

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

Criminal

Case No. 21/1959SC/CRML

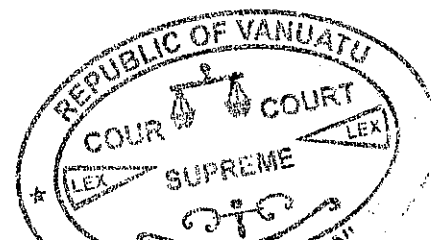
BETWEEN: Public Prosecutor

AND: SHEM KORA
Defendant

Date of Plea: 1st December 2021
Date of Sentence: 9th December 2021
By: Justice Oliver A Saksak
Counsel: Ms Betina Ngwele for Public Prosecutor
Mrs Kylie Karu for Defendant

SENTENCE

1. The defendant pleaded guilty to 2 counts of domestic violence.
2. The maximum penalty for the offence under section 4 (1) (a) of the Family Protection Act is imprisonment not exceeding 5 years or a fine of up to Vt 100.000 or to both.
3. On 15th May 2021 the defendant assaulted his step- daughter within the confines of their home. He happened to miss her but hit the victim's 5 months old baby instead.
4. Then on 16th May 2021 the defendant assaulted the victim's mother, his partner with a piece of wood. This was after she had scolded him over the 15th May incident, the previous day.
5. There was no justification or mitigating circumstances for the defendant's offendings. His actions indicate he is a greedy controlling person. He committed a serious breach of trust. The victim was his step-daughter with a 5 months old son who also became a victim of his offending. Then there was his partner, the victims mother. His offending was repeated. And it was done in the domestic setting where the victims were supposed to feel safe, loved and protected. The defendant went further and had sex with the victim. He admitted this to the chiefs at a meeting held on 18th May 2021. He was fined VT 20.000 plus a mat and a pig.
6. For the aggravating features and on the defendant's own pleas, I now convict and sentence the defendant as follows:-



- a) For domestic violence on Angelica Ising and her 5 months old child, a start sentence of 2 years imprisonment.
 - b) For domestic violence on Berna Ising, a sentence of 2 years imprisonment, concurrent. He is therefore sentenced to a total of 2 years imprisonment.
7. For his personal factors and clean past record and reconciliation ceremony, I reduce his balance of sentence by a further 6 months, the balance and end sentence 1 year and 6 months imprisonment.
 8. I order his end sentence to be backdated to 15th October 2021 when he was remanded in custody for breach of bail. The period of 2 years suspension starts on 15th October 2021.
 9. I Order further that his end sentence be suspended for a period of 2 years on good behaviour. He must remain offence free for this period. If reoffends and is convicted, he will go to prison for 1 year and 6 months. This suspension is made pursuant to section 57 of the Penal Code Act.
 10. The defendant has right of appeal against this sentence within 14 days.

DATED at Port Vila this 9th day of December 2021

BY THE COURT


OLIVER A. SAKSAK

Judge

