

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

Criminal
Case No. 25/381 SC/CRML

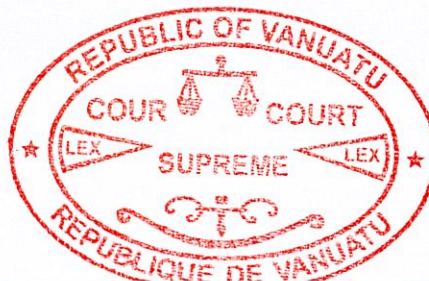
**PUBLIC PROSECUTOR v KEVEN SHEM
RYAN ROCKROCK
ARMONDO RAVO
JAYTEN WUS
JAYDEN VIRA SAVOI**

Date of Plea: 14 April 2025
Coram: Hon. Chief Justice Vincent Lunabek
Counsel: J Tete for the Public Prosecutor
JS Garae for the Defendant
Date of Sentence: 25 April 2025

SENTENCE

I. Introduction

1. This is the sentence of the above-named Defendants.
2. Mr Shem, Mr Rockrock, Mr Ravo, Mr Wus and Mr Savoi have pleaded guilty and accepted the summary of facts relating to one (1) joint charge of disturbance in public place, contrary to Section 12(a) of the Public Order Act [CAP. 84]. The maximum sentence for this offence is 3 years imprisonment or a fine of VT300,000 or both.
3. Mr Shem has also pleaded guilty and accepted the summary of facts relating to a charge of malicious damage to property, contrary to Sections 133 of the Penal Code Act [CAP. 135]. The maximum sentence for this offence is a fine of VT5,000 or 1 year imprisonment or both (s.35(3) Interpretation Act).



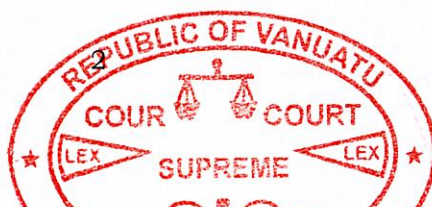
4. Mr Ravo has also pleaded guilty and accepted the summary of facts relating to one (1) charge of intentional assault, contrary to Section 107(b) of the Penal Code Act. The maximum sentence for this offence is 5 years imprisonment.

II. Facts

5. On the 1st of January 2025, the five (5) above-named defendants were drunk and were wishing people who drove past them a happy new year. At that time, the defendants were standing at the side of the road at Side River outside the residence of the Defendant Ravo which is situated near and aside the public road.
6. The complainant/victim drove past them with his car at a high-speed close to Defendant Ravo, making the wheel of his car sending a stone flying that hit Mr Ravo's right leg.
7. In seeing what happened, the defendants decided to go and see the complainant who was the driver of the car to fight him, and so, the Defendants walked to the Indigenous Motel where the victim was.
8. The defendants then walked into the yard of the Indigenous Motel and at the gate of the motel, they shouted. The victim walked down the stairs of the motel to them. The Defendants went in the yard of the motel and followed the victim to the parking of the motel.
9. At the parking of the motel, the Defendants grouped around the car of the victim holding stones and woods. The victim was trying to push them out of his vehicle but did not succeed. Then Mr Ravo assaulted the victim on his mouth. When the victim tried to reverse his vehicle, one of the defendants threw a stone at it breaking the flashing of one of the car's windows and another stone broke the left side glass of the car.
10. When Mr Ravo was assaulting the victim, Mr Shem kicked a red chair that was close to the parking notice of the motel. The red chair broke as a result of the kick and hit the notice breaking it as well. The red chair and the notice were in the yard of the motel and are the properties of the motel.

III. Aggravating and Mitigating Factors of the offending

11. There were no mitigating factors of the offending, but the following aggravating factors exist:
- The defendants were grouped together;
 - The defendants were drunk;
 - The defendants entered in a motel (public place) with intention to commit an offence;



- The defendants threatened the victim-customer of the motel with weapons such as stones and woods.
- The defendants used the stones to damage the window and the glass of the car of the victim inside the yard of the motel;
- The defendants took law into their own hands to do justice to themselves.

