

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

Criminal
Case No. 25/266 SC/CRML

PUBLIC PROSECUTOR

V

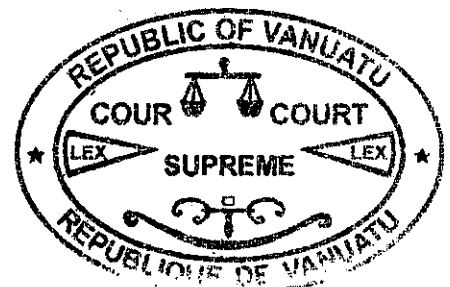
**DAVID JOSEPH
IOUMA TEIKONA DAVID
DAVID USUA
IOUMA USUA
IOKAI REVA**

Date of Plea: 12th March 2025
Before: Justice Josaia Naigulevu
Counsels: Acting Public Prosecutor – Mr. Christopher Shern
Public Solicitor – Mr. Regi Melsul

SENTENCE

Introduction

1. Joseph David, Iouma Teikona David, David Usua, Iouma Usua and Iokai Reva, you all appear today for sentence, following your guilty pleas to the various charges preferred against you. You also agreed with the summary of facts that were presented by the Prosecution.
2. You all were charged with obstructing a police officer, contrary to section 73A of the Penal Code. Iouma Usua, you were charged with malicious damage to property contrary to section 133 of the Penal Code, and Iokai Reva alone was charged with escape from lawful custody contrary to section 84 of the Penal Code.
3. You have all been convicted on those offences on your pleas.



Facts

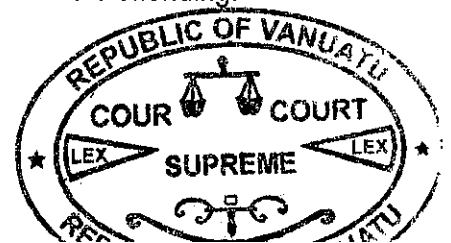
4. On the 22nd December 2024, you were all travelling on a grey Toyota Land Cruiser toward Manuapen Village. Four of you were at the back of the vehicle, and were noticeably drunk. One of you was seen to be standing up whilst on his feet at the back of the vehicle tray and acting in a disorderly manner. This was happening whilst your vehicle was being driven along the road. At that time, a police vehicle carrying three police officers was following immediately behind your truck.
5. On observing your drunkard state and what appeared to be the reckless behaviour of the person who was standing in order to prevent any accident, the police officers attempted to stop your vehicle. You responded by hurling abuse and profanities towards them, saying "fuck you", "this is my place, not yours." When your truck reached Manuapen, it stopped in front of the police vehicle, blocking its further passage. You then all jumped out of your truck and ran to confront the police officers. Seeing this, and understanding that they might be in danger at being assaulted, the driver of the police vehicle attempted to evade you and drive away.
6. However, the road was too narrow, causing the police vehicle to collide with your truck. At that moment, Iouma Usua threw a bottle towards the police vehicle, shattering its right rear glass.
7. All five of you were subsequently arrested. Iokai Reva, you were arrested with Joseph David on the 27th December 2024, but escaped from lawful custody on the same day.

Sentencing Guidelines

8. There are several principles that guide the sentence to be imposed on you. They include the proposition you must be held accountable for your offending and that you need to take responsibility for your action. Additionally, your action is the kind of conduct that is denounced by society, and that similar future acts by you or others must be deterred.
9. Equally important though is that you must be given an opportunity to rehabilitate and reintegrate.
10. The approach taken in the present case follows the guidance that was given by the Vanuatu 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 penalty for the offence of obstructing a police officer is 6 years or a fine not exceeding VT 300,000 or both a fine and imprisonment; for the offence of malicious damage to property a term of 1 year imprisonment or a fine of VT 5000 or both; and for the offence of escape from lawful custody, a term of 5 years imprisonment.
13. I have considered the submissions made by your counsel as well as those by the prosecuting counsel, and adopt a global starting point of 36 months. This starting point reflects the lead offence of obstructing a police officer.

