

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

**Criminal  
Case No. 21/2685 SC/CRML**

**PUBLIC PROSECUTOR**

**V**

**JERRY TARI**

*Date:* 2 November 2021  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Ms B. Ngwele  
Defendant – Mr L. Moli

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**SENTENCE**

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**A. Introduction**

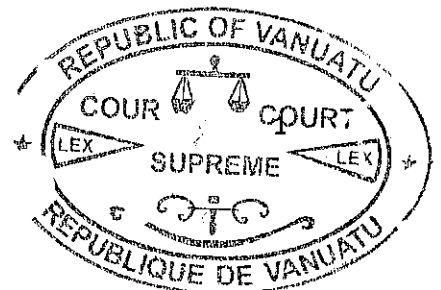
1. Mr Tari pleaded guilty to threat to kill and domestic violence (Counts 1 and 3). He accepted the brief of facts and accordingly was convicted on his own pleas and the admitted facts.

**B. Facts**

2. Mr Tari is the *de facto* partner of the complainant.
3. On 9 February 2021, Mr Tari came home and assaulted the complainant after overhearing her conversation on the phone with her mother. He used a piece of wood to hit the complainant's head. She fell to the ground. He continued to assault her, punching her in the face and kicking her backside, causing her to receive injuries to her right eye, an abrasion over her left cheek and tenderness to her left shoulder (Count 1). A family member Janet intervened and took the complainant out of Mr Tari's reach.
4. The next day, Mr Tari again assaulted the complainant. He chased her with a knife, threatening to kill her, saying "Today I will cut your neck off" ("Tete bai neck blong yu l aot") (Count 3).
5. Mr Tari made full admissions to the Police.

**C. Sentence Start Point**

6. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.





16. This Court has a discretion to suspend all or part of the sentence in certain circumstances. Factors militating against suspension are the seriousness of the offending, the breach of trust and the fact the offending occurred in the family home and in the presence of a young child.
17. However, I am prepared to suspend part of the sentence in view of the prompt guilty pleas, Mr Tari's remorse, participation in a custom reconciliation ceremony and previous clear record. I also consider that because Mr Tari and the complainant have separated and are now in new relationships, there will not be any further offending against the complainant. I trust that Mr Tari has learnt from this experience and will not commit violence against anyone in the future. Accordingly, Mr Tari is to serve 16 months of his imprisonment sentences. I suspend the remaining 16 months and 8 months of his imprisonment sentences for 3 years. Mr Tari is warned that if he offends again within the 3 year period of suspension, he will need to serve the remainder of his sentences in addition to any other penalty that may be imposed on him for the further offending
18. Mr Tari has 14 days to appeal.

**DATED at Port Vila this 3<sup>rd</sup> day of November 2021  
BY THE COURT**

*VM Trier*  
Justice Viran Molisa Trier

