

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

**Criminal**  
**Case No. 17/3478 SC/CRML**

**BETWEEN: Public Prosecutor**

**AND: Jeffrey Bob**  
Defendant

**Coram:** *Justice Aru*  
**Counsel:** *Ms. L. Lunabek for the Public Prosecutor*  
*Mr. A. Bal for the Defendant*

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**SENTENCE**

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**Introduction**

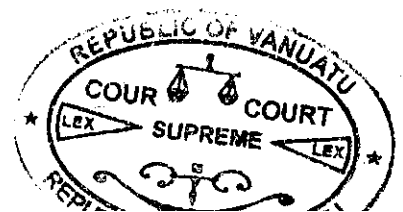
1. Mr Jeffery Bob was charged with two counts of intentional assault and one count of intentional homicide. He pleaded guilty to the intentional assault charges and entered a not guilty plea to the charge of intentional homicide. A trial followed and Mr Bob was found not guilty of intentional homicide and was acquitted on that charge. He is now being sentenced on the charges for intentional assault.

**The facts**

2. On 1 January 2016 the victims and their families were drinking inside their yard at Simbolo Area in Vila. They had been drinking the night before to celebrate the coming of the new year. Around 12 pm one of the victims went to the shop to get more drinks with two others. On their way back they met Mr Bob who told them to wait. He then assaulted one of the victims and caused his nose to bleed.
3. Mr Bob tried assaulting the victim with a bamboo but it was removed from him by one of the men. Mr Bob then ran away. The victim and his two friends then walked back to their family compound to join the others who were still drinking. Sometime after that Mr Bob returned with a friend. They entered the property and Mr Bob took a piece of wood and assaulted the second victim. He hit the victim on the backside and on his side. The victim fell to the ground and Mr Bob kicked him whilst lying on the ground.
4. Mr Bob then fled the scene with his friend. He was eventually arrested by the Police following complaints by the victims.

**Starting point**

5. The law has now changed in introducing a higher penalty for intentional assault causing damage of a temporary nature, however, at the time of the offending the maximum penalty was one year imprisonment.



6. Aggravating features of the offending are that a piece of wood was used as a weapon and caused injury to the victims. Furthermore the attack was unprovoked.
7. There are no mitigating factors
8. Taking these factors into account I set the starting point of sentence at 7 months imprisonment which is to be concurrent for both charges.

**Personal factors**

9. When Mr Bob was arrested he told the Police that he will only talk in Court. He entered his guilty plea when he appeared in Court. A month is deducted for the guilty plea.
10. Regarding Mr Bob's personal factors, the Pre-Sentence Report filed by his probation officer states that Mr Bob is around 29 years of age and lives in a defactor relationship. He has a one year old daughter. He is now employed by Digicel in customer care service and advertising. He is the breadwinner in his family and also supports his parents and siblings financially and is an active member of his community.
11. He completed his education at year 11 and spent 3 years with the Vanuatu Football Academy representing Vanuatu as a member of the national soccer team.
12. For his personal factors the sentence is further reduced by 2 months.

**End sentence**

13. The end sentence is therefore 4 months imprisonment to be served concurrently. In view of the circumstances I will suspend the sentence for a period of 12 months with 100 hrs community work.
14. Mr. Bob, has 14 days to appeal if he is not happy with the decision.

DATED at Port Vila this 2<sup>nd</sup> day of March, 2021  
BY THE COURT

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D. Aru  
Judge

