

PUBLIC PROSECUTOR
-v-
TAO IARISPIS

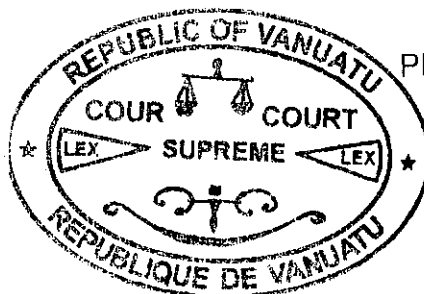
Coram: *Justice David Chetwynd*

Counsel: *Mr Tristan Garae for the Prosecution*
Mr Andrew Bal for the Defendant

Date: *Hearing 18th October 2017*

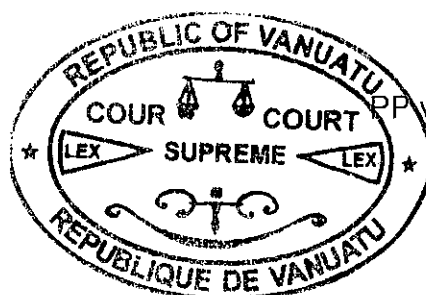
SENTENCE

1. The Defendant Tao Iarispis has been acquitted of a charge pursuant to section 26 of the Firearms Act [Cap 198] (possession of a firearm with intent to endanger life) but has been convicted of the lesser offence of possession of an uncovered firearm in a public place contrary to section 29 (2) of the Act.
2. The circumstances are that on the night of 14th April 2017 the defendant was driving his truck in Lenakel on Tanna. In the truck was his Remington shotgun. There was an altercation with his wife and one of his sons. They were in a bus travelling in the opposite direction and the altercation occurred when both vehicles stopped and the wife and son approached the defendant in his truck. The son asked for the keys to the truck, he thought his father was driving under the influence, but the defendant refused to hand them over and drove off. The son threw a stone at the truck and the defendant stopped and reversed back up



the road. He got out of the truck carrying the Remington shotgun and he slid the forend of the gun backwards and forwards.

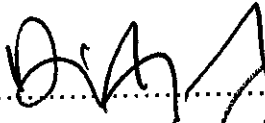
3. At that time the defendant was standing in a public road. The firearm was not in a security fastened bag and the sliding backwards and forwards of the forend indicated the weapon was capable of being loaded, cocked and fired.
4. This was a serious situation. The defendant clearly wanted to scare his wife and son and he did that without a shadow of a doubt because they both ran for their lives and hid.
5. All firearm offences are serious matters. An offence under section 29(2) is punishable by 5 years imprisonment and/or a substantial fine. It is clear that Parliament intended any abuse of the privilege of being allowed to possess a firearm to be severely punished.
6. Taking into account all the circumstances of the offending and there being no aggravating factors the defendant should be sentenced to 18 months imprisonment. I bear in mind this was a somewhat "heat of the moment" episode with no known aiming of the weapon or firing of it and that the defendant is a respected business man with some standing in the community. Given all that and his previous good character I am satisfied the sentence can be suspended. The sentence of 18 months imprisonment will be suspended for a period of 3 years.
7. However, as the defendant has abused the privilege of possessing a firearm he must be deprived of his firearm. I order that the Remington shotgun be forfeit and destroyed. I will ask the Chief of Police on Tanna (by copy of this judgment) to seize the weapon and destroy it. I request confirmation in writing be given to the Court giving details of both the fact of and the method of destruction.



8. I also request any firearm certificate in the defendant's possession be surrendered and cancelled. That means from this date on the defendant cannot legally possess any firearm. I direct that the defendant shall not be entitled to apply for or possess a firearm certificate for a period of 5 years from today's date.
9. If the defendant is dissatisfied with this sentence or his conviction he is entitled to appeal against both. He has 14 days to do so. Time will start to run when the defendant, through his counsel, receives a copy of this written decision.

Dated at Isangel Tanna, this 18th day of October 2017.

BY THE COURT


D. CHETWYND
Judge

