

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU

Criminal
Case No. 25/1863 SC/CRML

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

v

MANUEL TIKLITANI

Date: 11 December 2025
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr T. Karae
Defendant – Mr D.K. Yawha

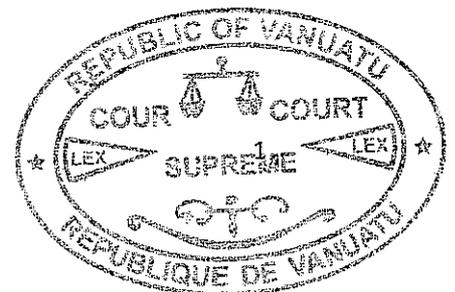
SENTENCE

A. Introduction

1. Mr Manuel Tiklitani, you appear for sentence today having been convicted after trial of unintentional harm causing death contrary to para. 108(c) of the *Penal Code* [CAP. 135].
2. The maximum sentence prescribed in the *Penal Code* for this offence is 5 years imprisonment.

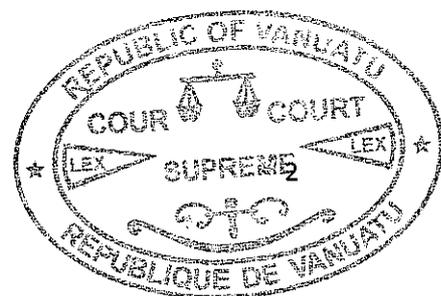
B. Facts

3. The facts are summarised below but set out in full in the Verdict: *Public Prosecutor v Tiklitani* [2025] VUSC 313.
4. In the morning of 4 April 2025, you drove a black double cabin Toyota Hilux motor vehicle (the 'truck') and hit a golf buggy on the Mele Golf road. Mrs Beverly Stafford



was driving that golf buggy. She was an employee of the Mele Golf Club. She was flung out of the buggy and landed on the road several metres away. She sustained multi-system trauma and died as a result of her injuries from the collision. Mrs Stafford was pronounced dead when paramedics arrived at the scene (the 'deceased').

5. You had been driving the truck from Tara Beach and along the stretch on the Mele Golf road, towards Port Vila. You and your partner and 7 others had spent the night at Tara Beach, decorating a wedding venue, and were heading back to Port Vila.
6. After crossing the Mele bridge, you overtook a white minivan.
7. By your own admission, you saw the buggy commence its crossing of the road in front of you. You chose to overtake the minivan. Whilst overtaking, you were driving on the left-hand side of the road, on which you did not have the right of way. You saw that the buggy had already reached the middle of the road so you began applying force to the brakes of the truck to avoid the buggy. You saw that the buggy driver never looked to the left or right to check for oncoming traffic. You worried that if you braked harder, that you would cause your passengers on the back of the truck to be flung off. Therefore, you did not apply more force to the brakes. Your braking of the truck left a 36.5 metre-long skid mark on the left-hand side of the road. That skid mark was angled to the left side of the road as you turned the truck towards that side of the road to avoid the buggy, but could not avoid it and hit the front of the buggy.
8. When the truck came to a stop, its manual gear shift was in gear 5. You were therefore driving at such speed that you began applying the brakes over 36 metres away from the buggy but could not avoid hitting it. You were driving at a speed that was too high to bring the truck to a stop in time, and in the distance which lay between the truck and the buggy.
9. You therefore caused the damage to the deceased through negligence by failing to ensure that it was safe for other road users on the road ahead of you, specifically the deceased in the buggy crossing the road ahead of you, and for yourself, before overtaking the minivan in front of you.
10. You did not satisfy yourself that no danger exists to other road users or yourself before overtaking the minivan: s. 5 of the *Road Traffic (Control) Act*.
11. In failing to do so, you failed to exercise the care, skill and foresight that a driver in your situation should have and thus failed to prevent harm occurring to the deceased.

