

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

Criminal
Case No. 23/51 SC/CRML

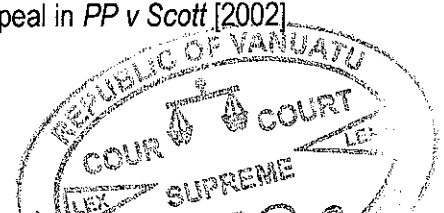
BETWEEN: Public Prosecutor

AND: Ericket Boedovo
Defendant

Date of Conviction: 26th March 2025
Date of Sentence: 28th April 2025
Before: Justice EP Goldsbrough
In Attendance: Young, L on behalf of Shem, C for the Public Prosecutor
Boe, J for the Defendant

SENTENCE

1. Ericket Boedovo, you were found guilty after trial of two offences of having sexual intercourse without consent and one offence of committing an act of domestic violence. Each of these three offences arose from the same set of circumstances. One of the offences of sexual intercourse without consent involved oral penetration and the second vaginal penetration. The circumstances of the offences are set out in the judgment dated 26 March 2025.
2. On New Year's Eve and into New Year's Day, following time spent celebrating the festive season, you had sexual intercourse with SF without her consent. You had her take your penis into her mouth and after that had sexual intercourse with her by penetrating her vagina with your penis.
3. To determine the correct sentence to be imposed on you, the Court first looks at the circumstances of the offences and what makes those offences stand out as more serious than others in the same category. It considers the maximum prescribed penalty for the offences, which in this case is life imprisonment for the sexual intercourse without consent.
4. You took advantage of an inexperienced young girl who was only in Port Vila visiting over the end-of-year holidays. She was in a place where she should have expected to be safe: at home with family. You subjected her to sexual practices that were perhaps unfamiliar to her as a young, unmarried girl.
5. Taking the above into consideration, the Court arrives at a starting point of eight years' imprisonment for the two offences of sexual intercourse without consent. That reflects a starting point of five years for a single offence (as approved by the Court of Appeal in *PP v Scott* [2002])

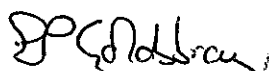


VUCA 29 (applying *PP v Ali August* [2000] VUSC 73) aggravated by the second offence. No separate penalty will be imposed for the offence of domestic violence, as it adds nothing more to the original two offence and indeed is no more than a necessary component of the offences of sexual intercourse without consent.

6. There is no discount available for a guilty plea nor for any customary reconciliation. There is no need, however, for any increase in the terms reflecting previous bad character. There is nothing which mitigates these offences and nothing in your personal circumstances which merits any reduction from the starting point.
7. You have been in custody since your arrest, and you are entitled to credit for that time spent in custody, which will be reflected in the deemed start date of this sentence of imprisonment. Your sentence is deemed to have commenced on the date you were first taken into custody for these offences. That date is 4th January 2023.
8. The sentence imposed today is that of eight years imprisonment for each offence of having sexual intercourse without consent, each sentence to run concurrently. No separate penalty is imposed for the domestic violence offence and your sentence of eight years imprisonment is deemed to have commenced on 4th January 2023. There are no exceptional circumstances here that would justify the suspension of this sentence.
9. You have the right to appeal against this decision. If you choose to do so, you must begin the process within 14 days of today.

DATED at Port Vila this 28th day of April 2025

BY THE COURT



Hon. EP Goldsbrough

Judge

