

BETWEEN: Public Prosecutor

AND: Jeffrey Isu
Defendant

Date: 23 August 2019
By: Justice G.A. Andrée Wiltens
Counsel: Ms M. Tasso for Public Prosecutor
Ms K. Karu for the Defendant

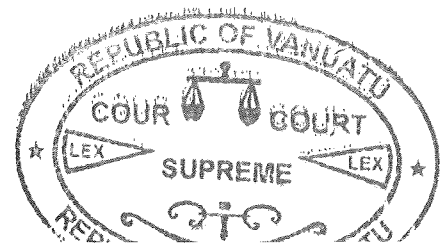
SENTENCE

A. Introduction

1. Mr Isu pleaded guilty to (i) a charge of intentional assault, the maximum sentence for that offence being a term of 10 years imprisonment; (ii) a charge of threatening to kill, the maximum sentence for that offence being a term of 15 years imprisonment; and (iii) a second charge of intentional assault, the maximum sentence for that offence being a term of 5 years imprisonment due to the extent of the injuries caused.

B. Facts

2. The first offence occurred on 20 September 2018, when in the course of a domestic dispute Mr Isu took up a knife and cut his wife's leg. She advises that she lost 1 (or more – it is unclear) toes as a result. The offending occurred at their home in the presence of their children – there are 8 children ranging in age from 5 to 18 years of age. Mr and Mrs Isu have been married for 20 years, but it appears the background to all the offending involved Mrs Isu becoming involved with another man. Mr Isu's various responses to that led to his offending.
3. Secondly, between 1 - 13 March 2019, there was an occasion when Mr Isu, again in the course of a domestic incident, threatened to kill his wife. He told her he would cut her neck with a knife and instructed her to wait while he fetched the weapon. Fortunately she didn't wait and the



matter remained only at the level of a threat. This event also occurred at their home in the presence of the children.

4. It is unclear why Mr Isu only first appeared in Court on 13 March 2019, as his wife first complained just days after the first incident. However, as he now had 2 charges against him, he was remanded in custody. He achieved bail on 16 April 2019.
5. The third offence then followed while Mr Isu was on bail. This was the most serious of his offending. Again, at home and in the presence of their children, on this occasion Mr Isu attacked his wife with an iron bar. In the course of the attack he struck his wife in the head and knocked her unconscious. She spent some time in hospital recuperating. Her injuries include:
 - A deep laceration to the left scalp;
 - Compound fractures of the jaw;
 - An injury to her left eye socket;
 - a superficial laceration to her upper back; and
 - Profuse bleeding from her jaw and scalp.

C. Aggravating/Mitigating Circumstances

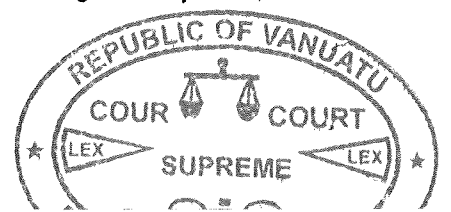
6. There are no mitigating factors to the offending.
7. There are however, numerous aggravating factors to be taken into account. The offending all occurred at the home of Mrs Isu, where she was entitled to feel safe. The children were present at all 3 occasions – and were given the wrong message by their father as to how to behave in our society. The third offence took place while Mr Isu was on bail. It is the most serious of the offences, as it involved the use of a weapon to attack his wife's head, the most vulnerable part of the body. She ended up in hospital with a jaw broken in several places, as well as other injuries. The offending is of a repetitive nature. It was deliberate and involved on two occasions the use of a weapon to perpetrate actual violence. The attacks and threat were made to Mr Isu's wife of 20 years – they involve a breach of trust.

D. Offending Starting Point

8. Each of the 3 offences, by themselves, merits an immediate custodial sentence. Looking at the totality of criminal culpability, the start point that I adopt is one of five years' imprisonment.

E. Mitigating Factors

9. Mr Isu has no previous convictions and is apparently in good standing with his family and the community generally. However, while he could avail himself of that in September 2018, that was no longer the case in March and May 2019. This factor carries little weight.
10. Mr Isu has undertaken a custom reconciliation ceremony with his wife, involving an apology and the payment of VT 12,000. However, he is really just using family money to pay his wife, who most likely used the cash for the benefit of the family. The reconciliation amount, in my view, does not amount to very much. That is especially so when also taking into account that at the same reconciliation ceremony Mrs Isu apologised to Mr Isu for her involvement with the other man and paid Mr Isu VT 10,000 cash. In net terms, Mrs Isu was given only VT 2,000.



11. Mr Isu is said to now be remorseful.
12. For the personal mitigating factors I allow a reduction from the sentence start point of 6 months imprisonment.
13. Lastly, Mr Isu pleaded guilty to the charges at the earliest opportunity, which would ordinarily merit a reduction of one-third from the appropriate sentence. I am prepared to so reduce his sentence accordingly.
14. Mr Isu was remanded in custody from 13 March 2019 to 16 April 2019; and again from 6 May 2019 to date. It is therefore appropriate to back-date the start point for his sentence.

F. Sentence

15. Mr Isu is sentenced to an end term of 3 years imprisonment. In respect of the first assault, charge 1, the sentence is 2 years' imprisonment. In respect of the threatening to kill charge, charge 2, the sentence is 1 year imprisonment. In respect of the second assault charge, charge 4, the sentence is 3 years' imprisonment. As I regard the offending as being a course of conduct involving family violence, and I am dealing with the totality of the offending, all 3 sentences will be served concurrently, but will commence from 1 April 2019 to take into account time already served.
16. The knife, the pipe, and a chainsaw which was found by the police with blood on it are to be destroyed. The weapons were all involved in the offending – it is just that the chainsaw charged was not proceeded with.
17. I have the ability, in certain circumstances, to suspend the sentence in part or entirely. This is not a case where I am prepared to exercise my discretion to do that. The offending is far too serious, and a suspended sentence would have the effect of immediately putting Mr Isu back into his home environment where all this offending took place. The risk of next seeing Mr Isu on a homicide charge precludes the possibility of suspending any part of the sentence. I apprehend that once this sentence has been served, the risk of further similar offending will have dissipated if not entirely disappeared.
18. Mr Isu has 14 days to appeal the sentence if he so wishes.

**Dated at Port Vila this 24th day of August 2019
BY THE COURT**

Gandrei Wiltens
Justice G.A. Andrée Wiltens

