IN THE MAGISTRATES COURT **Case No. 25/2652 CRML**
OF THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

PUBLIC PROSECUTOR

V

FENA JACKLEE

Date of Plea & Sentence: 10th December, 2025.

In Attendance: *Mr. Dwayne L.– Prosecutor.*

Mrs. Kyle K. & Defendant.

SENTENCE

Introduction

1. Mr. Fena Jacklee, you appeared before me on the 23rd of October, 2025 pleading 'hemi tru' to two counts of domestic violence. Counsels sought adjournment to allow them time to file submissions.

2. I consider your guilty plea and admission to the facts of your offending and I find you guilty of the charges against you.

Facts

3. The brief facts to the offending are, as to the first count, that you are in a defacto relationship with the complainant Estella Naunun, and that on the 1st of September 2025, around 8:00 A.M. you got angry with her when she told you she was going out to get your daughter, when you began to assault her. First you assaulted her with a wire that is used for diving, and a drinking cup. You had both

objects in each of your hand at that time. You first assaulted the complainant with the wire on her backside two times, and then assaulted her left side of the head with the cup. You did not stop there, and went ahead again to punch the complainant's right eye with your right hand and again punched her left eye. The complainant then fell to the ground, where you continued with the assault and kicked her while she was down, on her left rib, causing her to pee herself as well. She was also unconscious while on the ground.

4. As to the second count, on the 6th of September, 2025, the complainant Ms Naunun was at work at Brother Store, Tagabe area, when you went to see her there and forced her to leave work and follow you. She refused to follow you when you went after her, and she had to run to the back of the store. It was when she reached for her mobile phone to make a call to her lawyer when you walked away.

5. Following your guilty plea and admission to the facts of your offending, you are found guilty of both counts of domestic violence.

Sentencing Starting point

6. 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.

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

1) Your first offending happened at home, a place of sanctuary and safety, and the assault on the victim is seen as a violation of the trust and security that should exist in a domestic or family relationship.

2) Your offending resulted in a breach of trust - the complainant's trust towards you as the caregiver or protector is being violated through your assaults upon her.

3) You used objects such as a drinking cup and diving wire to carry out the assault on the victim.

8. There is no mitigating factor to the offending in this case.

9. I consider the relevant cases cited by both counsels and I set a global starting point of your sentence to 2 years imprisonment for both counts.

Guilty Plea & Mitigating Factors.

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

11. I consider also you were in pre custody since the 8th of September, 2025 to date, that you are a first time offender. And along with the mitigating factors personal to you, I allow necessary deductions.

End Sentence

12. I therefore sentence you Mr. Fena Jacklee to an end concurrent sentence of 8 months imprisonment for each of the two counts of domestic violence.

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 2 years.

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

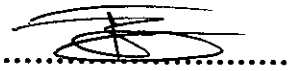
16. This sentence serves to warn you Mr. Jacklee and like-offenders from committing similar offences. The sentence is also considered as punishment for your offending, and to denounce such in the community.

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 10th December, 2025.

BY THE COURT



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FSam
Senior Magistrate