

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

(Criminal Jurisdiction)

CRIMINAL CASE No.47 of 2002

PUBLIC PROSECUTOR - v – DOMINIQUE SAVIO

Mr. Collin Leo for the Public Prosecutor

Mr. Hillary Toa for the Defendant

SENTENCE

Dominique Savio was charged and pleaded guilty to the offence of Intentional Assault contrary to Section 107(c) of the Penal Code Act [CAP.135].

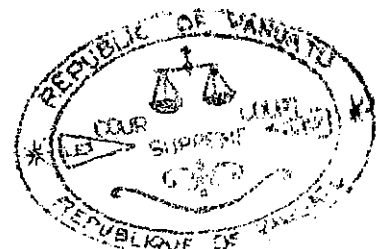
Brief facts

The defendant and victim lived in a de facto relationship for about 6 months. They then separated. On 23 September 2002, about 3.00PM the victim was assaulted.

The defendant chased the victim with a bush knife in his hand. He lifted up the bush knife to cut the victim's head. The victim lifted up her left hand to protect her head. The defendant cut her left fingers. The victim lost her middle finger, her ring and her little finger. The defendant cut the victim's right leg, 3 times, dividing the left tibia. The defendant cut the victim's right ankle joint. The victim has now associated fracture of right fibula and tibia. She was seriously assaulted. She fell on the ground. Her body was full of agony and pain. She lost a lot of blood, rushed to the hospital.

Mitigating factors

- Plea of guilty
- Confession to police and cooperation fully with the police after the incident
- Deeply remorseful over what he did
- Willing to compensate the victim
- Willing to perform a peace and custom ceremony to the victim and her relatives
- Willing to marry and look after the victim in the future and make up for what he did



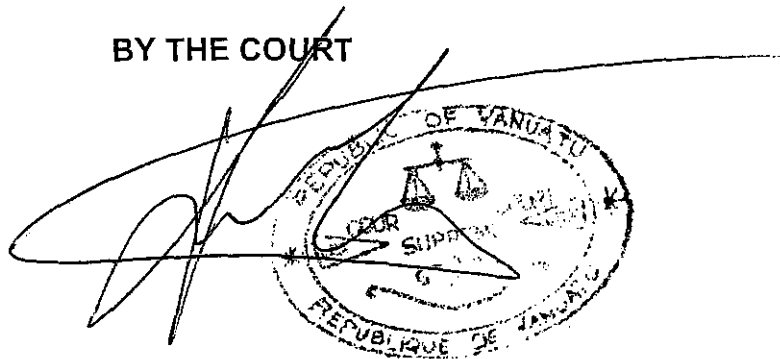
- First time offender.

Assault under Section 107(c) is a very serious offence. Imprisonment sentence warranted in this case. The defendant was not drunk. He used an offensive and dangerous weapon to assault the lady prosecutrix.

The defendant is sentenced to 10 months imprisonment with immediate effect and to commence today 16 December 2002.

DATED at PORT-VILA, this 16th DAY of DECEMBER 2002

BY THE COURT

The image shows a handwritten signature in black ink, which appears to be 'Vincent Lunabek'. The signature is written over a circular official seal. The seal contains the text 'REPUBLIC OF VANUATU' at the top and 'REPUBLIQUE DE VANUATU' at the bottom. In the center of the seal is a scale of justice, with the words 'COUR D'APPEL' and 'COUR SUPREME' visible on either side.

Vincent LUNABEK
Chief Justice