

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

**Criminal
Case No. 21/4112 SC/CRML**

PUBLIC PROSECUTOR

V

SANDRINO TEMAKON

Date of Sentence: 22nd day of March 2022 at 9:00 AM

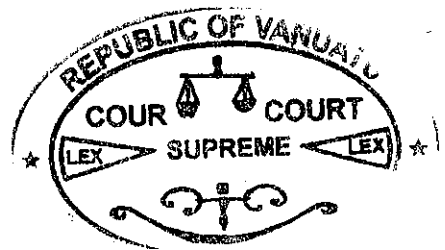
Before: Justice EP Goldsbrough

In Attendance: Mr K Massing - Public Prosecutor

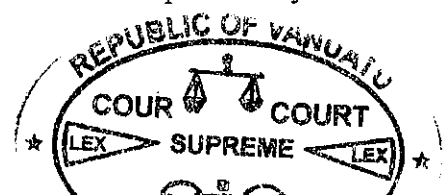
Mr. H Vira for the Defendant

SENTENCE

1. You pleaded guilty to the intentional killing of your de facto wife. You were charged with that killing without premeditation under section 106 (1) (a) of the Penal Code.
2. In June, last year, 2021 you and your wife Lea had been working in your garden. After an argument, perhaps begun by your perception of how another man was looking at your partner, but from no other provocation, you turned to violence.
3. This was not the first time you resorted to using violence toward your partner during your time together. On this occasion, you beat her to death. You were seen doing this by a witness who was so frightened by what she saw that she fled.
4. You eventually made your way to the police, surrendered yourself and admitted that you had killed your partner, using both a piece of wood and a rope.
5. Your wife suffered a traumatic brain injury and multiple blunt face trauma injuries to the head, chest and body.



6. An unlawful killing such as the attracts a maximum penalty of 20 years imprisonment.
7. This court has been referred to several earlier cases dealing with intentional homicide without premeditation. Some of those are quite different to these circumstances. None deal with a husband beating his wife to death without provocation but some usefully set out guidelines that may be followed.
8. The offence was aggravated by the use of weapons and for being without provocation.
9. It is on that basis that the court must, as part of the sentencing exercise, determine a suitable starting point.
10. Given the authorities referred to:- *PP v Namuly* 2011 VUSC 5., *PP v Bani* 2016 VUSC 29, *PP v Swan* 2002 VUSC 119, *PP v Tabawa* 2019 VUSC 19, and *PP v Wasabulu* 2020 VUSC 75 this court determines that a starting point should be fifteen years.
11. You have pleaded guilty. Whilst your counsel suggests that a discount of one third on your sentence should be given, the PP submits one quarter. The difference may be because, in your case, there is no element of sparing the victim the ordeal of a trial.
12. Yet you have spared her family that ordeal.
13. A customary reconciliation has taken place between your family and the family of the deceased. Your part in that reconciliation was minimal, no doubt in part because of your arrest and subsequent time in custody. However, the court notes and takes into account this customary reconciliation.
14. You are of previous good character. In such a serious case as this, not a great deal of credit can be given for that, but it is noted and, to the extent it may be, is taken into account.
15. With credit for your guilty plea, your expressed remorse, willingness to participate in customary reconciliation, the end sentence imposed on you for



the offence is 10 years imprisonment, which sentence is deemed to have commenced on the date on which you were taken into custody for the offence i.e. 27 June 2021.

16. The right of appeal was explained to the defendant.

DATED at Port Vila this 22nd day of March 2022.

BY THE COURT

EP Goldsbrough
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EP Goldsbrough

Judge of the Supreme Court

