

PUBLIC PROSECUTOR

v

RENSLEY BULEROP
ENOCK JACOBSON BULESAMOL
BROTHERSON BULEWAK

Date: 26 November 2021
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr D. Boe
Defendants – Mr R. Willie

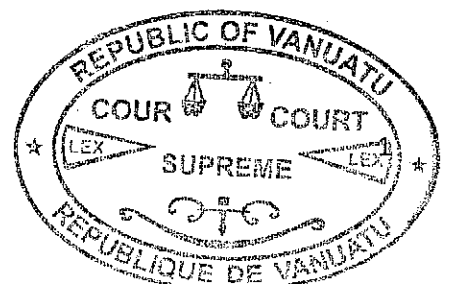
SENTENCE

A. Introduction

1. Mr Bulerop pleaded guilty to intentional assault (Charge 1). Mr Bulesamol and Mr Bulewak pleaded guilty to complicity to intentional assault (Charges 2 and 3). Mr Bulerop and Mr Bulesamol pleaded guilty to malicious damage to property (Charge 4). I accordingly convicted the Defendants on their own pleas and the admitted facts.
2. The Prosecution entered *nolle prosequi* on Charge 5 so Mr Bulesamol was discharged on that charge.

B. Facts

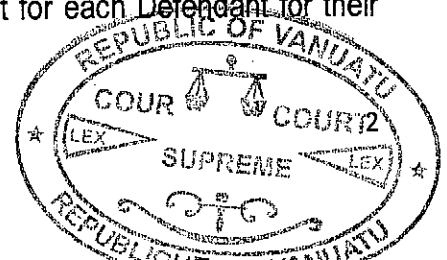
3. In the morning of 5 October 2018 at Nguru, East Pentecost, the Defendants approached the complainant Rex Bule from behind. When the complainant turned around, Mr Bulerop hit him in the face and Mr Bulesamol hit his right jaw (Charges 1 and 2).
4. While Mr Bulewak was watching this, he swore at the complainant and accused him of damaging their father's kava (Charge 3).



5. Mr Bulerop and Mr Bulesamol took the complainant's phone and cut it, destroying it (Charge 4).
6. The Defendants boiled water for the complainant to wash his head with but he refused. He had a woman massage his head and then went to Ledumvisi Health Centre which confirmed his injuries as swelling on the right side of face, very painful head and painful left thigh when walking.
7. The Defendants admitted the offending to the Police.

C. Sentence Start Point and Mitigation

8. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
9. The maximum penalties for the offending are:
 - Intentional assault causing temporary injury – 5 years imprisonment; and
 - Malicious damage to property – 1 year imprisonment.
10. There are no mitigating factors of the offending.
11. There are several aggravating factors:
 - Criminal enterprise;
 - Unprovoked attack; and
 - The offending occurred in an isolated area.
12. The maximum penalties for this offending and the factors above require a global sentence start point of 2 years imprisonment.
13. I deduct 33% from the sentence start point for the Defendants' prompt guilty pleas.
14. Mr Bulerop is 32 years old. He is married and has 6 children under his care. He has no previous convictions.
15. Mr Bulesamol is 31 years old. He is a widower. He has no previous convictions.
16. Mr Bulewak is 30 years old. He is married and has 2 children. He has no previous convictions.
17. The Defendants are stated to accept responsibility for their offending and are willing and able to pay compensation to the complainant.
18. I deduct a further 4 months from the sentence start point for each Defendant for their personal factors.



D. End Sentence

19. Taking all of those matters into account, the end sentences imposed concurrently are:

- a. Mr Bulerop - Intentional assault (Charge 1) 1 year imprisonment;
- b. Mr Bulesamol – Complicity to intentional assault (Charge 2) 1 year imprisonment;
- c. Mr Bulewak – Complicity to intentional assault (Charge 3) 1 year imprisonment; and
- d. Mr Bulerop and Mr Bulesamol – Malicious damage to property (Charge 4) 5 months imprisonment.

20. Taking into account the circumstances and in particular the Defendants being first time offenders, their prompt guilty pleas and demonstrated remorse, the sentences are suspended for 18 months.

21. The Defendants are warned not to offend in the next 18 months or they will need to serve the sentences of imprisonment in addition to any other penalty that may be imposed on them for the further offending.

22. In addition, the Defendants are to each pay compensation to the complainant Rex Bule of VT10,000 (total VT30,000) by 4pm on 26 February 2022.

23. In the event of default in relation to the sentence of compensation, the Defendants are to be remanded in custody for that failure and serve the sentences of imprisonment.

24. The Defendants have 14 days to appeal.

**DATED at Bwatnapni, Central Pentecost this 26th day of November 2021
BY THE COURT**

VM Trief
Justice Viran Molisa Trief

