

PUBLIC PROSECUTOR v REYNOLD LUI

Date of Plea: 14 April 2025

Before: Hon. Chief Justice Vincent Lunabek

In Attendance: J Tete for the Public Prosecutor
RT Willie for the Defendant

Date of Sentence: 17 April 2025

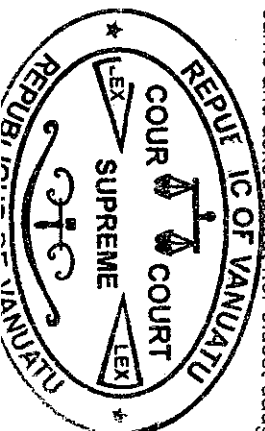
SENTENCE

I. Introduction

1. Mr Lui pleaded guilty and accepted the summary of facts relating to 2 charges of unlawful sexual intercourse and one charge of intentional assault, contrary to Sections 97(2) and 107(c) of the Penal Code Act [CAP. 135].

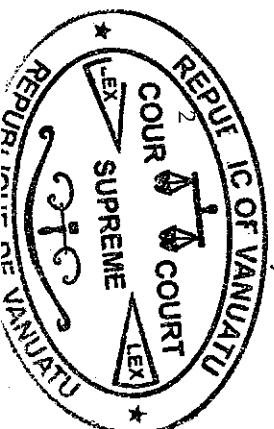
II. Facts

2. Mr Lui is the defacto partner of the victim's sister and they all live at Tassiriki Village in South West of Santo.
3. The complainant could not remember the exact date but recalls that sometimes in the month of July 2024, she was sleeping when Mr Lui came and pushed his finger into her vagina. Mr Lui then proceeded to suck the victim's vagina, she tried to push him out but he was too strong for her to push him out.
4. On another occasion, the victim could not remember the exact date but recalls that this offending happened sometimes in the month of August 2024. At that time, her sister has called her to go with her to the reef. Her sister left first and when she was speeding to go to her, Mr Lui grabbed hold of her and then he removed her clothes and had sexual intercourse with her and ejaculated in her.
5. On the night of the 9th of November 2024, the victim, Vesale Jean Batles, was at home carrying her youngest when the defendant came and asked about her eldest daughter who is his defacto



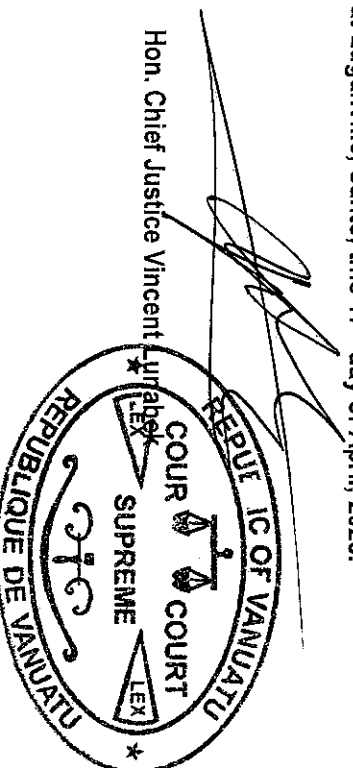
partner. The victim replied him saying she is tired of him and Mr Lui in hearing this got angry and swore at her. Mr Lui then punched her, who was still carrying her youngest, in the nose, the left side of her eye, her right ear and then on her left cheek which resulted in her losing a tooth. The victim fearing her baby might get hurt passed her baby to her daughter, Sanin, under the table. Mr Lui took his bottle of wine and wanted to hit the victim with it but her son shouted at him so Mr Lui then left. She felt sore in all the places that Mr Lui has assaulted her in and the inside of her mouth was bleeding as a result of the assault.

6. The offence of unlawful sexual intercourse with a child under the age of 15 years but over the age of 13 years, carries a maximum sentence of 15 years imprisonment.
7. The offence of intentional assault causing injury of permanent nature, carries a maximum sentence of 10 years imprisonment.
8. There is more than one offence. I deal with the offence of unlawful sexual intercourse as the leading offence for the purpose of sentencing. The maximum sentence available is 15 years imprisonment overall.
9. In this case, there are no mitigating factors, but the following aggravating factors of the offending exist:
 - a) There is a 14 -year age differential between the defendant and the complainant at the time of the offending;
 - b) The psychological effect on the complainant including the loss of confidence;
 - c) There was some degree of planning. Both offending occurred when the victim was alone;
 - d) The same offending is repeated;
 - e) Loss of dignity of the victim;
 - f) The victim was vulnerable given her age at the time of offending;
 - g) There were two victims in this case. One is the mother-in-law of the defendant and the other victim is the sister-in-law of the defendant;
 - h) The defendant had used his fist to assault his mother-in-law.
10. I take into account all those matters above, I sentence Mr Lui to 7 years imprisonment as his sentence start point on the leading offence of unlawful sexual intercourse on both Counts 1 and 2 in the Information concurrently. I sentence Mr Lui to 3 years for the offence of intentional assault with the loss of a tooth.
11. In mitigation, Mr Lui is a single man of 30 years of age. He will be 31 years old in August 2025.
12. Mr Lui stated he and the victim had sexual intercourse but they did not know that having sexual intercourse with a girl under 15 years of age is a crime. He said they were both responsible for the sex activity because they both agreed to do it.
13. Mr Lui stated that his partner is the victim's sister but their relationship is not stable. He said he loved the victim. He stated he now realised what he did towards the victims was wrong and that he will not re-offend in the way he did.
14. Mr Lui is a first-time offender. He was remanded in custody on 15 November 2024 and released on bail on 13 December 2024.



15. Mr Lui stated after that he was released on bail in December 2024, he called his chief Alrefe Soro to discuss with the victim and her mother for a custom compensation ceremony. He said his chief attempted twice but the victim and the mother-in-law refused. Mr Lui is still willing to perform a custom reconciliation. He said he acknowledges that the law will deal with him and he also will need to settle a custom process with the victim and the mother-in-law.
16. Mr Lui is remorseful and show contrition. You cooperated with the police.
17. For Mr Lui's personal factors, I consider his guilty pleas given at the first opportunity. I reduce his sentence start point by 33% to reflect on his guilty pleas.
18. I give Mr Lui another reduction of his sentence for his other personal factors and his attempts to perform custom compensation reconciliation by 8 months.
19. The balance of his remaining sentence is:
- 4 years imprisonment for each of the two offences of unlawful sexual intercourse (Counts 1 and 2);
 - 1 year and 4 months imprisonment for the offence of intentional assault under Section 107(c) (Count 6).
20. The sentences shall be served concurrently.
21. This means that the balance of his overall total sentence remaining is 4 years imprisonment.
22. Mr Lui has already spent a 2 weeks at the Correctional Centre from 15 November 2024 to 3 December 2024. This is effectively 4 weeks or 1 month spent in custody before the sentence is given. This period has to be discounted.
23. The end sentence for Mr Lui is 3 years and 11 months imprisonment. Mr Lui is ordered to serve this sentence immediately.
24. Mr Lui has 14 days to appeal this sentence if he disagrees with it.

DATED at Luganville, Santo, this 17th day of April, 2025.



Hon. Chief Justice Vincent Lurabek