

**BETWEEN: Public Prosecutor  
Claimant**

**AND: Yaxley Bob  
Defendant**

**Date of Plea:** *Tuesday 25<sup>th</sup> day of April, 2017 at 10:06 am*

**Before:** *Justice Tomson Andrew (Presiding Justice)  
Justice Allan Boblang (Member)  
Justice Harry Joshua (Member)*

**Island Court Clerk:** *Alida Tchivi*

**In the Presence of :** *Claimant– Public Prosecutor  
Defendant– Yaxley Bob*

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**JUDGMENT**

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**Introduction:**

The defendant Mr. Yaxley Bob is charged with two counts: 'Careless Driving contrary' to section 14 of the Road Traffic Act Cap 29 and 'Driving Under the Influence of Drink' contrary to section 16 of the Road Traffic Act Cap 29. At the first calling of the case, Mr. Bob pleaded guilty to the said charges.

**Verdict:**

The court had recorded a plea of guilty and having heard and considered the summary of the agreed facts presented by the prosecution; this Court hereby convicts the accused as charged under section 14 and section 16 of the Road Traffic Act Cap 29.

**Sentence:**

Having heard Miss Charley for the prosecution and having heard the accused, the Court considers the following as mitigating as well as aggravating factors:

- a. Mitigating factors.
  - The accused has pleaded guilty at the earliest opportunity.
  - The accused has no previous convictions in Vanuatu;
- b. Aggravating factors.



**The Law:**

The Road Traffic Act Cap 29 – Section 14 - Careless Driving reads *“A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence and liable on conviction to a fine not exceeding VT50,000 or to imprisonment for a term not exceeding 6 months or to both.”*

The Road Traffic Act Cap 29 – Section 16 – Driving under influence of drink reads *“It is an offence for any person to drive on the public road when under the influence of alcoholic liquor or a drug to such an extent that the driver is incapable of properly controlling his vehicle. A police officer shall be empowered without warrant to arrest any person contravening this section.”*

**The Court is satisfied and hereby, makes the orders that:**


1. Mr. Yaxley Bob to pay 10'000 vatu as Efate Island Court Fine and 3'000 vatu as Public Prosecution Cost;
2. All payment to be made directly to Vanuatu Government Cashier and payment due date is Tuesday 9<sup>th</sup> May, 2017 at 4:30pm in the noon;
3. In default of Orders 1 & 2 the defendant will be immediately arrested and brought before the Court;
4. The defendant reserves the right to appeal within 30 days of the date of these orders.


**DATED at Port Vila this 25<sup>th</sup> day of April, 2017.**

**BY THE COURT**



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**Justice Harry Joshua**  
 (Member)

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**Justice Tomson Andrew**  
 (Presiding Justice)

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**Justice Allan Boblang**  
 (Member)