

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

Criminal
Case No. 20/1069 SC/CRML

PUBLIC PROSECUTOR

v

PETER JIMMY

Date: 21 January 2021
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms G. Kanegai
Defendant – Mrs C.T. Gesa

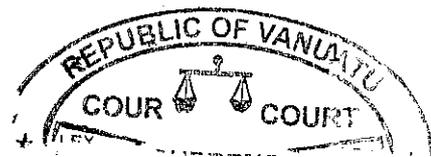
SENTENCE

A. Introduction

1. Mr Jimmy pleaded guilty to 1 charge of possession of firearm without a firearms licence (Count 4). After trial, he was convicted of:
 - 1 count of threat to kill (Count 3);
 - 1 count of domestic violence (Count 5); and
 - 1 count of intentional assault (Count 6).

B. Facts

2. The following is a summary of the facts, from the Verdict dated 26 August 2020:
 - On 21 December 2019, Mr Jimmy after hitting his wife and spouse Ms Jimmy, intentionally indirectly threatened to kill her by pulling a gun on her from under their bed.
 - Mr Jimmy committed domestic violence and intentionally assaulted his spouse Ms Jimmy by slapping her in 2011 and on 21 December 2019, by hitting her body numerous times inside their house causing her to lose strength to the point that she urinated on herself.



3. The gun that Mr Jimmy pulled on Ms Jimmy was a .22 long Rifle model 802, made in Brazil that he unlawfully possessed without a firearm licence.

C. Discussion

4. The maximum penalties for the offending are:

- Threat to kill – 15 years imprisonment;
- Domestic violence – 5 years imprisonment or VT100,000 fine or both;
- Intentional assault causing no damage/injury – 1 year imprisonment; and
- Possession of firearm without a firearms licence – 6 months imprisonment or VT20,000 fine or both.

5. There are several aggravating factors:

- Breach of trust;
- The offending occurred in the home where the victim was entitled to be safe and protected;
- The offending was premeditated and planned;
- The use of a weapon in the threat to kill; and
- The level of force used in the assault, resulting in the victim urinating on herself and fearing for her life.

6. There are no mitigating aspects of the offending.

7. The maximum penalties for this offending and the factors above require a global sentence start point of 15 months imprisonment.

8. Mr Jimmy's guilty plea to one charge has not saved the Court time nor the victim the ordeal of giving evidence. The remainder of the charges on which Mr Jimmy is sentenced today were convictions entered after trial. A guilty plea deduction is not warranted.

9. Mr Jimmy is 31 years old, a mature man. He is not a first time offender and has experienced imprisonment for a conviction of unintentional harm causing death. An uplift of 1 month imprisonment is added to the sentence start point.

10. Mr Jimmy has 2 children with Ms Jimmy. He makes a living from driving a bus. Mr Jimmy has performed a custom reconciliation ceremony to Ms Jimmy and her families involving 18 kg rice, 1 local rooster, 1 mat, 20 yards of calico and VT25,000 cash. I deduct 3 months for Mr Jimmy's personal factors.

11. Mr Jimmy is not a first time offender so a deterrent sentence is required. The sentence is also to hold Mr Jimmy accountable for his conduct, to protect his wife and the community, and to denounce the criminal conduct.

