

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

Criminal  
Case No. 23/806 SC/CRML

PUBLIC PROSECUTOR

v

ENOCK JOSEPH WILLIAM

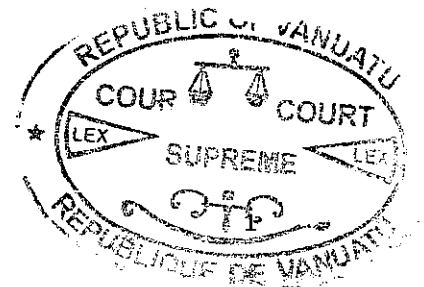
Date: 15 September 2023  
Before: Justice V.M. Trief  
Counsel: Public Prosecutor – Ms M. Taiki  
Defendant – Mr F. Tasso

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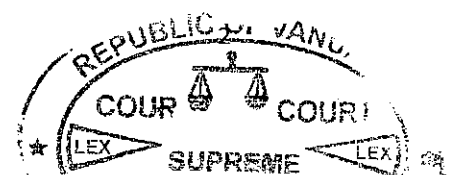
**SENTENCE**

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1. The Defendant Enock Joseph William pleaded guilty to two charges of domestic violence. He is accordingly convicted on his own pleas and the admitted facts.
2. On 9 February 2023 at around 7am at Pango area, Mr William asked his *de facto* partner Estell Mapon to give him some documents. When she refused, he slapped her in the face and bit her left shoulder. She was trying to escape into their house when he grabbed her hand and used an umbrella to stab her chest (temporary damage caused) (Charge 1).
3. Mr William punched her head again which caused her to fall over onto the floor. While she was lying on the floor, he kicked her face, used a small knife to cut her hair and then to stab her right hand causing intense bleeding (temporary damage caused) (Charge 2).
4. Ms Mapon was rushed to the hospital with multiple lacerations as a result from the assault.
5. Mr William subsequently admitted this conduct to the Police.



6. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
7. The maximum penalty for the offence of domestic violence is 5 years imprisonment and a fine not exceeding VT100,000 or both.
8. It is an aggravating factor of the offending that a slap, punch and kick were aimed at the head which is the most vulnerable part of the body, that it took place in the complainant's home, that two weapons namely an umbrella and a knife were used, continuous or repetitive assaults on the complainant's body, the physical and mental effect on the complainant, and that there is a gross breach of trust involved in the offending. There are no mitigating factors of the offending.
9. The sentence start point that I adopt, taking both charges into account, is 2 years 6 months imprisonment.
10. Mr William pleaded guilty at a reasonably early opportunity therefore I deduct 25% from the sentence start point for his pleas.
11. Mr William is 36 years old and was once an RSE worker. He is now employed at the Boat Yard. He and Ms Mapon have two sons, aged 5 and 6.
12. He has no prior convictions. He has performed a custom reconciliation ceremony with the complainant involving local food, 20-yards calico, rice, a mat and VT5,000 cash, which was accepted. He is stated to be remorseful.
13. A further 15% is deducted from the sentence start point for Mr William's personal factors.
14. Mr William was in custody from 18-22 February 2023 (5 days) and from 23 February 2023 to 16 March 2023 (22 days), rounded up being effectively 2 months imprisonment. A further 2 months is deducted from the sentence start point.
15. Accordingly, the end sentences imposed on both charges concurrently is 16 months imprisonment.
16. The offending was serious. The sentences are imposed to hold Mr William accountable for his offending, to deter Mr William and others, to express public disapproval of this type of offending and to emphasize the message that women both in a domestic context and in general should not have to live in fear of being beaten by their partner or husband but are entitled to protection from the law and by the Courts.
17. On the other hand, Mr William's previous clean record, custom reconciliation ceremony, continuing relationship with the complainant, responsibility to provide for his children and employment as well as his already serving time in custody favour suspension of sentence. Accordingly, I am prepared to suspend the sentences for 2 years. Mr William is warned that if he is convicted of any offence in the next 2 years, that he will be taken



into custody and serve his sentences of imprisonment as well as the penalty imposed for the further offending.

18. In addition, Mr William is sentenced to 100 hours of community work.

19. Mr William has 14 days to appeal.

**DATED at Port Vila this 15<sup>th</sup> day of September 2023  
BY THE COURT**

*VM Trief*  
Justice Viran Molisa Trief

