

**PUBLIC PROSECUTOR**

**V**

**COOK THOMPSON**

Coram: Moses Peter

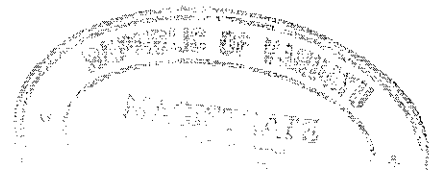
Appearances: Betina Ngwele for the State  
Brian Livo for defendant

**SENTENCING**

**UPON HEARING** Defendant Cook Thompson plead guilty on the charges of Intentional Assault contrary to section 107 (b) of the Penal Code Act [CAP 135];

**AND UPON CONSIDERING** Ms. Ngwele's submission and brief facts of the case as follows:

- On 30<sup>th</sup> July 2014, the Complainant lodged a complaint in the Police Station about you assaulting her at your home at Melemaat Village.
  - The Complainant alleged, she was having a family meeting with other family members on an issue between you and your wife.
  - You were given an opportunity to relate your story and in so doing, the Complainant said something which distracted you. You were angry and then assaulted the complainant.
  - As a result, the complainant sustained temporary injuries such as chest pain and spine pain.
  - The Complainant became unconscious from the assault due to heavy hits from you.
  - According to the medical report, she also suffers asthma.
  - The cases of **Public Prosecutor v Morris [1995] VUMC 5 CR 466**, saw the Magistrates' Court imposing a suspended sentence on the view that the defendant had previous assault history, is a member of Vanuatu Mobile Force and that the assault is categorized as domestic violence.
- Prosecutor -v- Willie Ben & Ors (Magistrates 'Court) 11 August 2015** saw the Magistrates Court imposing on each of the 3 defendants fine of VT 3,000 and each pay Prosecution Cost of VT 1,000 after find them guilty for assaulting the Complainant at Man Ples Au Bon Marche.



- *Public Prosecutor v McCarthy Hava (Magistrates Court) Cr. 303 of 2015*, the Magistrates' Court imposed sentence of 9 weeks' imprisonment but suspended for 12 months after finding the defendant who is a Police Officer guilty for assaulting a security guard at Club 21.

**AND UPON FURTHER CONSIDERING** the presentence report which deposed that:

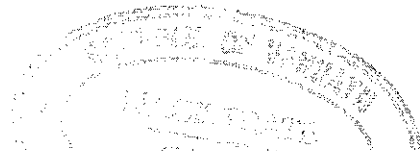
- The brief of facts is accepted by the defendant.
- The defendant is 34 years of age and hail from the Banks Island.
- The defendant's education reaches University level however; you are not able to complete your studies because of alcohol issues.
- He acknowledges his guilty plea on the charge.
- Chief Inspector John Tete spoke highly of you about your job in that you are a very willing person and very passionate about your job and aim to follow the footstep of your father who has held the position of the Commander of Vanuatu Mobile Force.
- The defendant lived in a defacto relationship with Rona Bule's daughter.
- In the Pre-sentence report the defendant expressed remorse for his action.

**THE COURT IS SATISFIED THAT:**

- The offence is serious as reflected in the relevant legislation. A maximum penalty of 1-year imprisonment.
- The legislation governing the Police allows an officer to use reasonable force in order to prevent crime or to assist in a lawful effecting of an arrest. None of these circumstances prevail when you administered the strikes on the body of the complainant.
- Moreover, the assault on your mother in law is an act that no one would accept in our society.
- If you would acknowledge that the meeting was to bring a solution to your problem with your defacto partner, then you should act in a manner that will go towards achieving that objective.
- However, you let your anger led you and hence, the assault on your mother in law.
- Your character report showed you are a short tempered person and would not control your anger at times. However, being a well-educated person and a police officer who knew what action amounts to crime, you would be able to manage your temper very easily.
- In mitigation, the court gave you credit for your early guilty plea and your expression of remorse.
- The court also took into account your family who needed your support financially and morally.
- I am also sure, the sentence I impose you will be not only serve as a punishment but also an act of deterrence to you and other people of similar position as you.

**IT IS THEREFORE ORDERED THAT:**

1. Conviction is hereby entered for your offending in respect to the charge.
2. You are ordered to a fine of VT 8,000.
3. You must pay your fine and produce receipt of payment in court no later than 30 days from today failing which you will serve 2 months' imprisonment.



4. I also order that you perform reconciliation with your mother in law (the complainant).
5. You have 14 days to appeal if not satisfied with this sentence.

DATED at Port Vila this 24<sup>th</sup> day of May 2018

BY THE COURT



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**MOSES PETER**  
Senior Magistrate

