

**IN THE SUPREME COURT OF THE
REPUBLIC OF VANUATU – Luganville,
Santo**
(Criminal Jurisdiction)

Criminal Case No. 25/2352 SC/CRML

BETWEEN: PUBLIC PROSECUTOR
Port Vila

The State

AND: Jomaiah Wowai Frank
Port Vila

Defendant

Date of plea: 17 September 2025
Date of Sentence: 22 October 2025
Before: Justice B. Kanas Joshua
Counsels: Ms Romabeth Siri, for the State
Ms Barbara Taleo, for the defendant

SENTENCE

Introduction

1. This sentence is based on evidence from the defence submission, the Same Day Report, and evidence collected during the preliminary inquiry stage. There was no prosecution submission filed in the time given to them, and even after 2 adjournments.
2. Mr Jomaiah Wowai Frank, you pleaded guilty to one count of intentional assault causing permanent injury, and one count of domestic violence on 17 September 2025. The maximum penalty for intentional assault causing permanent injury¹ is 10 years imprisonment, and domestic violence is 5 years' imprisonment and/or VT100,000 fine².
3. You must be held responsible for your actions so others who also behave this way can see that this is against the law and has serious consequences, so they can stop their actions. This sentence should help you to rehabilitate, and must be generally consistent.

Facts

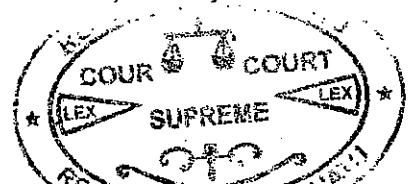
4. In January 2025, your mother ("the victim") was frying fish in her bush kitchen and when she asked for her knife, you stabbed her on the left side of her scalp with the knife, and she fell unconscious. As she fell, she landed on top of the frying pan and some family

¹ Penal Code Act (CAP 135), Section 107 (c):

No person shall commit intentional assault on the body of another person. Penalty: If damage of a permanent nature is caused, imprisonment for 10 years.

² Family Protection Act No. 28 of 2008, Section 10(1):

A person who commits an act of domestic violence is guilty of an offence punishable on conviction by a term of imprisonment not exceeding 5 years or a fine not exceeding VT100,000, or both.



members rushed in and rescued her from the scalding oil. She was rushed to the Northern Provincial Hospital and later evacuated to the Vila National Hospital for specialized treatment.

Starting point

5. The first step is to set a starting point. This takes into account the following aggravating factors:
 - a. The offending occurred in the bush kitchen;
 - b. The victim was attacked suddenly;
 - c. A weapon (knife) was used;
 - d. The victim was stabbed on the left side of her scalp;
 - e. The attack was so aggressive that the victim fell unconscious on the ground receiving burn injuries from the open fire;
 - f. Breach of trust between the defendant and the victim;
 - g. This is not the first time that the defendant has acted aggressively towards the victim.
6. There are no mitigating factors to the offending.
7. In determining a starting point, I relied on *PP v. Qon*³, *PP v. Nocklam*⁴ and *PP v. Buroro*⁵. Defence submits a starting point of 5 years imprisonment. In *Qon*, the starting point adopted was 6 years imprisonment. The defendant struck his sister-in-law with the back of a bush knife, and cut her right arm. As she tried to escape, she fell unconscious on the ground. She had to be flown to Port Vila for treatment at the Vila Central Hospital. In *Nocklam*, a starting point of 5 years imprisonment was adopted. The defendant cut the complainant with a large knife. As the complainant tried to escape, the defendant struck her head with the knife resulting in great loss of blood. The complainant had to be rushed to the hospital for treatment. In *Buroro*, the court adopted a starting point of 5 years imprisonment. The defendant in that case had stabbed his brother's son with a knife and the victim sustained serious injuries in the mouth, a fracture jaw, severe blood loss and a wound about 15cm.
8. In the current case, the defendant used a bush knife and stabbed the victim. She did not have a chance to escape as she fell unconscious onto the open fire where she was cooking and had further injuries from that. I adopt a starting point of 5½ years imprisonment (66 months).

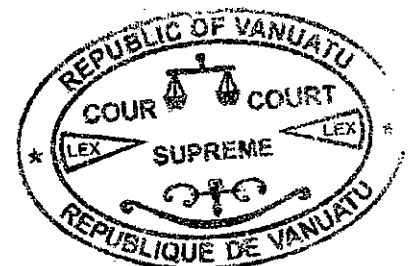
Personal factors and guilty plea

9. From the starting point, I consider the guilty plea and personal factors to make appropriate deductions. The defendant pleaded guilty at the first opportunity. This has spared his mother the need to go to trial and has saved court costs/time. I deduct the sentence by 25%. This brings the sentence to 49½ months imprisonment.

³ [2018] VUSC 140; Criminal Case No. 1812 of 2018 (5 July 2018).

⁴ [2020] VUSC 253; Criminal Case No. 2336 of 2020 (27 October 2020).

⁵ [2024] VUSC 297; Criminal Case No. 1246 of 2024 (24 September 2024).



10. I consider the other mitigating factors and deduct the sentence further, by 2 months:
- a) You are 25 years old,
 - b) You are single and unemployed, and
 - c) You are remorseful.

This brings the sentence to 47½ months imprisonment.

11. I further deduct the time you have spent in pre-sentence custody. You have been in remand from 23 January 2025 to date. This is 9 months, which equates to an effective sentence of 18 months, which brings the sentence to 39½ months imprisonment.
12. The Same Day Report showed that you are not a first-time offender. In 2023 you were convicted for domestic violence and cultivation of cannabis. The court imposed a supervision sentence for 8 months but you did not comply with this. I give an uplift of 4 months. This brings the sentence to 43½ months imprisonment.

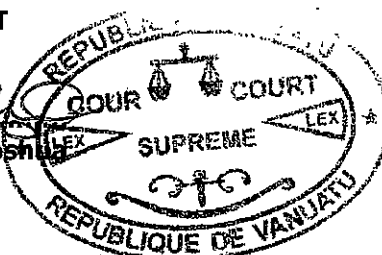
End sentence

13. Mr Jomaiah Wowai Frank, you are sentenced to 3 years 7 months 15 days imprisonment.
14. The Same Day Report recommends an imprisonment sentence. Defence submits that I consider a suspension of your sentence. I have considered your guilty plea, your remorse, your relationship with family and community and the time you spent in custody. There is nothing exceptional in your circumstances that warrants a suspension. You are a threat to your family members, and do not have a good relationship with your parents, especially your mother. Your anger is out of control and I am not prepared to suspend your sentence. Moreover, having a previous conviction that you did not comply with puts you at an even greater disadvantage.
15. You must serve this sentence, effective today, and it is to be backdated to 23 January 2025.
16. To help you with your rehabilitation, I further order that you must attend any suitable programs offered by Correctional Services.
17. You have 14 days to appeal this sentence.

Dated at Port Vila on this 22nd day of October, 2025

BY THE COURT

Justice B. Kanas Joshua
Justice B. Kanas Joshua



The seal of the Supreme Court of Vanuatu is circular. It features a central emblem with a scale of justice and a sword. The text 'REPUBLIC OF VANUATU' is written around the top inner edge, and 'REPUBLIQUE DE VANUATU' around the bottom inner edge. In the center, the words 'COURT SUPREME' are written, with 'COURT' on either side of the central emblem. The word 'LEX' is written on either side of the central emblem.