

PUBLIC PROSECUTOR v KALSONG KALMET

Dates of Sentence: *2 April 2026*

Coram: *Hon. Chief Justice Vincent Lunabek*

Counsel: *Ms. Siri for the Public Prosecutor*
 Mrs. Livo for the Defendant

SENTENCE

A. Introduction

1. Mr. Kalsong Kalmet ("Mr. Kalmet"), you were charged with two (2) counts of threats to kill a person, contrary to Section 115 of the Penal Code Act (PCA), three (3) counts of Domestic violence, contrary to Section 4(1) (a) and 10 of the Family Protection Act (FPA) and one (1) Count of false imprisonment, contrary to Section 118 of the PCA.
2. On 9 December 2025, you entered guilty pleas to the three counts of domestic violence in counts 3,4 and 6 in the information. You pleaded not guilty to the other offences in counts 1, 2 and 5.
3. On 16 February 2026, the Prosecution, upon reviewing evidence, entered nolle prosequi in relation to offences in counts 1,2 and 5 based on Section 29 of the Criminal Procedure Code Act (CPA) [CAP 136]. You were discharged of these offences in counts 1,2 and 5 accordingly.

4. Today, you are sentenced only on the 3 counts of domestic violence in counts 3, 4 and 6 in the Information.

B. Brief facts

5. The complainant and the defendant lived together as husband and wife since they had commenced their relationship in 2012, and they had two sons together.

6. In 2019, the defendant had travelled to Australia as a seasonal worker, and subsequently absconded for 6 years.

7. Initially, the defendant had been dutifully in his responsibilities as a father, until he commenced a relationship with another woman. He became argumentative with the complainant and insisted she leave their home and find herself another partner.

8. On the 7th of April 2025, sometime between 11:00 pm – 12:00 am, at Erakor, Etmat area, Efate, the defendant did intentionally commit an act of domestic violence against his former defacto wife, Mary Obed, by assaulting her, and tearing her shirt.

9. On the 16 April 2025, sometime between 8:00 am – 8:00 pm, at Erakor, Etmat area, Efate, the defendant did intentionally commit an act of domestic violence against his former defacto wife, Mary Obed, by assaulting her and tearing her shirt.

10. On the 22nd of April 2025, sometime between 8:00 am – 8:00 pm, at Erakor, Etmat area, Efate, the defendant did intentionally commit an act of domestic violence against his former defacto wife, Mary Obed, by repeatedly punching her head with his fists, and striking her body with an empty bottle of Tequilla Coffee after they returned from the beach.

12. On 19th March 2025, at the Erakor dispensary, the Nurse Practitioner observed the following on the complainant-victim:

- Swollen face.
- A bruise on left thigh.
- She suffered from a head ached.
- Had difficulty swallowing.

13. These findings were compatible with a physical assault.

14. On 23 April 2025, an album was provided by officer L. Wells documenting the photographic images of the injuries sustained by the victim.

15. The defendant was remanded on the 24 April 2025 and later released on 31 July 2025; spending a total of 69 days in custody.

C. Sentence start point

16. I assess the sentence start point by considering the maximum sentence available, and the mitigating and aggravating factors of the offending.

17. The maximum sentence for the offence of domestic violence is a term of imprisonment not exceeding 5 years or a fine not exceeding 100,000 vatu, or both (section 10 of the FPA).

18. There is no mitigating factor to the offending but the following aggravating factors exist:

- Breach of trust between the defendant and the victim/complainant, as they are former defacto partners and have 2 sons together;
- There is repetitive nature of offending, as the defendant had assaulted the victim on three separate occasions;
- There was some degree of planning as the defendant had lured the victim back to their home, with the use of their sons;
- The defendant had targeted vulnerable part of the victim's body, that being her face and head;

- The victim is a woman, and would be vulnerable to the attacks of the defendant who is physically stronger than her.
- The defendant had used a weapon (tequilla bottle) to strike the victim on her face and head.
- The victim had sustained severe bruising and swelling to her face and thighs as a result of the 3rd incident of domestic violence.
- The psychological and emotional harm of being repeatedly assaulted.
- The victim was assaulted in the presence of the defendant's relatives, thus, exacerbating the humiliating effect.
- The first and third incidents of domestic violence occurred at night time.

19. I take these matters into account, I assess a global sentence start point of 2 years and 6 months imprisonment on each count concurrently. [see Public Prosecutor -v- Asang [2021] VUSC 187 and Public Prosecutor -v- Garae [2025] VUSC 204 referred to by the Public Prosecutor].

D. Personal Factors.

20. A pre-sentence report was ordered by the Court on 16 February 2026 and to be provided on 2 March 2026. No pre-sentence report was filed before or at the time of sentence. A defence submission was ordered to be filed and served on 9 March 2026. A defence submission is filed this morning.
21. Mr. Kalmet, you pleaded guilty at the first opportunity given to you. I deduct one third (10 months) for your early guilty pleas.

22. I take it that you are a first-time offender and you have no previous conviction. You have two young sons. You cooperated with the police, I give you an allowance reduction of 3 month to reflect this.

23. For your personal factors, I reduce the sentence start point by 13 months.

E. End sentence

24. I take all matters into account, the end sentence imposed concurrently on each count is 17 months imprisonment.

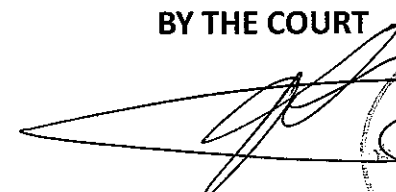
25. I note that Mr. Kalmet had spent approximately 69 days in custody on remand from 24 April 2025 to 31 July 2025, which is an effective total of 138 days pre-custodial period (5 months).

26. I consider the nature and circumstances of your offending, and the effective 5 months you have already spent in pre-custody period, I decide to suspend and I suspend your imprisonment term of 17 months for a period of 2 years. During the suspension period, you must not re-offend. If you re-offend during the suspension of your sentence, your sentence of 17 months imprisonment will be re-activated and you shall also be dealt with the new offence. In addition, I order that you perform 50 hours of community work.

27. You have 14 days to appeal this sentence if you are unsatisfied with it.

Dated at Port Vila, this 2nd April 2026

BY THE COURT


Hon. Chief Justice Vincent Lunabek

