

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

Criminal
Case No. 25/350 SC/CRML

PUBLIC PROSECUTOR

v

NOAH IARUEL

Date of Plea: 11th March 2025
Before: Justice Josaia Naigulevu
Counsels: Acting Public Prosecutor – Mr. Christopher Shem
Public Solicitor – Mr. Harrison Rantes

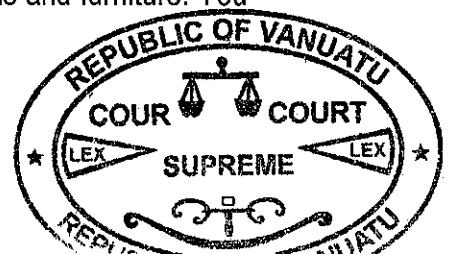
SENTENCE

Introduction

1. Mr. Noah Iaruel, you appear today for sentence having pleaded guilty to the charges preferred against you, including a count of Criminal Trespass contrary to section 144 of the Penal Code; Careless driving contrary to section 14 of the Road Traffic (Control) Act; a count of Malicious damage to Property contrary to section 133 of the Penal Code; Intentional assault contrary to section 107(b) of the Penal Code; and a count of Threats to kill contrary to section 115 of the Penal Code.
2. You had earlier entered your pleas. Your counsel indicated that you did not need to be arraigned again. On the 13th March 2025 when you appeared before me, the summary of facts presented by the prosecution was read and translated. You indicated that you understood what had been read, and agreed with it.
3. You were duly convicted on your pleas.

Facts

4. On the 10th January 2025. You drove your vehicle into the complainant's compound, and damaged part of the family house and a few household items and furniture. You also broke a number of louvers blades to the house.



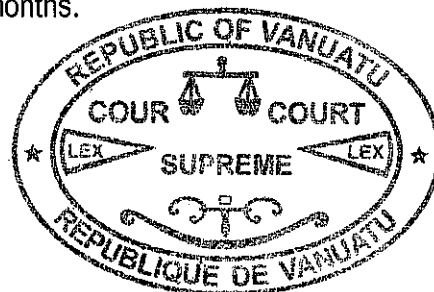
5. When the complainant's husband came out of the house, you alighted from your vehicle and assaulted him. He sustained injuries to his jaw and shoulder as the result of your assault.
6. When the complainant attempted to intervene, you threatened to kill her and her husband.
7. Earlier, you were observed to have been drinking alcohol and driving along the public road towards Denis Village.

Sentencing purpose and Guideline

8. There are several principles that guide the sentence to be imposed on you. They include the proposition that you must be held accountable and must take responsibility for your actions. Additionally, your action is the kind that is denounced by society, and that similar future acts by you and others must be deterred.
9. Equally important is that you must be given an opportunity to rehabilitate and reintegrate.
10. The approach taken in the present case follows the guidance given by the Court of Appeal in the case *Philip v Public Prosecutor* [2020] VUCA 40.

Starting Point

11. In assessing the appropriate starting point, I have taken into account the statutory maximum sentence, as well as the aggravating and mitigating factors of the offending.
12. The maximum penalties for the offences of criminal trespass is 1 year imprisonment; for the offence of malicious damage to property is one year imprisonment or a fine of VT 5,000, or both; for intentional assault it is 5 years imprisonment and for threats to kill it is 15 years imprisonment.
13. I have considered the comparative cases referred to me by your counsel, and the submissions made by the prosecuting counsel. They have been most helpful.
14. I adopt the following starting points: for the offence of trespass, 6 months; for careless driving, 5 months; for malicious damage to property, 8 months; intentional assault, 24 months; and for threats to kill a term of 36 months. As the offence of threat to kill is regarded as the lead offence, the global starting point will be 36 months.



Guilty Plea

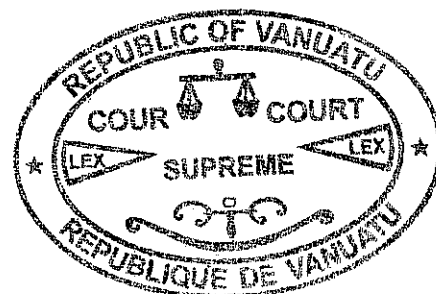
15. You have pleaded guilty to this Court at the earliest Opportunity. As the result, you are entitled to a discount of 12 months, a period to be deducted from the starting point.

Aggravating Factors

16. The following circumstances constitute the aggravating factors in the present case:
 - i. The offending occurred at the home of the complainant, the very place where persons should feel safe and secure;
 - ii. The feeling of fear and intimidation occasioned by the use of a vehicle on the complainant's property and your presence in an inebriated state at the material time;
 - iii. A degree of prior planning that was used;
 - iv. The assault targeted the head region, the most vulnerable part of the body;
 - v. The offences occurred whilst you were under the influence of alcohol;
 - vi. Financial loss occurred.

Mitigating and Personal Factors

17. Noah Iaruel, you are 32 years old, are married and have three children. Two of the children attend kindergarten, and the third is a month-old son. You support your parents financially.
18. You attended secondary school and have undertaken engineering courses at the University of the South Pacific.
19. Your pre-sentence report discloses that you own and operate a block making company that employs 23 workers: 20 men and 3 women. You have an understanding of business and banking processes.
20. The Court is also informed that you participate voluntarily in community and church activities.



21. Of note also is that you performed a Kastom ceremony in which you sought to reconcile with the victim. The Court is told that the value of the gifts presented to the victim and his chief was in the region of VT260,000. The gifts were accepted by them.
22. This Kastom ceremony and your early guilty plea support the suggestion that you are remorseful for your action. You have never been convicted of an offence in the past.
23. These factors are taken into account and reduce your sentence by a further 9 months.

End Sentence

24. I have taken into account all these matters and impose an end sentence of 15 months.
25. The Court is informed that you were in custody for 11 days from the 12th January 2025 till the 22nd January 2025. That period is also taken into account, and it will reduce your end sentence by the same period.
26. I take into account the circumstances, the nature of the offending and your character and have decided to suspend the entire remaining 14 months and 19 days pursuant to section 57 of the Penal Code.
27. You however are ordered to perform 100 hours of community work over the next 12 months and will undertake supervision over a similar period.
28. You have 14 days to appeal this sentence.

DATED at Port Vila this 16th day of April 2025
BY THE COURT

