

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

Criminal
Case No. 22/2205 SC/CRML

BETWEEN: Public Prosecutor

AND: Steven Mul
Defendant

Coram: Justice Aru

Counsel: Mr. T. Karae for the Public Prosecutor
Mrs. P. Malites for the Defendant

SENTENCE

Introduction

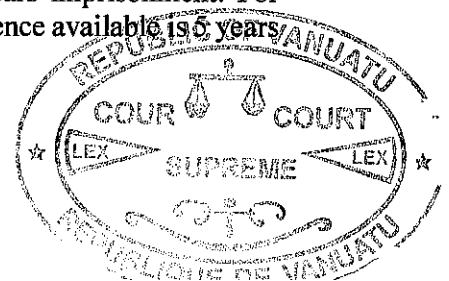
1. Mr Steven Mul pleaded guilty to 1 count of threats to kill and 1 count of intentional assault causing temporary injury. He now appears for his sentence.

The facts

2. On the night of 11 April 2022 the defendant went to the complainant's shop to buy a cigarette then demanded the complainant give him another cigarette. After a while the complainant heard the defendant swearing outside on the verandah of her house and threatening her to go outside. The complainant told him he was making a lot of noise and waking up her children so she switched off the light.
3. The complainant went back inside her house. After a while she heard a loud noise. The defendant entered her house. He broke the door and entered the sitting room and forced the complainant to go outside. He broke the door to the complainant's room and begun assaulting her on her head, mouth, ribs and stomach. Her young children were awake and saw what happened.
4. Two relatives of the complainant came to assist the complainant and pulled the defendant away. He then threatened the complainant by saying in bislama "come out long woman ia bae mi kilim ded hem". The matter was then reported to the Police.

Sentence start point

5. The maximum sentence available for threats to kill is 15 years imprisonment. For intentional assault causing temporary injury the maximum sentence available is 6 years imprisonment.



6. There are a number of aggravating factors of the offending. First the assault was unprovoked and second, it happened in a home in front of the complainant's young children. Furthermore, the defendant used his fists to assault the complainant. There are no mitigating factors of the offending.
7. The starting point of sentence for threats to kill is 4 years imprisonment. For intentional assault causing temporary injury the starting point of sentence is 2 years imprisonment. The concurrent starting point of sentence is 4 years imprisonment.

Mitigation

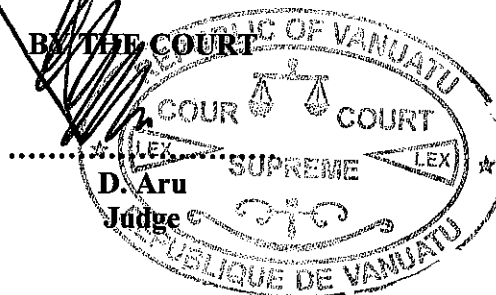
8. The defendant entered his guilty plea at the earliest available opportunity as a sign of remorse. The end sentence will be reduced by one third.
9. The pre-sentence report shows that the defendant is 33 years old and is a first time offender. He is a builder by trade and is the bread winner of his family. He lives in a de facto relationship and has a one year old son. His chief speaks highly of him. Taking these factors into account the end sentence is further reduced by 6 months.
10. The report also states that a custom reconciliation was performed by exchanging VT 15,000, one kava stem, two rolls of calico (20 yards) and 1 mat. A further 6 months is deducted from the end sentence for the custom reconciliation.

End sentence

11. The end sentence is therefore 18 months imprisonment which is suspended for a period of two years. In addition the defendant will perform 150 hours of community work and undertake the Niufala road program.
12. The defendant has 14 days to appeal if he is dissatisfied with the decision.

DATED at Port Vila this 22nd day of November, 2022

BY THE COURT



**D. Aru
Judge**