

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

**Criminal  
Case No. 23/2211 SC/CRML**

**BETWEEN: Public Prosecutor**

**AND: Leonard Carlot  
Accused**

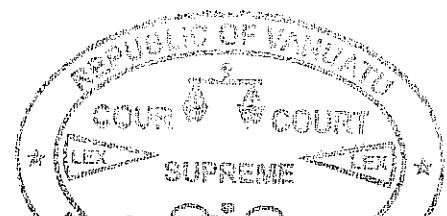
***Date of Sentence:*** *4th day of March, 2024*  
***Before:*** *Justice E.P. Goldsbrough*  
***In Attendance:*** *Young, L for Public Prosecutor*  
*Dahinavanua, C for the Defendant*

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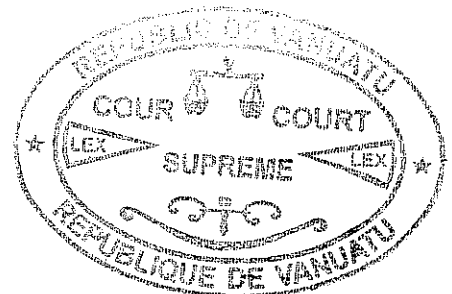
**Sentence**

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1. Leonard Carlot has pleaded guilty to one charge of intentional domestic violence, committed almost five years ago when he assaulted his domestic partner during an argument between them. The offence is said to have been contrary to sections 4 (1) (a) and 10 (1) of the Family Protection Act of 2008.
2. Mr Carlot and his wife had been working together collecting wood and after completing the work, argued about the money which they had earned because the work had been for a friend of Mr. Carlot. During the row between them he hit her across her face, causing her to bleed.
3. On another occasion he again hit her, as she had slept the previous night at the house of his brother. Finally, after working together in the garden, when his wife suggested she would go and retrieve her mobile phone from her previous residence and catch her husband up later, when she did catch up with him, he assaulted her.
4. This is the extent of the offending and all of it took place in 2019. The parties still live together as man and wife and support, to the extent necessary, her six children from her previous relationship. His two children are both married and have left home.



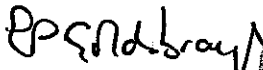
5. The facts presented by the prosecution are accepted by the defence. Mr. Carlot has had suspicions about his wife's fidelity. She agrees that she has been responsible for making him angry.
6. The maximum penalty for the offence to which Mr Carlot pleaded guilty is 5 year's imprisonment. That maximum penalty taken together with the facts of the offending assist the Court in determining where to start the sentencing process. The Court also considers similar cases that have come before.
7. Without considering the five-year delay in this matter being dealt with in Court, a starting point is two years imprisonment. After arriving at the starting point, it is necessary to consider matters about the offender, not the offence and any other relevant issue, in this case delay.
8. This man has not been in trouble with the law before, he has no previous conviction and reports from his community describe him as a worthwhile member of his community. It is no excuse that his wife accepts responsibility for his anger, as he must learn to control that anger. At a late stage in the case, he pleaded guilty to the offence and has, according to the pre-sentence report, acknowledged his responsibility for his offending behaviour. He has undertaken a customary reconciliation ceremony between himself and his wife. All of that must be considered when determining the appropriate final sentence. The reduction for the late guilty plea should be 25% and the further reduction for the customary reconciliation another 10%. Delay of five years is excessive when no explanation for it can be offered. No reason has been offered. A further reduction of 25% is made to take that factor into account.
9. This reduction from the starting point is more than 50% which is unusual but given the delay it is difficult to see how anything less is right.
10. This man has been living with his same partner for four years after this offence and there is nothing to suggest any further incidents of violence such as happened in 2019. He has indeed learnt a lesson from what happened five years ago.



11. If a custodial sentence is to be imposed, consideration must be given to suspending that sentence. The Court is required to look at the nature of the offending and the character of the offender and if it is not appropriate to impose an immediate sentence of imprisonment, the sentence may be suspended. This is such a case.
12. For the offence of domestic violence, Leonard Carlot is sentenced to ten months imprisonment suspended for one year. No further order is made but should Mr Carlot wish to voluntarily attend an anger management module offered by the Probation Service, he should ask the author of the pre-sentence report who has discussed that with him.
13. The suspended sentence means that there is no immediate order for Mr Carlot to go to prison but if he is convicted of any criminal offence within the next 12 months, he will be liable to go to prison for this offence and any new offence that takes him before a court. He has a right of appeal against this sentence but must begin that process if he wishes, within 14 days from today.

**DATED at Port Vila this 4th day of March, 2024.**

**BY THE COURT**



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**E.P. Goldsbrough**

**Judge of the Supreme Court**

