

PUBLIC PROSECUTOR

V

JUDAH GEORGE

Date of Plea: 20th August 2024
Coram: Hon. Chief Justice V. Lunabek
Counsel: K. Massing for the Public Prosecutor
R. Rongo for the Defendant
Date of Sentence: 25 September 2024

SENTENCE

I. Introduction

1. Mr Judah George ("*Mr Judah*"), you appear today for sentence having pleaded guilty and convicted on one count of intentional homicide, contrary to Section 106(1)(a) of the Penal Code Act [CAP. 135].
2. Section 106(1)(a) provides:

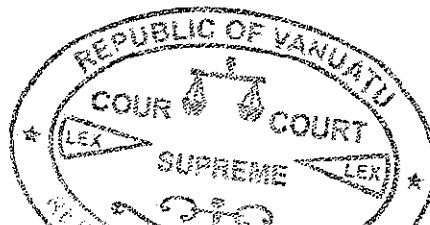
"106 (1) No person shall by any unlawful act or omission intentionally cause the death of another person –

Penalty:

- (a) *If the homicide is not premeditated, imprisonment for 20 years;*
...

II. Facts

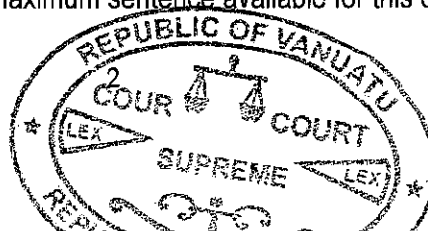
3. On or about the 28th of May 2024 the complainant Mr Andrew Titus lodge an official complaint with the Police about an incident that happened on 27th of May 2024 around 5pm in the afternoon.



4. The deceased (Lignes Tari) was the wife of the accused person. The deceased and the accused have three grown up children. The deceased filed and obtained a restraining order against you because you have been constantly assaulting her.
5. According to family members, the deceased had been assaulted every week, and every week she would have bruises on her face including black eyes. The deceased has sought help from Women Centre but it was said, the accused have breached many of these restraining orders.
6. A few months ago, the deceased has run away and came to Port Vila. The deceased found a job at the Valet Chinese Takeaway restaurant. The accused however was not happy about this and travelled to Port Vila to take the deceased back to the village at Big Bay, Santo island.
7. On the 27th of May 2024, the accused waited outside the Valet Chinese Takeaway. The accused was waiting to speak with the deceased. However, the deceased refused to come outside and speak with the accused.
8. Around 5pm, the deceased clocked out and left work. The accused confronted the deceased on the road. The accused was in full black clothing including wearing a black sunglasses. The accused walked up to the deceased and they had a brief conversation. The accused then assaulted the deceased and then took out a kitchen knife and stabbed the deceased.
9. According to the medical report dated the 27th of May 2024 and the forensic report dated the 29th of May 2024, the deceased died from exsanguination due to multiple stab wounds to the chest.
10. The accused was cautioned and interviewed on the 29th of May 2024. The accused confirmed that he was at the Valet Takeaway restaurant in the morning. The accused said he left his house around 6am. The accused confirmed that he tried to get a hold of the deceased but the deceased refused to come outside and speak with him. The accused confirmed that he waited outside until 5pm in the afternoon when he saw them coming out of the takeaway shop. The accused confirmed that he confronted her and told her that he was sick and wanted her to come back with him to take care of him. The accused said the deceased refused and did not want to come back with him.

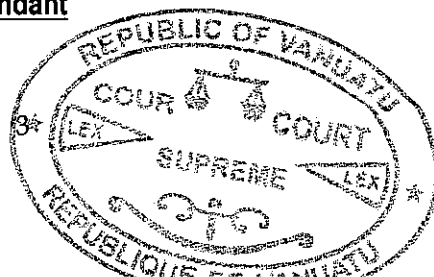
III. Sentence start point

11. Intentionally causing death of another person by any unlawful act or omission under Section 106(1)(a) carries a maximum penalty of 20 years, if the homicide is not premeditated. 20 years imprisonment is the maximum sentence available for this current offence.



