

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

Criminal  
Case No. 20/1265 SC/CRML

BETWEEN: Public Prosecutor

AND: Cedrick Joseph  
Defendant

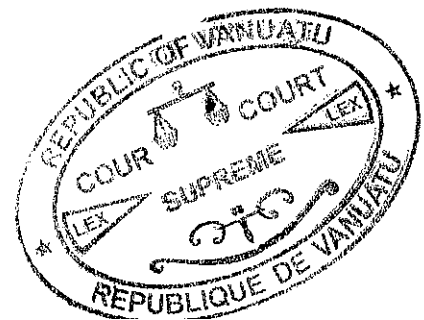
*Date of Plea:* 21<sup>st</sup> July 2020  
*Date of Sentence:* 28<sup>th</sup> August 2020  
*Before:* Justice Oliver.A.Saksak  
*Counsel:* Ms Michelline Tasso for Public Prosecutor  
Mrs Pauline Malites for the Defendant

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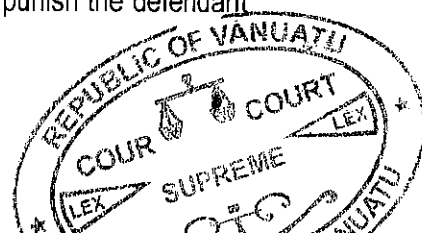
**SENTENCE**

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1. Cedrick Joseph is here for sentence today. He pleaded guilty to two separate charges of threats to kill contrary to section 115 of the Penal Code Act [ CAP 135] ( the Act). The charges were preferred in Counts 1 and 3.
2. The maximum penalty for this offence is 15 years imprisonment.
3. The facts of the offendings are that on 8<sup>th</sup> February 2020 at the end of the Airport Area the defendant entered the complainant's room and told her to leave the house. He was very angry. The complainant asked him for the reason behind his demands but the defendant continued with his demands that she leave or she will " get it" He then took a big bush knife and approached the complainant threatening to cut her up. She fled and left her flip-flops behind. The defendant pursued the complainant with the knife in his hand and saying "***tedei bai mi kattem yu u pispis***". Translated it means: "***Today, I am going to cut you up in pieces.***" The defendant continued to pursue the complainant until her cousin John stood in the way to block her from being attacked. The defendant however pushed John to one side and continued to chase the complainant. The complainant eventually sought shelter from Roze, another cousin of hers who assisted her by calling the police.



4. The police arrived on 9<sup>th</sup> February 2020 and arrested the defendant. On apprehension the defendant called out from the cage of the Police vehicle to the complainant saying “ ***Bae mi kamout long No.6 bae mi katem ted you long knife***”. Translated it means: “ ***When I am out of prison I will cut you dead with a knife***”.
5. The defendant admitted his actions to the police during his interview under caution. He said he was not thinking right.
6. The aggravating features are-
  - (a) Threats made were serious: to kill dead the complainant.
  - (b) They were repeated.
  - (c) They were unprovoked.
  - (d) A knife as a weapon was used with the threats.
  - (e) The threat was executed by the chasing of the complainant.
  - (f) Real fear of physical or serious bodily harm.
  - (g) The threats were made in the presence of the relatives of the complaint and even in the presence of the police.
7. There is absolutely no remorse and no mitigating circumstances.
8. Taking all the aggravating features with the seriousness of the offending, and the principles of sentencing in **Walker v PP** [2007] VUCA 6, I consider that the appropriate punishment the Court will impose on the defendant is to be a custodial sentence. And therefore I set the starting sentence 2 years imprisonment for each charge in Counts 1, and 3 to be served concurrently.
9. For guilty pleas I allow a full 1/3 reduction from the 2 years concurrent sentence. The balance is 16 months. No further deduction is warranted. This sentence takes immediate effect as of today.
10. This sentence is essential to mark the seriousness of this offending, to mark public condemnation of the defendant's actions, to protect women and vulnerable members of the community, to deter the defendant and other like-minded persons and to punish the defendant adequately.



11. The defendant has a right of appeal against this sentence within 14 days if he does not agree with it.

DATED at Port Vila this 28<sup>th</sup> day of August

BY THE COURT

  
OLIVER A. SAKSAK

Judge

