

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

Criminal
Case No. 21/3769 SC/CRML

BETWEEN: Public Prosecutor
Applicant

AND: Melinda Denny Bill
Leah Rory
Hudson Tari Junior Bebe
Morris Isaac Bebe
Angelo Ruru
Defendants

By: Justice Dudley Aru
Counsel: Mrs B. Ngwele for the Public Prosecutor
Mr A. Bal for the Defendants
Date of Decision: 9th June 2022

SENTENCE

Introduction

1. Ms Melinda Denny Bill pleaded guilty to 1 count of kidnapping, 1 count of malicious damage to property and 1 count of intentional assault. Mr Hudson Tari Bebe pleaded guilty to 1 count of complicity to kidnapping. Ms Angelo Ruru, Ms Leah Roy and Mr Morris Isaac Bebe pleaded guilty to 1 count of kidnapping and 1 count of intentional assault. They are convicted accordingly and now appear for sentence.

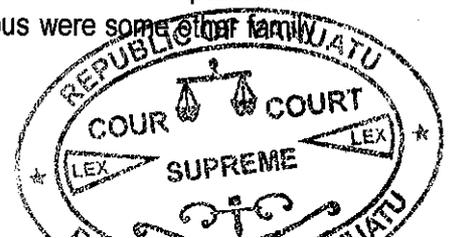
The facts

Count 1

2. On 16 April 2021 the victim was drinking kava at a kava nakamal and was about to head home when the defendants arrived and kidnapped her from the main road at Anamburu area.

Count 2

3. The defendant Mr Hudson Tari Junior was driving a grey box bus at the time and his partner Ms Melinda Denny Bill was sitting next to the driver's seat. Inside the bus were some of her family



members who accompanied Melinda and Hudson Tari Junior and witnessed everything that occurred that time.

4. On the night in question Melinda Bill, Hudson Tari Junior , Morris Isaac and two others who were in the bus came to Anamburu area asking for the complainant's house .On the road they met Leah Roy, Angello Ruru and Adrien Kamoe and they asked these three to show them the complainant's house. Leah Roy and Angello Ruru indicated they knew the complainant's house so the three ladies entered the bus and they drove to the complainant's house .As they were driving to the complainant's house Melinda told the three ladies she was angry with the complainant for posting something on face book about her.
5. They got to the complainant's house but were told she was at the nakamal and they followed. They met the complainant along the way. They stopped and told her to get on the bus. Melinda got out from the front seat and pulled the complainant's shirt and forced her to get on the bus. The complainant refused and struggled. Angello Ruru got out of the bus and assisted Melinda. As they pulled the complainant closer to the bus, Leah Roy and Morris Bebe helped to pull the complainant into the bus and they all left in the bus. The complainant sat on the door side of the bus not the chair. They drove to the complainant's house and told her family that they were taking the complainant to the Police station for a short time.

Count 3

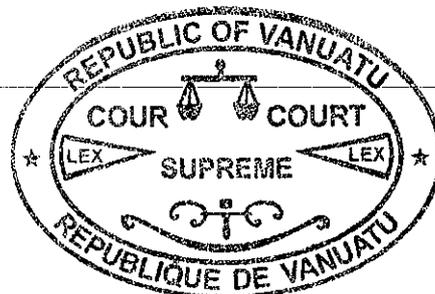
6. When they left the complainant's house Melinda climbed over the front seat and went to the back seat where the complainant was .Melinda started assaulting the complainant. Angello and Leah helped Melinda in assaulting and slapping the complainant as they drove away. While they were assaulting the complainant, Morris Isaac Bebe was taking a video clip using his mobile phone and assisted in slapping the complainant on her buttocks saying "money money money" and laughed at the complainant.

Count 4

7. The assault occurred from Anamburu area to VMF Camp .Melinda broke the complainant's bra and tight fit she was wearing. The complainant was crying all the time. The driver increased the volume of the music in the bus so as not to draw attention to what was happening inside the bus. The driver drove slowly to the USP roundabout and drove back to Anamburu and dropped off the complainant at her house around 10pm at night
8. The defendants admitted the allegations when cautioned and interviewed by the Police.

Starting point of sentence

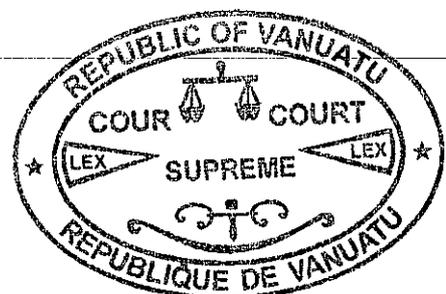
9. The sentencing start point is determined by having regard to the maximum sentence available and taking into account any aggravating or mitigating factors of the offending. The maximum sentence for kidnapping is 10 years imprisonment. This is the same for complicity to kidnapping. The maximum sentence for intentional assault is 1 year imprisonment. For malicious damage to property the maximum sentence is also 1 year imprisonment.
10. The offending is aggravated by a number of factors namely:



- The victim is a person with disability and is a member of the Vanuatu Society for Disabled Persons
 - There was some planning on the part of Melinda and Hudson Tari Junior
 - The victim suffered pain as a result of being assaulted by Melinda , Leah, Morris and Angello
 - The defendants sought revenge and took the law into their own hands
11. The only mitigating factor of the offending is the defendants returned the complainant to her house after assaulting her.
12. Noting the above factors I set the sentence start point as follows:
 Melinda Denny Bill – a global sentence starting point of 2 years imprisonment
 Leah Roy, Morris Isaac Bebe and Angello Ruru- a global sentence starting point of 1 year 8 months imprisonment.
 Hudson Tari Junior Bebe - a starting point of 1 year 6 months imprisonment.

Mitigation

13. The defendants entered guilty pleas at the first available opportunity as a sign of remorse. Each is entitled to a 1/3 discount.
14. In the absence of a Presentence Report, Mr Bal submits that his clients are young adults and are also first time offenders. They cooperated with the Police and have performed custom reconciliation which has been accepted by the victim. The following items were exchanged:
- 1 pig – VT 20,000
 - 7 mats – VT 14,000
 - 3 bundle calico of 20 yards – VT4,500
 - 2 bags of rice – VT 4,500
 - 1 bundle calico of 40 yards – VT 2,900
 - 1 bundle banana – VT 1,500
 - 6 bundle taro – VT 6,000
 - 3 baskets of Fijian taro – VT 1,800
 - 1 basket kumala – VT500
 - 1 basket manioc – VT 500
 - 1 bag rice – VT 2,800
 - 1 mat – VT 2000
 - VT 50,000 cash
15. Taking these factors into account each of the defendants' sentence start point is reduced by a further 6 months.



End sentence

16. The end sentences are as follows :

Melinda Denny Bill

For kidnapping 10 months imprisonment .For intentional assault 3months imprisonment and for malicious damage to property 3 months imprisonment. The sentences are to run concurrently.

Leah Roy, Morris Isaac Bebe and Angello Ruru

For kidnapping 7 months imprisonment. For intentional assault 3 months imprisonment. The sentences are to run concurrently.

Hudson Tari Junior Bebe

For complicity to kidnapping 6 months imprisonment.

17. The sentences are all suspended for a period of 2 years. Should the defendants reoffend during this period he/she will be remanded in custody to serve their sentence.

18. The defendants have 14 days to appeal if they disagree with the decision.

Dated at Port Vila this 9th day of June 2022
BY THE COURT

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Justice D. Aru

