

PUBLIC PROSECUTOR
V
HAMMISH MALOP NORRIS

*In Attendance: Ms. Sharon Allanson for the State
Ms. Akinetii Yeeon for the defendant*

SENTENCE

A. Introduction

1. Mr. Hamish Malop Norris pleaded guilty on the charge of domestic violence.

B. Facts

2. The complainant is one John Peter who appeared to file complaint on 8 February 2024 against the defendant on behalf of the each respective individuals namely Shielda Pelika and Elena Pelika.
3. The victims are related to the defendant as uncle.
4. On around 2022, the defendant has sexual intercourse with Elena Pelika and he had the same sexual encounter with Shielda Pelika in 2023.
5. The police arrested the defendant and upon cautioning, he admitted his offending.

C. Sentence starting point

6. The maximum penalty of domestic violence is 5 years imprisonment or VT 100,000 fine or both fine and imprisonment.
7. There are no mitigating aspects of the offending. The aggravating factors are:
 - There was breach of trust.

D. Deductions for Guilty Plea

8. The defendant pleaded guilty at first opportunity.
9. He is therefore entitled to one-third reduction of his starting sentence.

E. Personal Factor

10. The defendant is 32 years of age.
11. He has a partner and both raised two children aged 4 years and 5 months.
12. He is a first time offender.
13. He expressed remorse for his actions.
14. He pleaded guilty at first given opportunity.
15. He cooperated with the Police during investigation.
16. He has apologized to the victims and their families and presented 1 pig, 2 stems of kava, 2 mats, a calico and VT 2,500.
17. He has been remanded in custody until today for a period of 2 month.

F. End Sentence

18. The defendant's offending as charged relates to his sexual offending with two females who appears to be his relatives.
19. The Court enquired on the line to be drawn on sexual abuse and sexual intercourse without consent nor incest as the evidence received is not sufficient to incriminate the defendant for these related sexual offences.
20. It is therefore questionable as to why the defendants who have attained legal age were not able to lodge each of their complaints with the Police but John Peter had done so on their behalf.

21. None of the facts presented by the Prosecutor comes to show that the victims have consented to sex with the defendant through force or threats by the defendant.
22. The Prosecutor conceded that each of the victims consented to sex with the defendant.
23. On the foregoing and taking into consideration the period of two months upon which the defendant was incarcerated, and the reconciliation process undertaken by the defendant and the victim's families, the Court hereby discharges the defendant without conviction in accordance with section 55 of the Penal Code Act [Cap 135].
24. The Officer in charge of the Correctional Center in Luganville, is to release the defendant forthwith.

G. Appeal

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

DATED at Luganville, this 6th day of May 2024

BY THE COURT



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MOSES PEDER
Senior Magistrate