

PUBLIC PROSECUTOR V. DOMINIQUE DICK

**Coram:** Justice D. Chetwynd  
**Counsel:** Damien for the Public Prosecutor  
B. Livo for the Defendant  
**Date of Sentence:** 6<sup>th</sup> March 2015

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**JUDGMENT**

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Dominique Dick, you have pleaded guilty to an offence under section 107(c) of the Penal Code, an intentional assault causing damage of a permanent nature. You attacked another man with a bush knife causing severe lacerations to his head and neck. The offence is punishable by imprisonment for 5 years.

The offence is aggravated by the use of an edged weapon. You used a bush knife, something commonly and routinely carried as a tool by men, women and children. However, it should not be forgotten that as well as a useful tool a bush knife is quite capable of being used as a dangerous weapon. The line separating tool from weapon is very easy to cross. You crossed that line.

It is clear you could have removed yourself from the situation which gave rise to the assault, indeed it appears that you did try and run away to begin with and were pursued by the complainant and possibly two others. This was after something was thrown at you by the others who were with the complainant. It is not entirely clear what was thrown at you or what you were threatened with. What is clear is that you started to run away. When the complainant slipped and fell you then turned on him and struck two deliberate blows with your bush knife. These were deliberate acts on your part but they cannot be classed as unprovoked. In my view the starting point is 33 months imprisonment.

You are a young man of good character and have not been in trouble before. You have expressed regret for the attack on the complainant and have paid custom compensation. There was also the element of provocation as indicated above. All things considered the appropriate sentence should be 30 months imprisonment.

You pleaded guilty at the first opportunity and you should be given full credit for that early admission. The sentence should be reduced by 1/3 to 20 months. You have been in custody pending trial since December 2014 and the sentence should be further reduced by the time you have so far spent in custody. The sentence you should serve is one of 18 months imprisonment.

I have to have regard to the possibility of keeping you, as an offender, in the community. I have therefore considered whether the sentence should be suspended. I bear in mind that there has been a custom reconciliation ceremony but I had some concern that there was still some ill feelings towards you on the part of the complainant. Mr Tataki's very helpful pre sentence report suggests that the complainant has not been wholly co-operative in the efforts being made to resolve the land dispute which led to this offence. The possibility that I may be placing the defendant back in a volatile situation was something I had to consider. I have been assured that the Probation Office on Tanna and the Chiefs will continue to work on resolving the underlying dispute and their mediation will prevent further violent confrontation. It is likely that the direct involvement of the defendant in this process will be beneficial.

I did consider that a short period of imprisonment with the balance of the sentence being suspended would be appropriate but the defendant has already served the equivalent of six months imprisonment. He knows what awaits him if he breaches any order suspending the sentence and suspension of part only of the sentence would serve no useful purpose.

Another consideration is that the defendant is a young man with a young family for whom he is the only breadwinner.

The tenor of the report also suggests that the defendant is remorseful and regrets his actions. He is unlikely to re-offend.


The sentence of 18 months will be suspended for a period of 2 years.

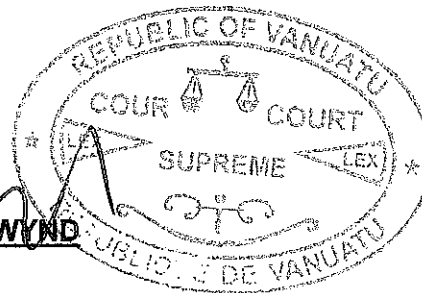
The defendant will also carry out 200 hours of community work. He will be subject to special conditions as suggested by Mr. Tataki, namely :-

- he will undertake Niufala Rod Program;
- he will undertake spiritual counselling with a Church Pastor;
- he will undertake any rehabilitation programs organised by the Probation Service
- and finally, and of crucial importance, the defendant shall not re-offend.

**DATED at Port Vila this 6<sup>th</sup> day of March 2015**

**BY THE COURT**

  
**DAVID CHETWYND**  
Judge

  
REPUBLIC OF VANUATU  
COURT SUPREME  
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