

PUBLIC PROSECUTOR

V

STEVE NOV

*In Attendance: Mr. Solomon Asang for the State
Ms. Barbara Taleo for the defendant*

SENTENCE

A. Introduction

1. Mr. Steve Nov pleaded guilty on the charge of domestic violence.
2. He is therefore convicted as charged.

B. Facts

3. The complainant is the defendant's defacto partner namely Elian Vira.
4. She filed a complaint in the Police Station at Luganville alleging that on 8 February 2024 the defendant assaulted her because he was jealous of her for associating with her family members.
5. The defendant assaulted her multiple times on her head causing the complainant to fall on the ground due to dizziness from the assault.
6. While on the ground, the defendant kicked her resulting in the complainant sustaining fracture on her hand. This was confirmed in the medical report dated 8 February 2024.
7. The police arrested the defendant and upon cautioning him, he decided to remain silent.

C. Sentence starting point

8. The maximum penalty of domestic violence is 5 years imprisonment or VT 100,000 fine or both fine and imprisonment.
9. There are no mitigating aspects of the offending. The aggravating factors are:
 - There was breach of trust.
 - Offending occurred in the confine of the complainant's home where she is entitled to feel safe and secure.
 - The complainant is considered vulnerable and was defenseless during the assault.
 - The multiple assaults on the body of the complainant.
 - Recurrence of violence perpetrated on the complainant.
10. In considering the aggravating factor, I set a starting point of 2 years imprisonment.

D. Deductions for Guilty Plea

11. The defendant pleaded guilty at first opportunity.
12. He is therefore entitled to one-third reduction of his starting sentence, which is 9 months.

E. Personal Factor

13. The defendant is 27 years of age.
14. He is married to the complainant and both raises two children.
15. Besides his family, he also takes care of his widowed mother.
16. He is a first time offender.
17. He expressed remorse for his actions.
18. He pleaded guilty at first given opportunity.
19. He cooperated with the Police during investigation.
20. He has apologized to the complainant and she to which she accepted it.
21. He has been remanded in custody until today for a period of 1 month.
22. For his personal factor, I make a further discount of 7 months.

F. End Sentence

23. The sentencing principles achievable in this case amongst others expressed in *Public Prosecutor v Vahirua* [2018] VUSC 15 are to hold you accountable for your conduct, to

- denounce your criminal conduct, to protect the community, to promote sense of responsibility for the harm done and to assist in your rehabilitation and re-integration.
24. Taking into account all matters in relation to all matters aggravating and mitigation personal to your offending, the end sentence imposed on your offending is 8 months imprisonment.
 25. However, I accept that your sentence be suspended for 2 years after taking into account the submissions by your counsel that you are a young person with responsibilities of financially sustaining your mother, your wife and your two children through your employment.
 26. This means you must not re-offend within 2 years.
 27. If you reoffends again within 2 years, this suspended sentence will be lifted and he will serve 8 months imprisonment together with any other sentences imposed on you for your re-offending.
 28. For completeness, I also order VT 10,000 and VT 2,000 prosecution cost to be paid in 30 days from today's date.
 29. The Officer in charge of the Correctional Center in Luganville, is to release the defendant forthwith.

G. Appeal

30. He has 14 days to appeal to the Supreme Court if he is not satisfied with this sentence.

DATED at Luganville, this 14th day of March 2024

BY THE COURT



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MOSES PETER

Senior Magistrate