IN THE MAGISTRATES COURT
OF THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

Case No. 25/1312 CRML

PUBLIC PROSECUTOR

V

JOSEPH TANE

Date of Plea & Sentence: ***26th June, 2025***

In Attendance: ***Mr. George_M – State Proscutor.***

Dehinavanua_C & Defendant.

SENTENCE

Background/Introduction

1. Mr. Joseph Tane, you appear before me today pleading 'yes i tru' to one count of domestic violence against you.

Facts

2. The brief facts to the offending are that on the 10th of March, 2021, you got angry at the complainant for returning late with a dish of rice that she was supposed to have gone to get, and took her time to braid another boy's hair. The victim realized he was angry and tried to run away to her mother's house, but the defendant followed after her, punched her head continuously and forced the victim to follow you back to your house, by dragging her. You then went ahead and used a manioc branch to assault the body of the complainant victim, and the back of her head, until she was on the ground and crying and you continued on with the assault until you were intervened.

3. You were cautioned and admitted the assault.

4. Mr. Tane, given your guilty plea and admission to the facts of your offending, I find you guilty of the charge against you.

Sentencing Starting point

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 imposed by the law makers of this country reflect the seriousness of his wrong doing and that is explained to the defendant.

6. The accepted aggravating factors to your offending are that:

1) You committed the assault upon the body of the victim who was 17 and vulnerable to your offending as well as she was defenseless throughout your offending on her.

2) Your actions show lack of respect for the victim as your de factor partner at that time, and no respect as well of family members who were around possibly witnessing the whole assault.

7. There are no mitigating factors to the offending.

8. Therefore, having so considered, I set a starting point of your sentence to 2 years imprisonment.

Guilty Plea & Mitigating Factors.

9. I acknowledge your guilty plea given at the earliest available opportunity and you should be accorded a one third deduction from the starting point.

10. I also consider the mitigating factors personal to you Mr. Tane and I allow a further 4 months deduction for these.

11. Further consideration is made to your clean records and attempt towards reconciliation.

End Sentence

12. I therefore sentence you Mr. Joseph Tane to an end sentence of 8 months imprisonment.

Suspension of Sentence

13. Whilst your crime is very serious in nature, however, given your personal circumstances and relevant factors, I am prepared to allow suspension of your sentence to a period of 1 year.

14. This means that you will not be serving time in prison, but you are warned that any reoffending within the suspended period of your sentence may result in the uplift of the suspension and you will have to serve your term in prison.

15. You are also ordered to maintain good behaviour.

16. I further order you to pay prosecution cost of VT 2000.

Reason for Sentence

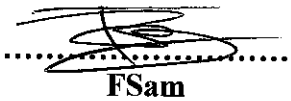
17. This sentence serves to warn you Mr. Tane and like-offenders from committing similar offences. The sentence is also considered as punishment for your offending, and to denounce such in the community.

18. Your sentence is also necessary to allow you a chance to rehabilitate yourself.

19. You have 14 days period in which you have the right to appeal your sentence if you are not happy with it.

DATED at Port Vila, this 26th June, 2025.

BY THE COURT



FSam
Senior Magistrate