IN THE MAGISTRATES COURT **Case No. 25/1443 CRML**
OF THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

PUBLIC PROSECUTOR

V

MASSING KAISING

Date of Plea & Sentence: ***9th July, 2025.***

In Attendance: ***Mr. Tarikwisi_P– Prosecutor.***

Amos_K.S.. & Defendant.

SENTENCE

Background/Introduction

1. Mr. Massing Kaising, you appeared before me on the 26th June, 2025 pleading 'i tru' to one count of domestic violence against you.

Facts

2. The brief facts to the offending are that you are in a defacto relationship with the complainant, and that you got angry at her for staying out late the night of 17th April, 2025, drinking with her friends. You had some drinks (alcoholic) and were under the influence, when you went up to Elluk on the 20th of April, 2025, and you physically assaulted her in front of your children and family members.

3. The complainant suffered temporary injuries and pain to her body, especially her shoulders following your punches, and her knees and stomach following your kicks upon her while wearing protective boots on your feet.

4. Following your guilty plea and admission to the facts of your offending, you were found 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) Your offending resulted in a breach of trust - the complainant's trust towards you as the caregiver or protector is being violated through your assault upon her.

2) You were under the influence of alcohol when you assaulted the complainant and being in this state, it tends to increase aggression and violence, making your offending very serious.

3) You assaulted the complainant in front of your children, which is very serious because it could lead to trauma or psychological distress for the children.

4) The complainant was humiliated in front of other family members as a result of your offending upon her.

5) The assault on the complainant resulted in her suffering pain and temporary injuries following the incident.

7. While prosecuting counsel submitted on the defendant being in pre-custody as a mitigating factor to the offending, I disagree with this, as this is a factor that could be considered by the court as a mitigating factor when determining the final sentence. This is where time spent in detention could be credited towards the final sentence if a prison term is imposed. Therefore, there is no mitigating factor to the offending in this case.

8. And whilst your crime is serious in nature, it is at a lower scale of offending compared to the relevant cases cited by both counsels, so I set a starting point of your sentence to 18 months imprisonment or 1 year and 6 months prison term.

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. Kaising and I allow a necessary deductions.

11. Further consideration is made to your clean records and attempt towards reconciliation, where you had stood before this court today and apologised for your wrong doing, also stating you realised what you did was wrong and you wish to make amends with the complainant and your children.

End Sentence

12. I therefore sentence you Mr. Massing Kaising to an end sentence of 8 months imprisonment.

Suspension of Sentence

13. And 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 re-offending 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 and not reoffend.

Reason for Sentence

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

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

18. 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 09th July, 2025.

BY THE COURT

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FSam
Senior Magistrate