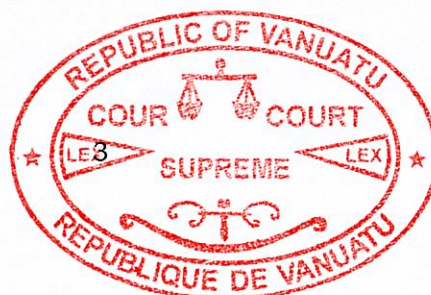
IV. Sentence Start Point

12. The sentences start point for these offences, as required to be identified by Public Prosecutor v Andy [2011] VUCA 14 and Philip v Public Prosecutor [2020] VUCA 40, are set at:
- 1 year and 6 months imprisonment for the offence of disturbance in public place (Charge 1);
 - 10 months imprisonment for the offence of malicious damage to property (Charge 2); and
 - 2 years imprisonment for the offence of intentional assault causing injury of temporary nature (Charge 3).
13. I regard these sentences start point as reasonable, given the aggravating factors based on Public Prosecutor v Obed [2017] VUSC 69, Public Prosecutor v Ben [2016] VUSC 183 and Public Prosecutor v Mul [2022] VUSC 199.

V. Personal Factors and End Sentences

Mr Keven Shem

14. Mr Shem is a single young man. He lives with his mother at Side River area, Luganville, Santo. The Report does not disclose his age. It is said to be underage who consumes alcohol drinks and smokes tobacco and cigarettes. He wishes to travel overseas for seasonal workers but his age does not allow him to do so. He is a first-time offender. He does not have previous convictions.
15. I note his early guilty pleas on the offences of disturbance in public place and malicious damage to property. I deal with the offence of disturbance in public place as leading offence over the malicious damage to property offence. I reduce Mr Shem's sentence start point by 25% to reflect his early guilty pleas.



16. I note Mr Shem cooperated with the police. He is a first-time offender. He does not have record of previous convictions. He did not perform a custom compensation but he apologises verbally to the victim (driver), but the red chair and the notice that were damaged by Mr Shem were not the property of the victim – driver. They are the Indigenous Motel's properties. I reduce his sentence start point by 4 months for Mr Shem's other personal factors.
17. I consider his young age and immaturity; I reduce his sentence start point further for this by 3 months.
18. Mr Shem has already spent time in pre-custodial period from 13 January 2025 to 25 January 2025 (13 days) which is the equivalent of an effective 26 days.
19. Mr Shem's end sentence is 6 months and 4 days imprisonment.
20. I consider the nature and circumstances of the offending, his character as the offender, I suspend his sentence of 6 months and 4 days imprisonment for a period of 2 years. During the suspension period, he shall not re-offend. If he re-offends during that period, his sentence of 6 months and 4 days imprisonment will be re-activated and he will be dealt with also with the new charge that would be laid against him.
21. In addition, I order that he performs 50 hours of community work.

Mr Armondo Ravo

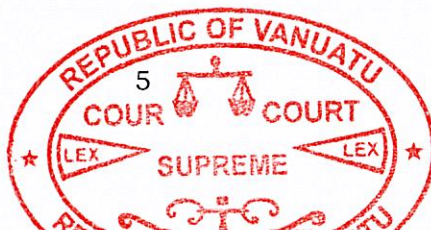
22. You are 24 years of age. You are the last-born son of 9 children in the family. You are from Malo/Ambrym. You live in Afvunarara Village on Malo. Your defacto partner was pregnant for 3 months. She is a teacher on Paama Island. Mr Ravo said he works for Sunshine Company at its warehouse. He gets a fortnight wage to sustain his living. Mr Ravo has good skills in soccer and driving heavy weight vehicle.
23. You left school at Year 10. I note his early guilty pleas for the offence of disturbance in public place and intentional assault. I treat the offence of intentional assault as the leading offence for the purpose of sentencing Mr Ravo. I reduce Mr Ravo's sentence start point by 25% to reflect on his early guilty pleas.
24. Mr Ravo is a first-time offender. He wants to reconcile with the victim. He had learnt a lesson when he spent some time in pre-custodial period. He regretted his actions. I reduce his sentence start point by 6 months for his other personal factors.
25. Mr Ravo has spent 15 days in pre-custodial period from 13 January 2025 to 27 January 2025 which is equivalent to an effective 30 days (1 month).



26. Mr Ravo's end sentence is 7 months imprisonment on both offences (intentional assault and disturbance in public place) concurrently.
27. Mr Ravo's end sentence is 7 months imprisonment.
28. I consider the nature and circumstances of the offending and your character as the offender. I suspend his sentence of 7 months imprisonment for a period of 2 years. During the period of suspension, Mr Ravo shall not re-offend. If he re-offends during that period, his sentence of 7 months imprisonment will be re-activated in addition to the new charge that he would face.
29. In addition, I order that Mr Ravo perform 50 hours of community work.