12. The Court must always have regard to the maximum sentence prescribed by Parliament as reference point, indicating a suitable starting point for the most serious offending, and against which a sentence for offences bearing lesser culpability can be assessed.
13. Here, were not mitigating features to the offending, but the following aggravating factors exist:
- (a) There was a serious breach of trust in the relationship. The deceased was married to the accused;
 - (b) There was abusive relationship in the marriage – leading to the issuance of a Protection Order from the Magistrate's Court. In addition, the deceased left her marital home (in Santo) and sought refuge in Port Vila;
 - (c) The use of a deadly weapon – Mr Judah, you had a kitchen knife which you used to commit the offence;
 - (d) Multiple stab wounds – the medical report showed that Mr Judah, you had stabbed the deceased multiple times;
 - (e) Cruelty/killing – this was a callous disregard for another human life;
14. The Prosecution refers to the following cases: Saipir v Public Prosecutor [1996] VUCA 7; Tabi v Public Prosecutor [2010] VUCA 40; Public Prosecutor v Nof [2008] VUCA 24 and Newell v Public Prosecutor [1998] VUCA 2.
15. The Prosecution submits that this offending warrants a sentence start point between 13 years and 20 years Imprisonment.
16. The Defence counsel refers to two Supreme Court cases: Public Prosecutor v Napat [2003] VUSC 45 and Public Prosecutor v Tamata [2010] VUSC 7. The defence counsel submits that the appropriate sentence start point is 2 years imprisonment to be suspended for a period of 2 years.
17. In the present case, based on the circumstances of this case, I fix the sentence start point to 17 years imprisonment.

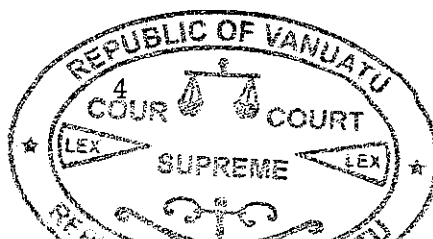
IV. Personal Mitigating Features to the Defendant



18. Mr Judah, you are 56 years old. You are from Big Bay Vunatari Village, Santo Island. You said you reside at Erakor Half Road area, Port Vila. You said you had 3 children with your deceased wife (2 sons and 1 daughter). The children have grown up and they are all married with 10 grandchildren.
19. You are a first-time offender with no previous conviction. You explained your offending that you were sick, your wife was supposed to be taking care of you. You added that your wife was having an affair with a man. You caught her and she came to Port Vila without informing you. You said you tried to call your wife by phone but a man would answer the phone, telling you that he would kill you if he sees you. You said it was around 6:00pm when you were very angry. You then went near to where your wife was working near the Cathedral area in Port Vila and stabbed her using a knife. You said she died upon arrival at the hospital.
20. You said you are sorry for your wrongful actions towards your wife. I note you said sorry for your wrongful actions. But your actions show there was no remorse, no patience, you killed your wife on the main road next to the Catholic Church where there were pedestrians and people on vehicles making their way home.
21. I give you a reduction allowance of 4 months to reflect any mitigating factors.
22. I give you a reduction of 30% to reflect your early guilty plea.
23. The remaining balance of your sentence is 12 years imprisonment.

V. End Sentence

24. Your end sentence is 12 years imprisonment.
25. You were remanded in custody for this offending since 29 May 2024 until you are sentenced today 25 September 2024. The time you have already spent in pre-custodial period shall be deducted in your favour.
26. I consider the nature of your offending, the circumstances of your offending and your character as the offender, I decline to suspend your imprisonment sentence of 12 years. This custodial sentence is necessary because:
 - 1) It is to mark public disapproval of this type of offending against women and mothers of children in this country;
 - 2) It serves a punishment for you as the defendant for this offence;



- 3) It serves as a deterrent against you and other like-minded people in this type of offending in the future;
 - 4) It serves as a protection for women as the vulnerable members of the society (see also Public Prosecutor v Stephen Sarginson, Criminal Case No. 24/1995 SC/CRML).
27. You are ordered to serve the sentence of 12 years imprisonment which is deemed to start on 29 May 2024 to take into account of the time you have already spent in custody.
28. You have 14 days to appeal against this sentence if you are unsatisfied with it.

DATED at Port Vila, this 25th day of September, 2024.

BY THE COURT

Hon. Chief Justice Vincent LUNABEK

