

PUBLIC PROSECUTOR

V

MANUEL NANUA JOB

Date of Sentence: ***22nd day of July, 2021 at 3:30 PM***

By: ***Justice D Aru***

Counsel: ***Ms. M Tasso for the Public Prosecutor***
 Mrs. C. Gesa for the Defendant

SENTENCE

Introduction

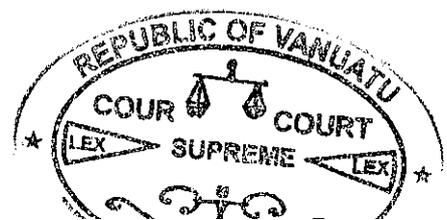
1. Mr Manuel Nanua Job pleaded guilty to 3 counts of domestic violence and a single count of intentional assault causing damage of a permanent nature.

The facts

2. The complainant is the defendant's de facto partner .They have two young children of ages 4 and 5 who were sleeping at the time before the incident occurred.

Count 1

3. On 1st March 2021 around 8pm the defendant returned home after working on a bus belonging to a client. The complainant smelled alcohol on him raised her concern that he was spending money on alcohol rather than household needs. The defendant became angry and swore at her saying "*yu wantem fuckem two bottle beer ia*". He took a tea thermos containing hot water and assaulted the complainant behind the right side of her body. As a result hot water spilled onto the complainant's ribs and her right leg as she was sitting down at the time.



Count 2

4. After assaulting the complainant with the thermos the defendant pulled the complainant outside the kitchen and threw her on the ground then assaulted her on her face breaking half of one of her front teeth. This was confirmed in her medical report of the same date.

Count 3

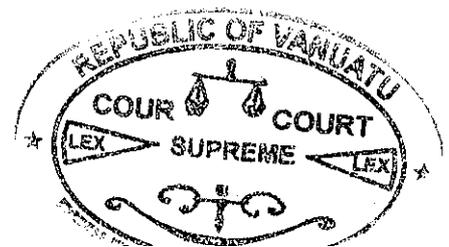
5. The defendant then threw the complainant back into the house against some solar equipment which were in the house .It was dark and the complainant was crying. A relative heard them and went to the house to check. After the defendant spoke to him the relative left scene. The defendant then held the complainant by her hand and shirt and pulled her out of the house again.

Count 4

6. The complainants' mother heard the complainant's cries and went to their house. She saw the defendant and told him to leave the property. He turned angrily and walked towards her. The complainant on thinking the defendant was going to assault her mother took a knife and approached the defendant from behind his back but her mother stopped her from using the knife on the defendant and she stopped.
7. The defendant had a yellow diving torch with him and he turned around and assaulted the complainant with the torch on her forehead. She fell to the ground and lost consciousness. She woke up at the hospital.
8. Her medical report revealed that the complainant suffered a hematoma on her forehead, swelling and pain in her shoulder, both hands and hip and bottom area.
9. The defendant admitted the offending after he was arrested and cautioned.

Starting point

10. When I consider what should be the correct starting point of sentence I need to consider first the maximum sentence available for the offences and second aggravating and mitigating factors if any.
11. The maximum sentence for domestic violence is 5 years imprisonment or a fine not exceeding VT 500,000. For intentional assault where damage caused is of a permanent nature the maximum sentence available is 10 years imprisonment. There a number aggravating factors namely:-
 - The offending occurred in the family home where the complainant should be protected



- There was a breach of trust as the complainant is the defendant's de facto partner and mother of their two children
- The offending was repeated
- A thermos and diving torch were used as weapons to assault the complainant
- The offending occurred at night
- The injury suffered (broken teeth) is of a permanent nature
- The defendant was under the influence of alcohol

12. There are no mitigating factors.

13. The starting point of sentence for intentional assault causing damage of a permanent nature is 4 years imprisonment. This is the lead offence. For the offences of domestic violence a global start point of sentence is 2 years imprisonment to be concurrent.

Personal factors

14. This case involved a partly heard trial as the defendant maintain guilty pleas to all the charges. After the complainant gave evidence the defendant sought to be re arraigned and pleaded guilty to all the charges. The sentence will be reduced by 10 percent.

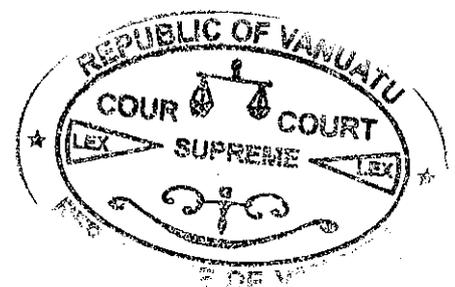
15. No Pre-Sentence Report was filed as directed. Counsel for the defendant has provided a few details about the defendant. He is a father and husband and is a first time offender. No custom reconciliation has been performed as he was remanded.

16. The sentence is further reduced by 6 months.

End sentence

17. The end sentence on the lead offence is to 3 years imprisonment. For the offences of domestic violence the end sentence is 12 months imprisonment to be served concurrently with effect from 28 June 2021 when the defendant was remanded for breaching his bail conditions.

18. The offending is serious as the complainant lost consciousness as a result of the assault. To suspend the sentence would send the wrong message. A term of imprisonment is warranted to deter the defendant and public at large from future offending of this nature.

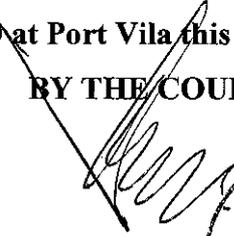


19. Most importantly to denounce such behaviour and to protect the community especially women from such behaviour.

20. The defendant has 14 days to appeal if he disagrees with the decision.

DATED at Port Vila this 22th day of July, 2021

BY THE COURT



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D. Aru
Judge

