

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

**Criminal Case No. 25/3662 SC/CRML**

**BETWEEN: PUBLIC PROSECUTOR**  
Port Vila

**State**

**AND: Rexon Kumback**  
Port Vila

**Defendant**

*Date of plea: 9 December 2025*  
*Date of Sentence: 19 December 2025*  
*Before: Justice B. Kanas Joshua*  
*Counsels: Ms Betina Tamau, for the State*  
*Ms Barbara Taleo, for the defendant*

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**SENTENCE**

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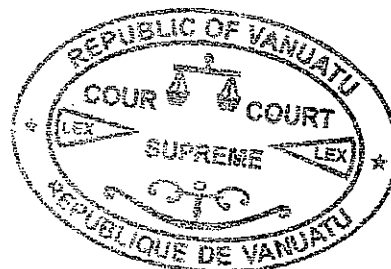
**Introduction**

1. Mr Rexon Kumback, you appear today for sentence after pleading guilty to the charge of threats to kill, on 9 December 2025.
2. This sentence is to hold you responsible for your actions so others who also behave this way can see that this is against the law and it has serious consequences. It will help to stop their actions, as it causes social harm. This sentence should help you to rehabilitate, and must be generally consistent.

**Facts**

3. One day in September 2025, the complainant was at her house at Side River, when she heard you shouting in the next yard. She was tending to her father who had just undergone surgery and was recovering at home. You were shouting profanities and banging irons close to him, and generally being a disturbance to others, to the point where it caused fear on the complainant. They then called the police who came and arrested you. As the police was taking you to their vehicle you threatened the complainant that you will cut her neck<sup>1</sup>.
4. You admitted to this under caution and in court.

**Starting point**



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<sup>1</sup> "Bae mi katem neck blong yu!"

5. The first step is to set a starting point. Reference is made to the aggravating and mitigating factors of the offending and the maximum penalty of the offence. The maximum sentence for the threats to kill is 15 years imprisonment.
6. The aggravating factors here are:
  - a. Unprovoked and surprise act towards the second complainant;
  - b. The defendant showed a complete disrespect and disregard for life of the complainant; and
  - c. The fear caused on the complainants for their life.
7. There are no mitigating factors of the offending.
8. Cases referred to by prosecution is *PP v. Malapa*<sup>2</sup>. A starting point of 3 years was given to the defendant for 1 count of threats to kill and 1 count of domestic violence. The facts are similar to the present case, however, in the present case the threat was made in the presence of police officers so the fear caused will not be as high as in *Malapa*.
9. The case of *PP v. Brookman*<sup>3</sup> divides the offence of threats to kill into 4 categories. In the current case, the charge laid falls in the fourth category *'where the threat is made directly between strangers or unequal parties in a face-to-face situation accompanied with vulgar abuse and delivered in a menacing manner'*. Another case referred to, to determine a starting point is *PP v. Jimmy*<sup>4</sup>. In *Jimmy*, the defendant threatened the complainant with a machete and chased him while shouting that he will cut the complainant. A starting point of 18 months imprisonment was imposed. In the present case, the defendant threatened the complainant that he will cut her after he was arrested. No actions followed his threats. The starting point must be less.
10. I give 15 months imprisonment as a starting point.

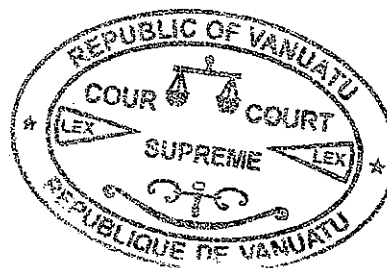
### Guilty plea and personal factors

11. In this second step I must make the appropriate deductions for the guilty plea and personal factors of the defendant. I give a  $\frac{1}{3}$  reduction as he is a first time offender and the threat was made in the presence of others. If he had decided to put action to his words, the bystanders and police officers would have stopped him. He had no way of carrying out his threat, it was merely hot air being blown out of frustration. This deduction brings the sentence to 10 months imprisonment.
12. I reduce the sentence for 2 months for the following mitigating factors:
  - a. He entered a guilty plea at the first available opportunity, showing remorse.
  - b. The defendant is a first time offender; the defendant has had a clean past record.
  - c. He is 24 years old and working in his father's business to support his father.
  - d. He has a good relationship with his family and community.
  - e. He cooperated with the police and made admissions under caution.

<sup>2</sup> [2021] VUSC 150.

<sup>3</sup> [2012] VUSC 171.

<sup>4</sup> [2025] VUSC 188.



f. He complied with his bail conditions.

13. This now brings the sentence to 8 months imprisonment. I must make another deduction for the time spent in remand. The defendant was remanded for 3 weeks 3 days, which is equivalent to an effective of 6 weeks 6 days (1 month 2 weeks 6 days) imprisonment.

**End Sentence**

14. Mr Rexon Kumback, you are sentenced to 7 months 2 weeks 6 days.

15. In considering a suspension, I take into consideration that you are a first time offender and that your words could not have been actioned as there were police officers present, along with other bystanders. I suspend your sentence under supervision, for 12 months. If you reoffend within the 12 months, you will be arrested and this sentence will be activated, in addition to any other penalty imposed for the further offending.

16. To assist with rehabilitation, I order 60 hours of community work and you must attend the any suitable programs offered by Probation Services, to help you be accountable for your actions.

17. You have 14 days to appeal.

**Dated at Port Vila on this 19<sup>th</sup> day of December 2025**

**BY THE COURT**

