

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

**Criminal
Case No. 24/188 SC/CRML**

BETWEEN: Public Prosecutor

AND: Jean Luc Tevi
Accused

Date of Trial: 30th day of May, 2024

Date of Sentence: 10th day of July 2024

Before: Justice E.P Goldsbrough

In Attendance: Shem, C for Public Prosecutor
Malites, P for defendant — not present

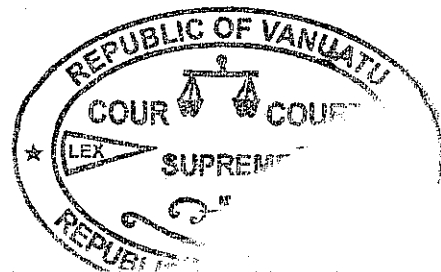
SENTENCE

1. Jean Luc Tevi, you have pleaded guilty to three offences all committed on the same occasion and all committed against the same person, your *de facto* wife. The three offences are making a threat to kill, contrary to section 115 of the Penal Code, committing an act of domestic violence against a family member by slapping her about the head, contrary to section 4 (a) and section 10 of the Family Protection Act No. 28 of 2008 and intentional assault contrary to section 107 (b) of the Penal Code.
2. You have agreed with the statement of facts presented to the Court by the Public Prosecutor. The facts about these three offences are set out in that document. It seems that you were suspicious of your wife and accused her of speaking with a boy from Ambae. It is not clear whether there was any credible evidence on which your suspicion was founded or not. You became angry and hit your wife about her head.
3. It was at the same time that you issued your threat to kill her. You said "Today bai mi kilim ded yutufala, bai mi katem ded Marie Rose afta mi katem bel blo yum o kilim ded hemia istap long bel ia". The reference to Marie Rose is to the daughter of your *de facto* partner,



not a biological child of yours. The reference to killing the unborn child came about because your *de facto* wife was 6 months pregnant.

4. Your partner was alarmed at this statement and feared for her safety and after the same threat was repeated, left for the safety of the house of a neighbour. It was at that house where you inflicted the intentional assault, even after the neighbour pleaded with you not to do so. You kicked your partner in the back and to her belly, no doubt intending to carry out your threat of harming or killing the unborn child within it.
5. The maximum penalties for these offences are 5 years imprisonment (domestic violence and assault) and fifteen years (making a threat to kill). It is to these maximum sentences that the Court looks together with the features of your offending to determine a sentence starting point. The factors which tend to make your offending more serious are that you behaved towards your partner in this way both repeatedly and in a place or places where she was entitled to feel safe. The assault took place after you had had the opportunity to calm down after your first outburst and so demonstrated a greater degree of intention to cause harm than an unpremeditated attack during the course of an argument getting out of hand. You took the time and trouble to follow your partner to the neighbour's house and attacked her there, ignoring the additional pleas of the neighbour for you to stop.
6. Your behaviour was affected by the consumption of both kava and alcohol.
7. As all the offences took place either simultaneously or shortly after each other, all sentences will be ordered concurrently. The Court will look at the whole of the circumstances together as one incident.
8. A starting point for your sentence is set at 40 months imprisonment.
9. You have not appeared before in a Court charged with criminal offences. That is to your credit. You told the officer who wrote the pre-sentence report that you had your suspicions after reading text messages on your partner's mobile phone and that raised the question of who may have fathered the unborn child. You have made offers of reconciliation although that has not taken place.
10. You spent some time in pre-sentence custody, a total of 11 days. You are to be given credit for that time served.



11. Other than the above, there is no other mitigating feature to your offending that might serve to reduce your end sentence. You entered a guilty plea to these offences but not until the morning of your intended trial. At the plea stage, you entered pleas of not guilty and the matter was postponed to a trial date. You cannot now benefit from entering a guilty plea at the earliest opportunity. The witnesses were warned and ready to give their evidence. The only value of your late guilty plea was to save them the further anxiety of giving evidence in court.
12. For those factors, a reduction of 10 per cent from the starting point is ordered, together with a reduction representing the pre-sentence period of custody. That reduces the 40 months imprisonment to 35 months and one week. The same sentence will be imposed for each of the three offences, all concurrent.
13. You are entitled to have the court consider suspending your sentence of imprisonment. However, given the serious nature of this offending, the Court is not prepared to suspend the sentence. That takes into account the nature of your offending and its seriousness, and your character as required by the legislation.
14. You have previously been held in custody for these offences and therefore the provisions of section 50 of the Penal Code as amended do not allow. The sentence of imprisonment of thirty-five months and 7 days is ordered to begin forthwith.
15. You have the right to appeal against this sentence, but should you choose to do so, you must begin that process within fourteen days from today.

DATED at Port Vila this 10th day of July, 2024.

BY THE COURT

E.P.G.

**E.P. Goldsbrough
Judge of the Supreme Court**

