IN THE MAGISTRATES COURT **Case No. 26/140 CRML**
OF THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

PUBLIC PROSECUTOR

V

NEMAIAH JIMMY

Date of Conviction & Sentence: 19th February, 2026.

In Attendance: *Ms. Sharon A. - State Prosecution.*

Defendant in Person.

SENTENCE

Introduction

1. Mr. Nemaiah Jimmy you appeared before this court on the 4th of February, 2026, pleading *'yes i tru'* to one count of domestic violence.

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

Facts

3. The brief facts to the offending are, that you are related to the victim child as her step father, you having been in a de facto relationship with the victim's mother, who is the complainant in this case. She reported that on the 24th of November, 2025, around 7:30 .p.m., at Banban white wud area, she was walking back from a family member's house, towards where she was residing then with you and her daughter, when she heard a bang and saw that her daughter who was 2 years old at that time, crying outside your house.

4. She asked you why her daughter was crying, and you replied *'mi kilim hem' ('I assaulted (slapped) her')*. The complainant then asked why you assaulted her daughter, when you told her *'yu karem pikinini blong rod ia after yutufala fakoff long house'* (or *'take your illegitimate child and fuck off from this house'*). By then the victim was crying with her face swollen from the assault.

5. The complainant then took her daughter and went over for safety at her sister's house.

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 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) The victim is two (2) years old, and vulnerable to your assault upon her.

4) You assaulted the young victim on her right side of the face a sensitive part of the body, near her right eye and lower lip, where she could have sustained bigger or more serious injury or damage.

5) The assault resulted in the victim suffering pain and injuries.

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

9. I consider the relevant factors and I set a starting point of your sentence to 12 months imprisonment.

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, leaving a balance of 8 months imprisonment.

11. I consider also your personal mitigating factors, and I allow further deductions for these.

End Sentence

12. I therefore sentence you Mr. Nemaiah Jimmy to an end sentence of 4 months imprisonment for one (1) count of domestic violence against you.

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 1year.

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.

16. You are further ordered to pay VT2000 as prosecution cost, within 14 days from today, or face enforcement proceeding upon default of fine payment.

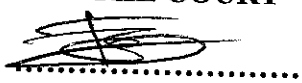
Reason for Sentence

17. This sentence serves to warn you Mr. Jimmy 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. You have 14 days period in which you have the right to appeal your sentence if you are not happy with it.

DATED at Luganville, this 19th February, 2026.

BY THE COURT



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FSam
Senior Magistrate