Guilty Plea

14. You have all pleaded guilty to this Court at the earliest opportunity. I am reluctant however to grant you the full benefit of a potential third deduction in view of the overwhelming evidence against you. Accordingly, a deduction representing 9 months is granted as a result of your guilty plea.

Aggravating Factors

15. The following circumstances constitute the aggravating factors in the present case:
 - i. Aggression and hostility towards police officers engendered fear and alarm;
 - ii. Aggression and hostility towards the police officers compelled them to take evasive action resulting in damage to property;
 - iii. Financial loss with no prospect of reparation;

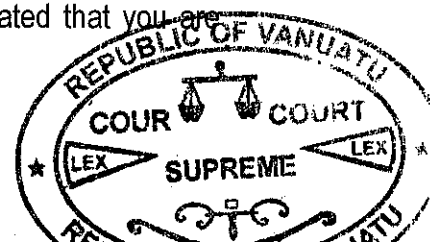
Mitigating and Personal Factors

16. a) **David Usua.**

You are 30 years old, you live with your defacto partner and have 2 children. You also support other members of your family. You never went to school, and farm and fish to earn a living. Sometimes you carry out voluntary work in the community. You informed the probation officer that you are remorseful. However, you have not undertaken a Kastom ceremony to the police. This is contrary to what your counsel submitted to the Court.

- b) **Iouma Usua.**

You informed the probation officer that you were 26 years old. To your counsel, you said you were 29. You live with your partner at your parents' house and went to school until you reached year 9. You are engaged in farming and fishing, for a living and support several members of your family. When required to, you carry out voluntary work in the community. You are a first-time offender, have indicated that you are



remorseful but have not performed a Kastom ceremony. This is contrary to what your counsel submits.

c) David Joseph.

You are 23 years old, are single, have a son and live with your parents. You depend on farming and fishing for your livelihood, and occasionally do voluntarily work for the community and NGOs. You informed the probation officer that you were remorseful but had not performed a Kastom ceremony. This is contrary to what you told your counsel. This is the first offence that you have committed.

d) Iouma Teikona David

According to your pre-sentence report, you are 30 years old, live with your defacto partner and support several members of your family. You are engaged in farming and fishing for a living. In the same report you are described as being a first-time offender, remorseful, but have not contrary to what you told your counsel, performed a Kastom ceremony of a reconciliation with the police.

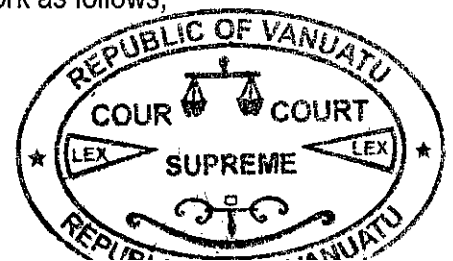
e) Iokai Reva

You are 29 years old, you are married, and you and your wife are expecting your first child. You also look after two young brothers. You farm and fish for a living, and occasionally participate in community work. You are a first-time offender.

17. For the purpose of your sentencing today, you will all be treated in common on account of the common offence for which you were convicted, notwithstanding the additional two single offence preferred against two of you.
18. The factors pertaining to your mitigation and those personal to you are taken into account and reduce your sentence by a further 4 months.

End Sentence

19. I have taken into account all these matters and impose an end sentence of 22 months.
20. All of you were remanded in custody for 30 days in relation to this case. This period is taken into account and will reduce your sentence by the 30 days.
21. Accordingly, you will serve the end sentence of 21 months.
22. I have decided to suspend the remaining 21 months pursuant to section 57 of the Penal Code for a period of 24 months.
23. You will however be required to carry out supervised community work as follows;



lokai Reva and Iouma Usua – 100 hours; Joseph David, David Usua and Iouma Teikona David – 80 hours. You will also be subject to supervision for a period of 12 months.

24. You have 14 days to appeal this sentence.

DATED at Port Vila this 16th day of June 2025

BY THE COURT

