

**BETWEEN:** Public Prosecutor

**AND:** William Yakeula  
Defendant

*Date:* 11 December 2018  
*Before:* Justice G.A. Andrée Wiltens  
*In Attendance:* Ms L. Lunabek for the Public Prosecutor  
Mr G. Takau for the Defendant

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**SENTENCE**

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A. Introduction

1. Mr Yakeula pleaded guilty to one charge of threatening to kill. The maximum sentence for the offence is a term of 15 years imprisonment.

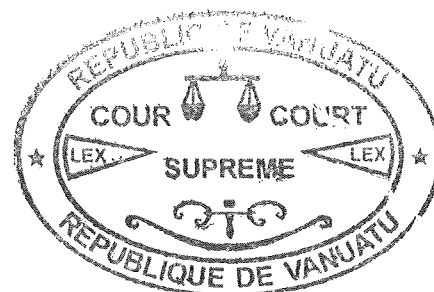
B. Facts

2. At about 11am on 5 May 2018, the complainant was at home with his 2 children when Mr Yakeula was seen running through their back yard. When Mr Yakeula saw the complainant, he started swearing at him as follows: "You are all cock meat. You have no money. This property belongs to my father and you all only have your cocks and I am going to shoot you and burn down your house". The complainant and his daughters then secured themselves in their home.

3. The complainant reported the matter to the police the next day.

C. Aggravating Factors of the Offending

4. There are no aggravating factors, nor mitigating factors, to the offending.



D. Start Point

5. The start point for this offending, as required to be identified by *PP v Andy* [2011] 14, is set at 15 months imprisonment. That is higher than that submitted by Mr Takau, who submitted 8 months imprisonment was appropriate; but the same as submitted by Ms Lunabek. The authorities cited by Ms Lunabek are far more serious than the facts of this case, and I accordingly discount them and decline to set the start point at several years of imprisonment.

E. Personal Factors

6. Mr Yakeula is still only 20 years of age; and he has no previous convictions. For those factors I allow a discount of 3 months imprisonment from the start point.
7. The final matter of mitigation is Mr Yakeula's plea. For his prompt plea, I allow a further 33.3% reduction to the end sentence.

F. End Sentence


8. Taking all of those matters into account, the end sentence that be imposed is 8 months imprisonment.

G. Suspension

9. Section 57(1) of the Penal Code requires the Court to consider whether the end sentence should be imposed immediately or suspended. The Court has jurisdiction to suspend the sentence if immediate incarceration is inappropriate in view of the circumstances, in particular the nature of the crime, and the character of the offender.
10. In my analysis, Mr Yakeula's sentence must be suspended – he is still young, with obvious prospects of rehabilitation. I further take into account that he has no previous convictions, and that there has been no further incident of this kind since May 2018. Finally, his plea has indicated remorse.
11. Accordingly, the sentence of 8 months imprisonment is suspended for 2 years. Mr Yakeula needs to understand that he needs to remain offence free for 2 years from today, or he will be incarcerated for 8 months.
12. Mr Yakeula has 14 days to appeal this sentence if he disagrees with it.

Dated at Port Vila this 11th day of December 2018

BY THE COURT

  
Justice G.A. Andree Wiltens

