

PUBLIC PROSECUTOR

V

CHARLIE MASSING BONGNIPU JACKSON

Date of Sentence: 17th July, 2024.

Before: Magistrate FSam

In Attendance: Mr. Karae_T - OPP

Mr. Daniel_W – Defence & Defendant.

SENTENCE

Background/Introduction

1. The defendant Charlie Massing Bongnipu Jackson ('Charlie') was initially charged with 5 counts against him - 2 counts of Sexual Intercourse without consent; one (1) count of threats to kill and 2 counts of Domestic Violence, however, a further charge was filed yesterday containing only one count of domestic violence, and of which he pled 'yes i tru' to today.

2. Having no objection to the facts as submitted and his guilty plea, the defendant is found guilty of the charge of domestic violence against him.

Facts

3. The facts in relation to his offending is that on the 19th of February, 2024, around 9:00 A.M. Charlie had an argument with his complainant wife, which resulted in him assaulting her using both his hands. He first punched her on the face, causing the complainant to fall backward to the floor, where he proceeded to kick her while she was down long the floor. The defendant then wrapped his hands around the



complainant's neck and tried to choke her but she was able to resist and get away to safety.

Starting Point.

4. In considering an appropriate sentence in respect of your offending Charlie, I must consider the relevant factors which includes the aggravating factors and mitigating factors to your offending.

5. The maximum penalty for the offence of domestic violence is an imprisonment term of 5 years, or a fine of VT 100,000 or both fine and prison term. Such penalty reflects the seriousness of your offending.

6. From the facts and submissions, I accept the following as aggravating factors to your offending are:

- Your offending happened within the confinement of your home then, where the complainant was supposed to feel protected and loved.
- The complainant was vulnerable to your assault upon her.
- Your offending resulted in a breach of trust between yourself and the complainant.

7. There are no mitigating factors to your offending.

8. I take note of the cases cited by prosecuting counsel and that your offending is less serious in comparison, and I set a starting point of 18 months imprisonment.

Guilty Pleas

9. You entered a guilty plea at the earliest available opportunity, from which I award a one third deduction from the starting point leaving a balance of 12 months from the starting point.



10. For factors in mitigation and personal to you, 4 months is deducted.

11. I am satisfied that you have attempted reconciliation and have remained in peaceful cohabitation with your partner since your offending, and whilst that is a great effort on your part to realizing your wrong doing and making the necessary steps towards amends in your relationship with the complainant, it still does not excuse you from the violence committed and of which you must be punished.

12. However, given your counsel stating your attempts towards reconciling with your partner shows you are remorseful of your actions, as well as you have been committed to pre-custody for a period of one month prior to being released on bail, I consider this as punishment enough and allow a further deduction for this.

End Sentence

13. Charlie, your end sentence therefore is 6 months prison term for the count of domestic violence against you.

Suspension & Orders

14. I take note of your personal circumstances and necessary factors, and I allow suspension of your sentence for a period of 1 year.

15. You will not serve a prison term sentence, however, in any event, you commit any further offence within the period of your suspended sentence, the suspension will be uplifted and you will have to be sent to prison to serve your sentence.

16. Therefore, you are ordered to be of good behaviour throughout the suspended period of your sentence, that you do not commit any further offences, and that you maintain peace at all times with your family including your partner and child in the relationship.





Reason for Sentence & Right of Appeal

- 1) Your sentence is given as a form of punishment for your wrong actions, as well as to deter you and likeminded offenders from committing similar offences.
- 2) Your sentence is also necessary to give you a chance to rehabilitate from your unlawful acts.
- 3) You have 14 days to appeal your sentence if you are not happy with it, and in the event, no appeal is lodged, your sentence should come into immediate effect thereafter.

DATED at Port Vila, this 17th July, 2024.

BY THE COURT


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FSam
Magistrate



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MAGISTRATE
COURT
REPUBLIQUE DE VANUATU