

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

Criminal
Case No. 25/2210 SC/CRML

PUBLIC PROSECUTOR

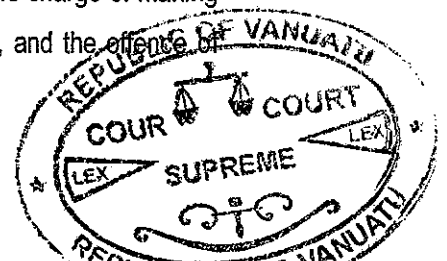
v

ERICKSON EZEKIEL
Defendant

Date of Plea: 19 August 2025
Date of Sentence: 15 September 2025
Before: Justice E P Goldsbrough
In Attendance: Liu D for PPO
Vira H for Defendant

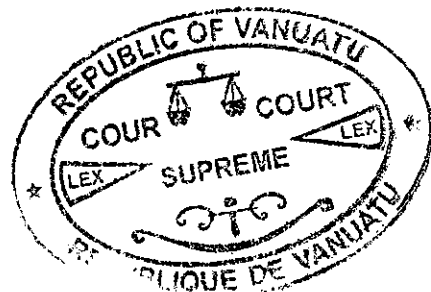
SENTENCE

1. Erickson Ezekiel, you have pleaded guilty to three criminal charges, two of which are making threats to kill, and the remaining charge is committing an act of domestic violence. These offences took place at Mate village on the island of Epi in October 2024.
2. The first two offences happened on the 14th of October 2024, when you held onto your daughter Rachel tightly, causing her to be afraid and begin to cry and when your sister intervened, you said to them both "Yutufala yah wan man stap fuckem yutufala yah, yutufala go wan day bae mi katem dead yutufala yah." This conduct amounted to the domestic violence offence as well as a threat to kill.
3. The next incident was on the 27th of October 2024 in your home when you threatened your wife, Margaret, and said to her: "Mi markem you yah next time bae mi katem dead yu."
4. To assist the Court in determining the appropriate sentences for this offending, the Court begins by considering the maximum prescribed penalties for the offences. Here, the charge of making a threat to kill carries a maximum sentence of fifteen years imprisonment, and the offence of



committing an act of domestic violence carries with it a maximum penalty of five years imprisonment.

5. In submissions, the prosecution set out six factors which they consider to be aggravating features of the domestic violence offence. I disagree that these amount to aggravating features as each of them is a necessary part or ingredient of the offences. Domestic violence offences are, by definition, committed within the family. Threats will necessarily put people in fear. Offences committed within the family will often be committed within or near the family home, and within the family, as an offence is committed, there is always a breach of trust to some extent. Given that, there is little that aggravates these offences.
6. In relation to the threats to kill, again, many of the features the prosecution describes as aggravating aspects are themselves ingredients of the offence. I agree that repetition of the offence is an aggravating feature, as is the possession of a weapon, namely a knife, when making the threat towards his wife. Lack of provocation may also amount to an aggravating feature.
7. For the threats to kill, a starting point of two years' imprisonment is set. For committing an active domestic violence, a starting point of 12 months imprisonment is set. Given how these offences were committed, the sentences will run concurrently.
8. To decide the end sentence, the Court turns to look at those factors personal to the offender which go to lessen the seriousness of the offending. You have a good character, having not been in trouble before. That should be taken in your favour. From the pre-sentence report, you have demonstrated remorse and acceptance of responsibility. You have performed a customary reconciliation, which your victims and your family have accepted. The chief of your village has expressed willingness to support your rehabilitation
9. Also to be taken into account is the period of pre-sentence custody you have undergone since the 10th of June 2025. That is already more than three months, which is an effective sentence over roughly 6 months.
10. You pleaded guilty to these offences at the earliest opportunity. For that fact alone, you are entitled to a reduction in your sentence of 33%. From a starting point of 24 months imprisonment, the resultant sentence after applying a reduction of 33% is 16 months imprisonment.
11. For the personal factors set out above, a further reduction of 15% should be applied. That leaves an end sentence of 13 1/2 months.



12. When considering the imposition of a sentence of imprisonment on an offender, the court is required by law to consider whether the sentence may be suspended in whole or in part. To do that, the court is required to consider the nature of the offences, the circumstances of the offending and the character of the offender.
13. In this case, you have a previous good character, you have expressed remorse, and you have undertaken a customary reconciliation. The offences which you committed warrant a custodial sentence, but that custodial sentence may be suspended, taking into account the circumstances and your character. In particular, the court notes that you have already spent three months in prison, and if you were going to learn from being in custody, that would already have happened.
14. For these three offences, you are sentenced to imprisonment of 13 months and two weeks, all of which is suspended for a period of two years. That means that you do not go to prison today but may be released, subject to the condition that you commit no offences within the next two years. If you keep out of trouble for those two years, you will not have to serve this sentence. If you get into trouble within the next two years, you will be liable to serve this sentence.
15. In addition, you are required to complete 100 hours of unpaid community work. An officer attached to the probation service of the correctional services department will tell you what work you are to undertake within the next 12 months to complete 100 hours without pay. Finish that work, and the sentence is ended; fail to perform that work, and you can be brought back here and sentenced differently.
16. You have the right to appeal against this sentence, but if you wish to exercise that right, you must do so within 14 days from today.

DATED at Port Vila this 15th day of September 2025

BY THE COURT

E. P. Goldsbrough
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Justice E. P. Goldsbrough

