

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

**Criminal**  
**Case No. 22/2110 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**JESSY BAKEO**

*Date:* 16 December 2022  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Mr T. Karae  
Defendant – Mrs P.K. Malites

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**SENTENCE**

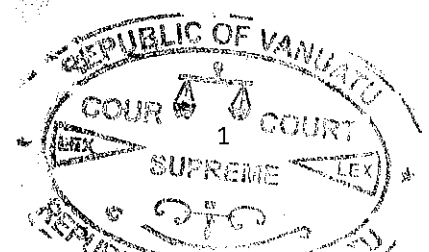
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A. Introduction

1. The Defendant Jessy Bakeo pleaded guilty to intentional assault resulting in death.

B. Facts

2. Mr Bakeo and the deceased Moses Robert were fellow detainees at the Correctional Centre at Tropical Market area, Port Vila.
3. On 7 March 2022, the deceased initiated an argument with Mr Bakeo and challenged Mr Bakeo to a fight. Mr Bakeo threw the first punch at the deceased's face. The deceased kicked Mr Bakeo causing him to fall on the bed. Mr Bakeo grabbed the deceased's neck and began squeezing it. The deceased bit Mr Bakeo's hand who in turn punched the deceased in the face. He saw that the deceased was no longer moving but punched him again. Then Mr Bakeo saw that the deceased was bleeding from his mouth so he called out for someone to bring water. When Correctional officers arrived, the deceased was already dead.
4. Mr Bakeo stated that he had not meant to kill the deceased. He accepted the deceased's challenge to fight to see "who will win and who will lose".



C. Sentence Start Point

5. The sentence start point is assessed having regard to the offending, its aggravating and any mitigating features and the maximum sentence set by Parliament.
6. The maximum penalty for the offending is 14 years imprisonment (s. 107(d), *Penal Code* [CAP. 135]).
7. A mitigating aspect of the offending is that Mr Bakeo did not initiate the fight. The deceased challenged him to fight.
8. The offending is aggravated by the repeated punches to the deceased, even after the deceased had ceased to move.
9. Taking all matters into account, the sentence start point adopted is 4 years imprisonment.

D. Mitigation

10. Mr Bakeo pleaded guilty at the first reasonable opportunity. One third is deducted for his prompt guilty plea.
11. Mr Bakeo is 23 years old. He has no previous convictions. A further 3 months is deducted for his personal factors.

E. End Sentence

12. Taking all of those matters into account, the end sentence imposed is 2 years 5 months imprisonment.
13. The sentence is back-dated to commence from 7 March 2022.
14. The sentencing purposes of denunciation of the criminal conduct, deterrence of Mr Bakeo and others, and to hold Mr Bakeo accountable for his actions require an immediate custodial sentence.
15. Mr Bakeo has 14 days to appeal.

**DATED at Port Vila this 16<sup>th</sup> day of December 2022  
BY THE COURT**

  
Justice Viran Molisa Trief

