

BETWEEN: Public Prosecutor

AND: Mariedu Jacob
Defendant

***Date of Plea and
Sentence:*** ***19th August 2020***

Before: ***Trevor NAIEU***

Appearances: ***Terry Toas for Public Prosecutor***
Accused in Person (Self Represented)

SENTENCE

Introduction

1. On the 19 day of August 2020 the accused *Mariedu Jacob* pleaded guilty to One Count of Intentional Assault contrary to Section 107 (b) of the Penal Code Act Cap 135.

Brief Background

2. On or about the 3 day of August 2020 at Bonvor village in the Island of Malekula, the accused with intend, hit the victim one *Lesra Menjur* using a machete (bush knife) more than once on her head, her elbow and then her back causing her serious injuries resulting the victim to be taken to and admitted for medical attention at the Norsup hospital in Malekula.



3. The main cause of the alleged incident was because the accused found out that the victim had sexual relationship with the father of her child, her de-facto partner therefore, once she saw the victim at that time, she decided to assault her as revenge.

The Law

4. Section 107 (b) of the Penal Code Act Cap 135 states;

"107. Intentional assault

No person shall commit intentional assault on the body of another person.

(b) if damage of a temporary nature is caused, imprisonment for 5 years;"

Mitigating Factors

5. The following are the mitigating factors relevant to the accused;
 - *Early guilty plea*
 - *First time Offender*
 - *Remorseful (for the offending)*
 - *A mother of a 1 (one) year 6 (six) months old infant*

Aggravating Factors

6. The following are the aggravating factors relevant to the accused and the offending;
 - *Intention to commit the assault as revenge*
 - *Use of a machete (bush knife) which was shown in Court*
 - *Repeated act of assault using the machete (bush knife) showing no remorse although the victim was already covered with blood from the injuries sustained*
 - *Medical report proving the injuries sustained*
 - *Photographs of injuries sustained by the victim*

Additional Aggravating facts

7. When the victim saw the accused on that date, she knew that she will be in trouble therefore she ran. As soon as she started running away from the accused, the accused chased after her holding the machete (bush knife) tight in her hand.



8. The victim ran to the beach and continue running away from the accused in fear for her safety but the accused kept chasing after her while still holding tight the machete (bush knife).
9. The accused chases the victim along the beach for about 200 meters then she caught up with her because the victim became tired then intentionally hit the victim's head with the machete (bush knife) two times then blood started dripping heavily from the victim's head.
10. Despite seeing that the victim is covered with blood all over her face and body, the accused continued on using the machete (bush knife) and hit two more times on her back and elbow also causing cuts to the victim's elbow resulting in more blood dripping from the victim's body.

Verdict

11. Having heard from the Prosecutor and the accused AND giving careful consideration in weighing the aggravating and the mitigating factors personal to the accused and of the offending AND deciding whether or not the elements of the offence committed are met;
12. I AM SATISFIED that the aggravating factors of the offending outweigh the mitigating factors AND that all the elements of the offence committed are met therefore, **Convict** the accused person *Mariedu Jacob* for the offence of;

Intentional Assault – Contrary to Section 107 (b) of the Penal Code Act Cap 13.

Sentence

13. I have decided to adopt the starting point of 24 (Twenty Four) Months imprisonment sentence.
14. I reduce the adopted starting point sentence for the Defendant's *early guilty plea* AND she *being a mother of a very young infant* AND a *first time offender* leaving the end sentence of 18 (Eighteen) Months.



End Sentence

15. I THEREFORE HEREBY Sentence the Defendant *Mariedu Jacob* to 18 (Eighteen) Months imprisonment.

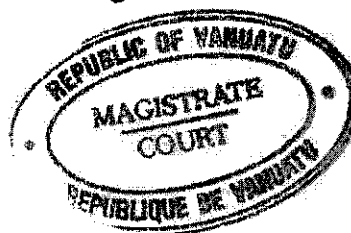
Suspension of Sentence

16. I consider the following thoughts before deciding whether or not to suspend part or the whole sentence;

a). Women are already considered vulnerable in the society therefore incidents like this involving women or girls assaulting each other resulting in serious injuries contradicts the whole idea and battle to end violence against women cause men are always seen to be the perpetrators of violence against women. This unacceptable behavior sends a totally different message to the society that in these modern days, women are not only vulnerable but can also be perpetrators of violence towards each other.

b). Women and girls must learn to control their anger towards each other when it comes to the issue of their boyfriend, de-facto partner or husband cheating on them. They must learn not to lower their value and risk themselves assaulting each other in the name of love for a cheater because they will be in trouble with the law. Women must know that a man who cheats is a man who intend to cheat showing no loyalty and real love for her. Therefore, approaching another woman and assaulting her for having sexual relationship with their husband or de-facto partner isn't worth it because you will be in big trouble with the law while your husband or de-facto partner sits back and relaxes and pretend to care or have sorrow for you while you suffer the consequences.

c). This behavior is now becoming a trend of violent behavior seen by women and girls as justifiable to assault each other for love therefore must be stopped at this early stage before it becomes a norm amongst them.



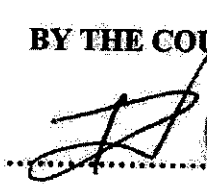
17. With the above discussions, I see proper not to suspend part or the whole sentence with intention that this be a clear deterrence message to other like-minded women and girls that such behavior is not only acceptable and tolerated by the society but also by the Court because it is a criminal offence.

Right to Appeal

18. The accused has 14 days to appeal.

DATED at Lakatoro this 24th day of August 2020.

BY THE COURT



Trevor NAIEU

Magistrate

