and Boesalana v PP [2011] VUCA 33 are classic guideline cases to be followed in sentencing the defendant in this case.
7. Defence Counsel has also referred to PP v Scott and PP v Gideon cases.
8. The defendant's actions warrant a custodial sentence. And I adopt the start sentence of 4 years imprisonment.



9. In mitigation I reduce the sentence by 1 year and 4 months for early admissions and guilty plea.  
The balance is 2 years and 8 months imprisonment.
10. I note his young age of 20 years, his clean past record, his remorse evident through the custom reconciliation he performed with the victim and her relatives. I reduce the balance of his sentence by a further 6 months for these factors. The balance of the sentence is now 2 years and 2 months.
11. I therefore sentence the defendant to an end sentence of 2 years and 2 months.
12. Finally I note the defendant has been held in custody on remand from 9<sup>th</sup> October 2024, a period of 5 months and 26 days to 4<sup>th</sup> April 2025. I therefore order that his end sentence of 2 years and 2 months be backdated to 9<sup>th</sup> October 2024 when he was first arrested and held by the Police.
13. The sentence shall be with immediate effect as from today.
14. The defendant has a right of appeal against his sentence within 14 days if he so chooses.

**DATED at Luganville this 4<sup>th</sup> day of April 2025**

**BY THE COURT**

  
Hon. Oliver A Saksak

Judge

