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

Case No. 25/3431 CRML

PUBLIC PROSECUTOR
V
ARNOLD WADSAL

Date of Sentence: 18th December, 2025.

Coram: *SM FSam*

Attendance: *Ms. Romabeth S. – Prosecution.*
Mr. Roger T. - Defence & Defendant.

SENTENCE

Introduction

1. Mr. Arnold Wadsal you had pleaded *'yes hemi tru'* to one count of domestic violence and one count of intentional assault causing temporary injuries on the 12th of December, 2025.

2. You conceded through your counsel, to the facts of the offending and along with your guilty plea, I find you guilty of the two charges against you.

3. Time was accorded to both Prosecuting and defence counsel to file sentencing submissions for my consideration and you appear today for sentence.

Facts

4. The background as to facts of your offending to each counts are that you, Mr. Wadsal, had been married to the victim Julian Job for 18 years and share 4 children together in the relationship. According to her, you have been physically abusive towards her throughout your marriage, and often while you are intoxicated. It got to the extent of her seeking and being granted multiple protection orders against you, and to the point she could no longer tolerate your violence towards her, that she seperated from you and decided to file for divorce.

5. As to count one (1), between the morning hours of 7:30 am to 8:00 am, you had followed Ms Job to her work place, where she was employed as a cashier, and you started shouting at her and swearing at her. She ignored you and you went ahead and picked a broken brick which you threw towards the store *kappa* (iron sheet), causing her to fear for her safety, that she had to call out to the shop owner and second victim, Mr. Min Jie, for his assistance. You then directed further swear words to Mr. Jie and his son and walked out of the yard.

6. As to count two (2), you were making your way out from the shop, and getting into a service bus, when Mr. Jie had followed after you and asked the bus driver not to pick you up, because you had damaged his property (shop). You then came out of the bus and punched his left ear with your right hand. You attempted to assault him again with a stone by throwing it at him, but he was able to avoid it. The victim, Mr. Jie proceeded to chase after you, and you ran away.

7. I consider the medical report of the injuries to Mr. Jie's ear as evidence of the assault charge.

Starting Point

8. There are no mitigating factors to the offending, and consideration is made to the maximum penalty and aggravating factors to the offending, or factors that increase the seriousness of the offenses you committed.

9. Section 10 (1) of the Family Protection Act No. 8 of 2008 considers domestic violence as a crime with a maximum penalty of 5 years imprisonment term or 100.000VT fine or both such imprisonment term and fine. And section 107(b) of the Penal Code Act [Cap 135] sets a maximum penalty for intentional assault causing temporary injuries to 5 years imprisonment.

10. The accepted aggravating factors for both counts include:

(i) Your offending happening in the early hours of the morning between 7:30 am and 8:00 am, increasing the victims' vulnerability, where their safety and that of their colleagues or public is at risk.

(ii) Your offending resulted in a breach of trust - where the first victim, Ms. Job, no longer trusted you for her safety in the relationship.

(iii) You swore at the victims in a public place (shop), which heightens the victims' humiliation and psychological distress.

(iv) You carried out the crimes under intoxication, which increases aggression and impaired control, making the violent acts you carried out more serious.

(v) You threw a brick although towards the shop, it had a potential to cause grievous bodily harm had it been targeted at the victims themselves, again increasing the seriousness of the charges against you.

(vi) The assault was aggravating in that it happened to the second victim Mr. Jie, ear resulted in pain and temporary injuries. The ear as well being a vulnerable part of the body is likely to have resulted in a more permanent injury or serious pain.

11. Having considered the relevant factors, I set a global starting point of 18 months for the the charges of domestic violence and intentional assault causing temporary injuries.

Guilty Plea & Personal Mitigating Factors

12. I acknowledge your guilty pleas given at the earliest available opportunity accorded to you, and I allow a full one third deduction for this, leaving a balance of 12 months imprisonment from the starting point.

13. I also consider you have no prior convictions, you are 38 years of age, you work at Lumu Construction Port Vila, and support your children and family financially with your earnings, you have a good standing and character in the community you are part of, which is the Sulphur Bay community of Tanna at Tagabe area, Port Vila. I also accept that you are remorseful of your actions following your guilty pleas.

14. I allow further deduction of 3 months for these personal factors.

15. I also consider you having spent a total of 17 days in pre-custody, and I allow credit for this.

End Sentence

16. Your end sentence Mr. Arnold Wadsal is 8 months imprisonment to be served concurrently for each of the two counts.

Suspension of Sentence

17. I have considered the relevant factors as to whether or not to suspend your sentence and I am prepared to allow suspension of your 8 months imprisonment sentence for a period of 1 year.

18. This means you will not go into prison, but while you remain outside, you must maintain good behaviour at all times and must not reoffend throughout the 1 year period of your suspended sentence, because in the event you do reoffend, the suspension may be uplifted and you must serve the 8 months prison term imposed upon you, along with further imprisonment term imposed upon you for any new re-offending.

19. You are further ordered to pay VT2000 as prosecution cost.

Reason for Sentence

20. This sentence serves to deter you and like-offenders from committing similar offence, and as punishment for this kind of offending, and to denounce such offending to the community.

21. You have 14 days to appeal your sentence if you are not happy with it.

DATED at Port Vila, this 18th December 2025.

BY THE COURT

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FSam

Senior Magistrate.