

PUBLIC PROSECUTOR v JOSELIDO BULE KALIPO

Coram: Magistrate J. Palo

Date of Sentence: 15 October 2019

Appearances: Mr. Malsolip Tamau for the State

Mr. Lorenzo Moli for the Defendant

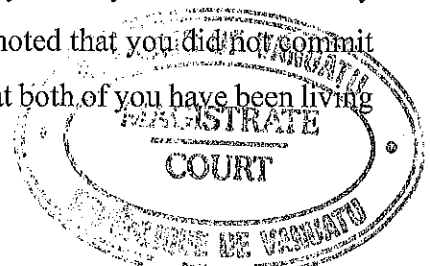
SENTENCE

Mr. Joselido Bule Kalipo, you pleaded guilty to the offence of domestic violence in contravention of *Section 4 (1)(a) and Section 10(1) of the Family Protection Act No.28 of 2008.*

The facts of the case show that sometimes on 7th June 2017, at Club Hippique area on Efate, you assaulted your legal wife Merelyn Tangop and she suffered injuries on her body. The arguments erupted around woven baskets and in the midst of it, your wife swore at you. You took a timber that was used as a washing tool and you wanted to hit her but she prevented you from doing so. You then punched her on the back, she fell on the floor and was crying. When you were cautioned at the police station, you admitted liability and told the police that you reacted in such a way because your wife was disrespectful towards you and your relatives.

The Prosecutor presented as aggravating features the fact that your wife was vulnerable in the sense that there is difference between you as a man and her as a woman, in your physical strengths. Further, the Court was asked to consider the seriousness of the offence. Mr. Tamau requested a penalty of 8,000VT as fine and 2,000VT as prosecution cost.

In mitigation, it was presented that you and the Complainant have four children of whom three are attending school and one is an infant. Your wife is unemployed and you are the sole breadwinner by working overseas under the RSE Scheme. You will be living soon for another period of seasonal employment. You showed remorse when you pleaded guilty at the earliest opportunity and you apologized to your wife. You told your lawyer that you reacted that way because you could not control your anger at that time. It is also noted that you did not commit any further violence towards your wife since that incident and that both of you have been living



together with your children. Your lawyer prayed that this Court considers discharging you without conviction as a criminal record would affect your employment and that you are a first time offender.

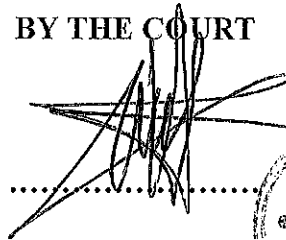
Considering submissions from the Prosecutor and Mr. Moli, the Court is satisfied that a crime was committed and a guilty plea was entered accordingly. I acknowledge the facts as presented from both sides and taking into account the following circumstances:

- That since the incident occurred in 2017, there has been no further violence from you towards your wife up till today;
- That you have no previous conviction; and
- That the sustainability and survival of your family depends on your employment abroad;

I therefore discharge you without conviction pursuant to *Section 55 of the Penal Code*. However, you have to understand that your wrong is not tolerated in the society and so you are ordered to pay a fine of 8,000VT and a prosecution cost of 2,000VT to be paid within 28 days from today. Should you fail to make payment as ordered, your sentence will be reconsidered. You have 14 days to appeal if you are not satisfied with this decision.

DATED at Port Vila this 15th day of October, 2019.

BY THE COURT



J. PALO

Magistrate

