

PUBLIC PROSECUTOR

V

MARTHA YAKOTA

Date of Sentence: 18th September, 2022.

Before: Magistrate FSam

In Attendance:

Mr. Tamau_M for the State Prosecution.

Defence: Ms. Dehinavanua_C

Defendant.

SENTENCE

Introduction

1. Mrs. Martha Yakota, on the 1st of September, 2023, you pled guilty through your counsel to 1 count of intentional assault and 1 count of malicious damage to property.
2. For your guilty plea and admitting to the facts, I find you guilty of the two counts.

Facts

3. The brief facts are that on the 30th of November, 2021, at Au Bon Marche Kornman supermarket, the complainant Ms. Raylin Takaiwa was shopping inside the supermarket while carrying her 6-month-old baby, when you approached her and started accusing her over some timbers that you had had issue with, after some failed arrangement with your ex-partner who is now in a relationship with the complainant victim.



4. You then punched Ms. Takaiwa on her back and tore her clothes, leaving her half naked while she was still holding on to her baby. You then scratched her face. Your unlawful actions caused the victim to sustain temporary injuries.

5. These injuries were confirmed by a medical report presented by Prosecution

Starting Point

6. There are no mitigating factors to the offending.

7. The maximum penalty for intentional assault causing injuries of temporary nature, is 5 years imprisonment, and for malicious damage to property, an imprisonment term of 1 year or VT 5000, or both fine and imprisonment.

8. The accepted aggravating factors to the offending include:

➤ The victim sustained injuries.

➤ You carried out your actions in a public place, and whilst the victim was holding on to an infant child, placing greater danger to the child as well, had you made contact with the baby, during your assault on its victim mother.

➤ You had no regard to resorting to other peaceful means of sorting out any issue you had with your ex-partner (who is victim's current partner), like reporting to the police, or courts to assist you, and instead resort to taking matters into your own hands.

➤ The victim was in a defenseless position, as she had to try protect her baby throughout the unfortunate ordeal she was caught in, under your uncontrolled anger at that time.

9. These factors along with the given prison terms for each count against you, already reflects the seriousness of your offending.



10. And having so considered, I set a global starting point of 12 months imprisonment for the count of intentional assault.

Mitigating Factors and Guilty Plea

11. I take note of your guilty plea at the earliest available opportunity, so you are awarded a one third deduction for same from the starting point.

12. Ms. Yakota, you are a first-time offender with no prior convictions, and you are remorseful for your actions. I allow a further deduction of 2 months.

13. You have 4 children with Mr. Brian Yewis James, who is now in another relationship with the complainant in this case, and you rely on gardening and selling of your market produce to make earns meet for yourself and your children.

14. You are the sole bread winner for your family. For your personal factors, I deduct a further 2 months.

End Sentence

15. Your end sentence in respect to count 1 of intentional assault is 4 months imprisonment.

16. And in respect to count 2 of malicious damage to property, I order that you pay a court fine of VT 2000.

Reason for Sentence

17. This sentence serves as deterrence to yourself and like offenders from committing similar offences, and as punishment for such offending.

18. This sentence also serves as a chance for you to rehabilitate from your unlawful ways, now that you realise what you did is wrong, and that there are other



peaceful means to go by, to settle any existing differences you may have with your children's father if you need that assistance.

19. I take note of submissions on suspension, and considering your relevant personal factors, I allow suspension of your 4 months end sentence for a period of 1 year.
20. You are ordered to remain of good behavior and not reoffend during the suspended period of your sentence.
21. You are also encouraged to commit to a reconciliation with the complainant victim in this case, anytime during or after the suspended period of your sentence, in order to restore peace in the relationship between yourself and the victim, as well as with your ex-partner.
22. You are warned of the consequences of your reoffending within the suspended period of your sentence, where in the event you do reoffend, the suspension will be uplifted, and you will be sent to prison to serve your prison term in respect to the intentional assault charge.
23. This is your sentence Ms. Yakota, and it will be affective after 14 days period given you should you seek to appeal it.

DATED at Port Vila, this 18th September, 2023.

BY THE COURT



FSam

Magistrate

