

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

Criminal
Case No. 21/2048 SC/CRML

BETWEEN: Public Prosecutor

**AND: Juniro Keven Andison
Kalsa**
Defendant

Date: 24 May 2022
By: Justice G.A. Andrée Wiltens
Counsel: Mr K. Massing for the Public Prosecutor
Mr B. Livo for the Defendant

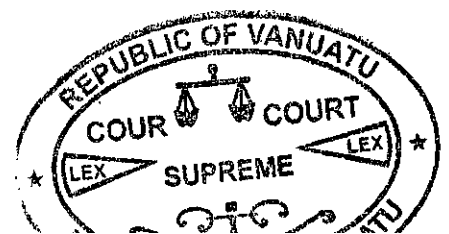
Sentence

A. Introduction:

1. Juniro Keven Andison Kalsa is for sentence today having on an earlier occasion pleaded guilty to the following charges:
 - Domestic violence (x 3) – charges 1, 2 and 5;
 - Intentional assault - charge 3; and
 - Threat to kill – charge 4.

B. Facts:

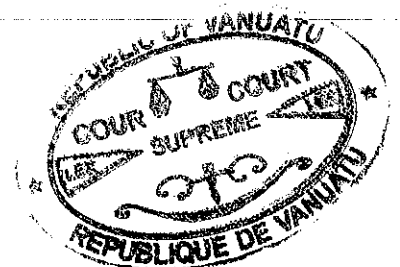
2. The complainant, Ms Lavlin Bage, is Mr Kalsa's de facto partner.
3. In December 2019, Mr Kalsa returned home. He destroyed property belonging to Ms Bage, to a value of VT 136,500. The items destroyed included kitchen utensils, clothing and jewelry.
[Charge 1]



4. In the second week of August 2020, Mr Kalsa swore at Ms Bage, using offensive language towards her while she was at a funeral, and in the presence of his relatives. He further attempted to assault Ms Bage with a sharp piece of iron, but she avoided him and ran off. [Charge 2]
5. On 22 August 2020, Mr Kalsa assaulted Ms Bage. He used a small knife, but she managed to escape before he inflicted serious injury. Ms Bage was later medically examined and found to have a laceration to her right eye, which was swollen. She also had a swollen face, with tender/swollen frontal head, and a laceration at her frontal head. She complained to the Doctor also of abdominal pain and backache. [Charge 3]
6. On 6 September 2020, after the pair had been drinking kava at Malapoa Estate, there ensued an argument. After they returned home, Mr Kalsa tore Ms Kalsa's clothes, punched her 5x to her head, squeezed her neck and said: "Today, I will kill you dead." Ms Kalsa took the threat seriously as Mr Kalsa had previously used a knife to assault her. [Charge 4]
7. On 1 January 2021, in the early hours of the morning, the pair were both drunk. There followed another argument, and on returning home, Mr Kalsa destroyed more of Ms Bage's personal property, which again comprised mainly kitchen utensils. [Charge 5]
8. When interviewed by the police Mr Kalsa freely admitted this offending.

C. Sentence Start Point

9. The sentence start point is to be determined by looking at the maximum sentence available for the offending, and then factoring in the aggravating and mitigating aspects of the offending.
10. The maximum sentence for domestic violence and intentional assault is 5 years imprisonment; and for threat to kill is 15 years imprisonment.
11. There is no mitigating aspect to the offending.
12. The offending is aggravated by:
 - The use of a weapon;
 - Breach of trust towards his partner;
 - The repeat nature of the offending;
 - The lack of any offer of reparation;
 - The fact that much of the offending occurred at Ms Bage's home, where she should be able to feel safe; and
 - The duration of the offending – from December 2019 to January 2021.
13. The start point I adopt for this offending is 3 years 6 months imprisonment on a global concurrent basis.



D. Mitigation

14. Mr Kalsa pleaded guilty at the first opportunity. In doing so, he spared Ms Bage the need to give evidence, he displayed some remorse and he accepted his wrong doing. However, the pleas were in the face of a very strong prosecution case. In the circumstances, I reduce the sentence start point for the prompt guilty pleas by 25%.
15. Mr Kalsa is 27 years old, single. He is unemployed.
16. He has no previous criminal convictions.
17. A custom reconciliation ceremony took place involving the complainant. The gifts and apology offered were accepted.
18. Mr Kalsa's personal circumstances warrant a further discount of 4 months.

E. End sentence

19. The end sentence I impose is 2 years 3 months imprisonment. I impose that on the threat to kill charge. I impose sentences of 6 months, in respect of all the other charges. The sentences are all to run concurrently.
20. Mr Kalsa has been remanded in custody since pleading guilty. To preserve his parole rights, his sentence will accordingly commence from 21 May 2022.
21. I am not prepared to suspend the sentence. The risk of re-offending, if released back into the community, is greatly increased. That plus the number of offences over a substantial period militate against suspension.
22. Mr Kalsa has 14 days to appeal.

**Dated at Port Vila this 24th day of May 2022
BY THE COURT**


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Justice G.A. Andrée Wiltens