Mr Ryan Rockrock

30. Mr Rockrock is a single man. He lives with his mother and siblings at Side River area, Luganville, Santo. The Report does not disclose his age. It is said he is an underage who consumes alcohol drinks and smokes tobacco and cigarettes. He left school at Year 8. He has good relationship with his family, chief and community.
31. I consider his early guilty plea. I reduce his sentence start point by 25%.
32. Mr Rockrock is a first-time offender. He has basic skills in carpentry, he currently joins a building construction at Solomon Hill building a house. He earns a wage to sustain his family wellbeing.
33. I reduce Mr Rockrock's sentence start point by 4 months for his other personal factors.
34. I reduce Mr Rockrock's sentence start point further for his young age by 3 months.
35. Mr Rockrock has spent 13 days in pre-custodial period from 13 January 2025 to 25 January 2025 which is equivalent to an effective 26 days.
36. Mr Rockrock's end sentence is 6 months and 4 days imprisonment.
37. I consider the nature and circumstances of the offending, his character as the offender, I suspend his sentence of 6 months and 4 days imprisonment for a period of 2 years. During the period of suspension, Mr Rockrock shall not re-offend. If he re-offends during that period, his sentence of 6 months and 4 days imprisonment will be re-activated in addition to the new charge that would be laid against him.
38. In addition, I order Mr Rockrock to perform 50 hours of community work.

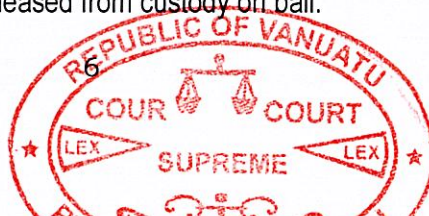


Mr Jayten Wus

39. Mr Wus is 16 years old. He is from Malo Island. He currently lives with his mother and siblings at Lavusvatu area in Luganville, Santo. His parents were separated since 2023. He ends his school at Year 9. He has good relationship with his family, chief and community. Mr Wus depends on his mother and elder siblings for his living expenses. He does part time job to assist them.
40. I consider his early guilty pleas; I reduce his sentence by 25%.
41. Mr Wus is a first-time offender. He realised his actions when he participated with the group of co-offenders. He was remorseful and learnt a lesson not to engage in such a group again in the future.
42. I reduce his sentence for his other personal factors by 4 months.
43. I consider his young age; I reduce his sentence start point further by 3 months.
44. Mr Wus has spent 15 days in pre-custodial period from 13 January 2025 to 27 January 2025 which is equivalent to an effective 30 days or 1 month.
45. Mr Wus end sentence is 6 months imprisonment.
46. I consider the nature and circumstances of the offending, the character of the defendant as the offender, I suspend his sentence of 6 months imprisonment for a period of 2 years. During that suspension period, Mr Wus shall not re-offend. If he re-offends again during that period, his sentence of 6 months imprisonment will be re-activated in addition to the new charge that would be laid against him.
47. In addition, I order that Mr Wus performs 50 hours of community work.

Mr Jayden Vira Savoi

48. Mr Savoi is 24 years old. He is from Rensari, Malekula. He resides at Side River area, Luganville, Santo. His level of education is Year 8. He has skills and experience in mechanical and carpentry works to sustain his living. He has a defacto partner and had a daughter of 4 years of age who attends kindergarten school.
49. I consider Mr Savoi's early guilty pleas. I reduce his sentence start point by 25%.
50. Mr Savoi is a first-time offender. He is the only breadwinner for his family. He has learnt a lesson when he was remanded in custody during the pre-custodial period. His wife said a lot of positive change is seen after Mr Savoi was released from custody on bail.



51. I reduce Mr Savoi's sentence start point by 6 months for his other personal factors.
52. Mr Savoi has spent a total of 16 days in pre-custodial period from 13 January 2025 to 28 January 2025 which is an effective 32 days or 1 month and 2 days.
53. Mr Savoi's end sentence is 6 months and 28 days imprisonment.
54. I consider the nature and circumstances of the offending and the character of the defendant as the offender; I suspend his sentence of 6 months and 28 days imprisonment for a period of 2 years. During the suspension period, Mr Savoi shall not re-offend. If he re-offends in such a period, his sentence of 6 months and 28 days shall be re-activated in addition to the new charge that he would face.
55. In addition, I order that he performs 50 hours of community work.

VI. Other

56. Mr Shem, Mr Ravo, Mr Rockrock, Mr Wus and Mr Savoi, you have each 14 days to appeal your respective sentence if you disagree with it.

DATED at Luganville, Santo, this 25th day of April, 2025.

BY THE COURT

Hon. Chief Justice Vincent Lunabe

