

**PUBLIC PROSECUTOR**

**V**

**ANTHONY NAKOU**

**Coram:** Justice O. Saksak

**Counsel:** Mr Christopher Shem the Public Prosecutor  
Ms Kylie Karu for the Defendant

**Date of Plea:** 22 October 2021

**Date of Sentence:** 30 November 2021

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**SENTENCE**

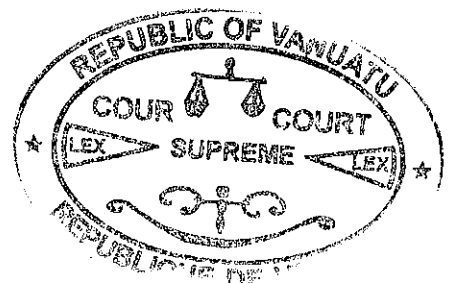
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**Introduction**

1. The defendant was initially charged with 6 counts of threats to kill (Section 115) as counts 1, 3 and 5, and domestic violence, counts 2, 4 and 6. He pleaded guilty to 2 charges of domestic violence in counts 2 and 6 and to charge of threats to kill, count 3. He pleaded not guilty to the charges in counts 1, 4 and 5 and the Prosecution entered nolle prosequi in relation to those 3 charges. The defendant is for sentence in relation to the three remaining charges to which he pleaded guilty.
2. The maximum penalty for domestic violence is imprisonment not exceeding 5 years or a fine of up to Vt 100,000 or both. And threats to kill carries a maximum penalty of 15 years imprisonment.

**Facts**

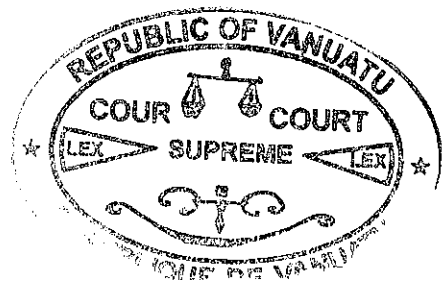
3. The offending occurred on separate dates. First, on 3 July 2021 the defendant and the complainant who was his de factor partner had an argument after which the complainant told him to leave his house. He responded by saying:-  
"Bae mi katemaot nek blong yum o afta mi bonem haus blong yu." The complainant then told him she would tell the police to which he responded: "Bai mi katemaot neck blo yu bifo mi ko lo prison, mi no fraet blo go long prison".



4. Second, on 7 July 2021 the defendant also threatened the complainant with the words:  
*"yu stap wokbaot long rod bai mi kasem yu bai mi katemaot nek blo yu, mi no fraet blong go long prison from yu".*
5. Then thirdly on 20 July 2021 the defendant stopped the complainant from going to work by saying:  
*"Bai yu go lo work, sapos yu ko long wok bai mi kam katemaot nek blong yu".*  
This made the complainant afraid and she did not go to work. The defendant had a big bush knife in his hand and went about looking for the complainant in the area. He was observed by witnesses, one of whom was Sakama Francois.
6. The defendant has readily accepted those facts.

### **Discussion**

7. The facts show an obvious character and attitude of a jealous and controlling man who wants everything for himself his way. There is no mitigating circumstances warranting his actions and threats.
8. There are however aggravating features such as serious breach of trust, serious verbal threats to kill, threats being repeated, a bush knife was seen in his hands on 20 July 2021 showing the threats were real and direct, the fear caused to the victim the degree of planning involved and the absolute lack of remorse.
9. The Court treats the offence of threats to kill as the lead offence. I therefore convict and sentence the defendant as follows:
  - (a) for threats to kill – Count 3, a sentence of 3 years imprisonment;
  - (b) for domestic violence – Count 2, a sentence of 6 months imprisonment concurrent to the sentence for threats to kill in Count 3.
  - (c) for domestic violence – Count 6, a sentence of 6 months imprisonment concurrent with the sentence for threats to kill in Count 3.The total concurrent sentence for all 3 offences is 3 years imprisonment.
10. I now deal with mitigation. I note first his character and personal history from his pre-sentence report. He is 37 years old with limited educational background. He ended up at Year 8. He only has mechanic with carpentry, wiring, landscaping and gardening skills. His defacto partner has left him as a result of his actions. He has no previous criminal records. He is employed by the Vanuatu Football Federation (VFF).
11. He pleaded guilty to three charges out of a total of 6 charges. He is entitled to 1/3 reduction for his guilty pleas which is 12 months.



12. I allow a further deduction of 4 months for his clean past and personal factors. His end sentence shall be 1 year and 8 months imprisonment.
13. The end sentence of 1 year and 8 months imprisonment shall not be suspended. Taking into account his pre-custodial periods, I order that his sentence be backdated to 23 August 2021 when he was rearrested and detained for breach of bail conditions.
14. There is a right to appeal against this sentence within 14 days.

**DATED at Port Vila, this 30<sup>th</sup> November, 2021**

**BY THE COURT**

  
**Oliver A. Saksak**  
**Judge**

