

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

Criminal
Case No. 21/122 SC/CRML

BETWEEN: Public Prosecutor

AND: David Naling Willie

Date: 15th April 2021
By: Justice G.A. Andrée Wiltens
Counsel: Mr. P. Toaliu for the Public Prosecutor
Mr. H. Rantes for the Defendant

SENTENCE

A. Introduction

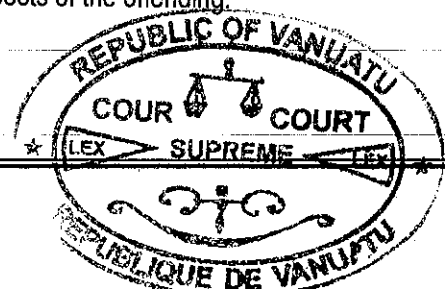
1. Mr Willie had pleaded guilty to two charges of domestic violence. He accepted the summary of facts and was accordingly convicted on his own plea and the admitted facts.

B. Facts

2. Mr Willie is 45 years old, and married to his 30 year old wife. They reside at Inamau Village, Tanna. Mr Willie is step-father to his wife's daughter, Selika Martha.
3. Selika was a student in year 8 when she died on August 2020.
4. Prior to her death Selika had declined to have sexual intercourse with Mr Willie, and when confronted about that in March 2020 Mr Willie assaulted both Selika and his wife, causing them physical injuries.
5. There is no indication on the file as to the extent of the assault or the injuries caused. However the prosecution submissions explain the assaults were with fists and feet repeatedly to the body of both complainants.

C. Sentence Start Point

6. The sentence start point is to be determined by taking into account the maximum sentence for this offence and factoring in the aggravating and mitigating aspects of the offending.



7. The maximum sentence available for this offending is 5 years imprisonment.
8. There are no aggravating or mitigating aspects to this case.
9. The start point I adopt is a sentence of 18 months imprisonment on both charges concurrently.

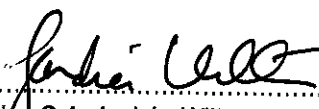
D. Mitigation

10. Mr Willie pleaded guilty to the charges at an early stage. He is therefore given a reduction from the sentence start point of 25%.
11. Mr Willie is 47 years old, now back living with his wife and their children. He has apologised for his actions although not attended a custom reconciliation ceremony.
12. Mr Willie has no previous convictions.
13. The subsequent loss of Selika, which is unrelated to the offending, is cause for leniency to be shown.

E. End Sentence

14. I consider the appropriate sentence is 12 months supervision with the condition that Mr Willie attend and complete the Niufala Rod programme. Additionally he is to complete 80 hours of community work.
15. I impose that sentence on both charges concurrently.
16. Mr Willie has 14 days to appeal the sentence if he disagrees with it.

Dated at Isangel this 15th day of April 2021
BY THE COURT


Justice G.A. Andrée Wiltens

