

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

Criminal Case No. 25/3677 SC/CRML

BETWEEN: Public Prosecutor
Port Vila

The State

AND: Aru Bakeo
Port Vila

Defendant

Date of Sentence: 13 March 2026
Before: Justice B. Kanas Joshua
Counsels: Mr Betina N. Tamau, for the State
Mr Ronald Warsal, for the defendant

SENTENCE

Introduction

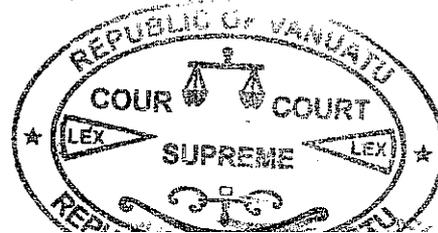
1. Mr Aru Bakeo, you appear in court today for sentence, after pleading guilty on 10 December 2025, to the following counts:
 - a. Unintentional harm causing death, contrary to Section 108(c) of the Penal Code Act CAP 135; and
 - b. Unintentional harm causing damage that is temporary, contrary to Section 108(a) of the Penal Code Act CAP 135.
2. This sentence is to hold you responsible for your actions so others, who behave in the same way, can see that it is against the law and they can be punished and stop their behaviour. This sentence must be generally consistent and should help you to rehabilitate.

Facts

3. The incident happened two days before Christmas, in 2024. The deceased, late Sandrino Garae, was driving a grey Kia Morning taxi (registration no. 11003) with two tourists to Champagne beach. As they came to Master Me plantation, you drove towards them from the opposite direction. You were drunk from consuming alcohol liquor and was incapable of controlling the vehicle, and headed directly towards the grey Kia Morning taxi. The deceased attempted to swerve to the right to avoid the collision but was unsuccessful, and you collided with him. The injuries sustained by the deceased were so serious that a day after the accident he passed away. One of the tourists in the taxi also sustained injuries to both her hands and received bruises on her body. Under caution, you admitted that you were drunk and had fallen asleep on the wheel, causing the accident.
4. You confirmed these facts in court.

Starting point

5. From these facts, which you confirmed in court, a starting point must be determined. In order to do this, the aggravating and mitigating factors of the offending are taken into account, with the maximum penalty of the offence. Section 108(c) provides that the penalty for this offence is 5 years imprisonment. The aggravating factors of the offending are:



- a. The defendant was drunk at the time of the offending;
 - b. The accident caused a loss of life, loss to the family, wife and children of the deceased;
 - c. Injuries and pain suffered by the second complainant; and
 - d. A bad image portrayed to international visitors.
6. There are no mitigating factors of the offending.
 7. In assisting the court to set a starting point, prosecution supplied three helpful cases. In *PP v. Jenkinson*¹, the court imposed a starting point of 12 months imprisonment. On appeal², the Court of Appeal observed that when an offender is a first-time offender and has a long history of good driving, good character, good employment and involvement in community activities, a suspended sentence is the appropriate course. However, where alcohol contributes to the accident, the starting point must be a custodial sentence of around 9 months imprisonment, before aggravating factors are considered.
 8. In *PP v. David*³, the defendant was sentenced to 18 months imprisonment, suspended for 2 years. The defendant had stopped his Hyundai bus in the middle of the road to have a conversation with his friend in another vehicle going in the opposite direction. As he took off, he collided with a 7-year-old boy who was crossing the road. The little boy died 3 days after the accident from the injuries he sustained. In *PP v. Ati*⁴, a starting point of 15 years imprisonment was imposed. An end sentence of 6 months imprisonment for unintentional harm, and 3 months imprisonment for driving under the influence of alcohol, was arrived at after considering mitigating factors. The sentence was suspended for 1 year.
 9. From these cases, prosecution submits a starting point of 18 months. This is higher than *Ati*, where the driver was also charged for driving under the influence of alcohol, suggesting that the current case is as serious as *David*. Defence also submits the same starting point of 18 months. A global starting point of 18 months for both counts is appropriate.

Guilty plea and personal factors

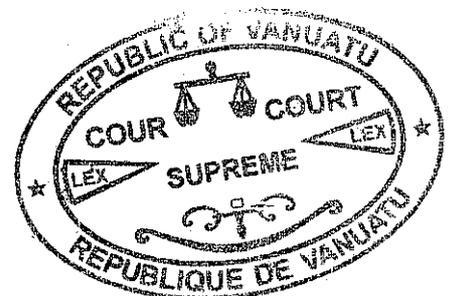
10. From this starting point, I must deduct the guilty plea and personal factors to the defendant. The defendant pleaded guilty at the earliest opportunity available. Some reduction must be given. Defence submits that $\frac{1}{3}$ reduction is appropriate. I give a 30% reduction. This is 5 months 12 days taken from the starting point, bringing the sentence to 12 months 18 days.
11. I reduce another 2 months for the following mitigating factors:
 - a. The defendant cooperated with the police;
 - b. He was remorseful;
 - c. He took care of all funeral expenses for the deceased;
 - d. He performed a custom reconciliation with the family of the deceased;
 - e. He purchased another vehicle for the deceased's family
 - f. He purchased a piece of land for the wife and children of the deceased;
 - g. He is a first-time offender;
 - h. He has a young family who depends on him; and
 - i. He has a good relationship with his community and church.
12. In deducting 2 months for the mitigating factors, the sentence is now 10 months 18 days. From this I make another deduction for the time spent in remand. The defendant was remanded from 27 December 2024 to 20 January 2025. This is a total of 25 days, which is equivalent to an effective sentence of 50 days, or 1 month 20 days. This is further deducted bringing the sentence to 8 months 28 days.

¹ [2000] VUSC 52.

² *Jenkinson v. PP* [2000] VUCA 5.

³ [2011] VUSC 273.

⁴ [2014] VUSC 103.



End Sentence

13. Mr Aru Bakeo, you are sentenced to 8 months 28 days imprisonment.
14. I consider suspension under Section 57 of the Penal Code Act. You have made the effort to put the family of the deceased in a good place by replacing their vehicle and purchasing land so they have a future. Although they have lost their family member, what you have done for them has alleviated any worries of how their future will be without the deceased. Your sentence is suspended for 12 months. This means that you must not commit any offence in that period. If you do, the suspension will cease effect and you must serve this sentence in addition to the sentence of any new offence that you commit.
15. In the 12 months suspension period, you must attend any suitable rehabilitation programs offered by Correctional services.
16. You have 14 days to appeal this sentence.

Dated at Port Vila on this 13th day of March, 2026

BY THE COURT