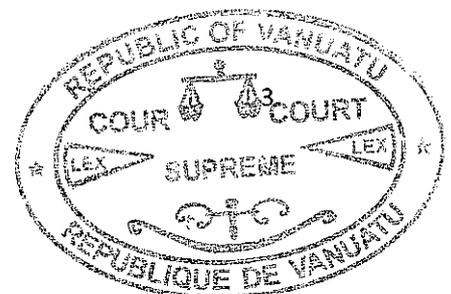


C. Sentence Start Point

12. The sentence start point is assessed having regard to the maximum sentence available, and then factoring in the mitigating and aggravating aspects of the offending.
13. The maximum sentence for unintentional harm causing death is 5 years imprisonment.
14. There are no mitigating aspects to this offending. However, the aggravating aspect of the offending is that you were driving at a high speed.
15. Mr Yawha cited *Kapiel v Jenkinson* [2002] VUSC 20. However, this was a civil case in negligence resulting in an award of damages hence it cannot be applied in the present criminal case.
16. Both counsel cited *Jenkinson v Public Prosecutor* [2000] VUCA 5 and *Morrison v Public Prosecutor* [2020] VUCA 29. As the Court of Appeal stated in *Morrison*, the offending in that case was at the lower end of the scale involving a momentary lapse of attention and the deceased motorcyclist was speeding, which diminished the defendant's responsibility. On the other hand, the negligence in *Jenkinson* concerned the defendant who had been driving a truck and hit a man standing one metre from the edge of the roadway.
17. In the present matter, you were driving at a high speed, such that you could not stop the truck in time to avoid hitting the buggy in the distance between the truck and the buggy. Further, you had already seen the buggy on the road ahead of you yet you chose to overtake the minivan in front of you. Whilst overtaking, you saw that the buggy had now reached the middle of the road. You started applying the brakes from over 36 metres away from the buggy yet could not stop the truck and hit the buggy. You could have applied more force to the brakes of the truck but you were worried that doing so would cause some of your passengers to be flung off the back of the truck.
18. I adopt a sentence start point of 2 years imprisonment, consistent with Mr Karae's submissions as to the appropriate sentence starting point.

D. Personal Factors

19. You are 35 years old. You reside in Port Vila with your *de facto* partner. You have no children. You undertook tertiary studies in New Caledonia. You are a joiner. You are self-employed with your own kava bar business and support your partner with her venue decorating business. You are involved in activities to support youth in the community. Your community chief and church elder described your involvement in the



community and your community support. You are remorseful. No custom reconciliation or compensation has been undertaken.

20. You have a prior conviction, but I do not have regard to that for the purpose of this sentence.
21. One-sixth (4 months) is deducted from the sentence start point for your personal factors.

E. End Sentence

22. Taking the foregoing matters into account, the end sentence imposed is as follows:

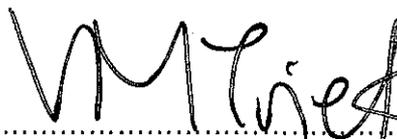
- a. unintentional harm causing death – 1 year 8 months imprisonment.

23. In certain circumstances the Court can suspend all or part of the sentence. This was serious offending. There is a need for general and specific deterrence, and I acknowledge the tragedy of Mrs Stafford's death. I take into account also your prior clean record in terms of driving offences, your remorse, your strong community and family support, and prospects of rehabilitation which favour suspension of the sentence. In view of the circumstances, the Court is exercising its discretion to suspend your sentence. The end sentence is suspended for 2 years on the condition that you commit no further offence within that period. You are warned that if you are convicted of any offence in the next 2 years, that you will be taken into custody and serve your sentence of imprisonment imposed today as well as the penalty imposed for the further offending.

24. In addition, you are to complete 100 hours of community work within the next 12 months.

25. You have 14 days to appeal the sentence.

**DATED at Port Vila this 11th day of December, 2025
BY THE COURT**


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Justice Viran Molisa Trief

