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

Case No. 25/1936 CRML

PUBLIC PROSECUTOR

V

ERICK SAMUEL NATE

Date of Plea & Sentence: 25th August, 2025

In Attendance: Mr. George_M- State

Defendant.

SENTENCE

Background/Introduction

1. The defendant Mr. Erick Samuel Nate appeared for Plea and sentence today, and pled 'yes i tru' to all three counts against him.

2. Having considered he accepts the facts of the offending and his guilty plea, I find him guilty accordingly.

Facts

3. The complainant in this case is the defendant's de facto partner. Is is reported that on the 30th of June, 2025, in their usual place of residence, at Simbolo area, at around 21:00 hours, the defendant had breached a protection order issued by the court, when he assaulted the complainant by slapping and kicking her, and using abusive language at her, causing her to suffer pain and fearing for her safety.

4. The defendant admitted the acts of violence and breach of court orders.

Starting point

5. I consider the maximum penalties of each offences and the aggravating factors of the offending to set a starting point in this case.

6. For domestic violence, an imprisonment term of 5 years, or a fine of VT 100,000 or both fine and prison term, for breach of family protection order, an imprisonment term of 2 years, and for intentional assault where no damage is caused, an imprisonment term for 1 year. Such penalties 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 his offending are that:

1) The complainant victim was vulnerable to the assault inflicted upon her by the respondent.

2) The defendant showed no respect towards the complainant as his partner and mother of his two children, when he assaulted and committed violence towards her.

3) His offending shows he decided to take the law into his own hands and not resort to more peaceful form of settling any issue he had then with the complainant.

8. And having considered the state's sentencing submission, I accept the starting point presented and I set a global starting point of 12 months imprisonment.

GUILTY PLEA AND MITIGATING FACTORS

9. I also accept that the defendant is entitled to a one third deduction of his guilty pleas, and further deductions also accorded for his personal mitigating factors.

10. An end sentence of 6 months prison sentence is appropriate for the defendant in this case, for each offence to be served concurrently.

Suspension of Sentence

11. And given the relevant consideration, I also suspend his sentence for a period of 12 months or 1 year, with further orders of good behaviour.

12. Mr. Nate is also explained of the consequences of failing to comply with court orders in respect of his suspended sentence.

13. He is further ordered to pay prosecution cost of VT2000.

14. The defendant is informed of his right to appeal within 14 days from date of this sentence.

DATED at Port Vila, this 25th of August, 2025.

BY THE COURT

.....

FSam

Senior Magistrate