

IN THE SUPREME COURT OF VANUATU
HELD AT LUGANVILLE

Crim Case
No. 19/2675 SC/CRML

BETWEEN: Public Prosecutor

AND: Stehen Sawo
Steve Vansur
Steven Jimmy
Defendants

Date of Plea: 9th December 2019
Date of Sentence: 13th December 2019
Court: Justice Oliver A. Saksak
Counsel: Mr Philip Toaliu for the Public Prosecutor
Mr Steven Garae Jnr for the Defendant

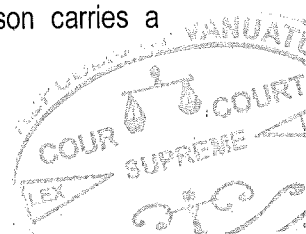
SENTENCE

1. Stephen Sawo on 9th December 2019 you pleaded guilty to one charge of unlawful assembly section (69 PCA) and one charge of domestic violence (section 4(1) and 10(1) of Family Protection Act).

Steven Vansur you pleaded guilty to one charge of unlawful assembly (s.69 PCA), one charge of intentional assault (section 107 (b) PCA) and one charge of domestic violence section 4 (1) and 10(1) of Family Protection Act.

Steven Jimmy you pleaded guilty to one charge of unlawful assembly (section 69 of the Penal Code Act) two counts of arson (section 134 (1) of the Penal Code Act), one count of intentional assault (section 107 (b) of Penal Code Act), and one count of domestic violence (section 4(1) and 10 (1) of Family Protection Act.

2. Unlawful assembly carries a maximum penalty of 3 years imprisonment. Intentional assault (section 107 (b)) carries a maximum penalty of 5 years imprisonment. Arson carries a



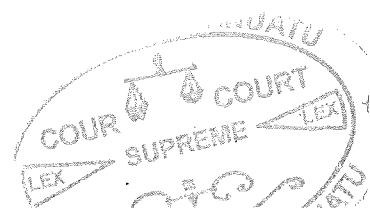
maximum penalty of 10 years imprisonment and domestic violence carries a maximum penalty of VT 500.000 or 5 years imprisonment or to both.

3. On 7 July 2019 at around 8:30am you all assembled and went to Atkor Village and set fire to a sleeping house, a local bush kitchen and a bath house belonging to Stephany Salton. She is married to Salton Lione and they have three children. Stephany Salton was assaulted and suffered injuries of temporary nature on her body. A medical report dated 1 August 2019 shows the nature and extent of the injuries she sustained. This assault was inflicted by Jimmy Steven using a rope of some kind with blows to her head and her body. You all admitted committing these offences.
4. The victim is the biological daughter of Steven Jimmy and sister of Stephen Sawo and Steve Vansur. When you all should show love and care towards her, you took the law into your own hands and burned down her sleeping house, kitchen and bath house. She and her husband and children now have no home.
5. In considering and assessing appropriate punishments I have considered the submissions of the Prosecution, defence counsel and the presentence reports submitted on your behalf. From those pre-sentence reports it is obvious to me that the main perpetrator here is Steven Jimmy the father. He led his two sons blindly and they all have fallen into the same hole. But the principle of sentencing is clearly set out in the Kalosil case that each defendant should be punished only for what he did in the circumstances that existed.
6. Again I must point out the unusual manner in which these multiple charges were laid when the actions were done as one act and as a package, what is the real purpose of doing so? The prosecution needs to rethink this part for future purposes.
7. Be that as it may I will convict and sentence each of you as follows-
 - a) Jimmy Steven you are the main leader and perpetrator of these actions. You are sentenced to-
 - I. Arson (as lead offence) x 2 counts- 2 years imprisonment on each count concurrent.
 - II. Unlawful assembly- 1 year concurrent with the 2 years for arson.
 - III. Intentional assault- 6 months imprisonment concurrent, and
 - IV. Domestic violence – 1 year imprisonment concurrent.

Altogether you are sentenced to 2 years imprisonment as a concurrent sentence.

In mitigation I allow a 1/3 reduction for your early guilty plea and admission to the police. I deduct 8 months from your 2 years. Your end sentence is now 1 year and 4 months imprisonment.

Your sentence is backdated to 21 August 2019 when you were first taken into custody. And there will be no suspension of sentence.



b) Steven Vansur I sentence you as follows-

- I. For unlawful assembly as lead offence – 1 year imprisonment.
- II. For intentional assault- 1 year imprisonment concurrent with the 1 year for unlawful assembly.
- III. For Domestic violence- 1 year imprisonment concurrent.
- IV. Altogether you are sentenced to a concurrent sentence of 1 year imprisonment but in the circumstances of your case, I order that this sentence be suspended for a period of 3 years on good behaviour. This suspension is made on condition that you do not commit this offence again or any other offences for which you would be charged and convicted. If you do, you will go to prison for 1 year. This suspension is made under section 57 of the Penal Code Act.
- V. In addition you are sentenced to community work for 50 hours which you must perform within 12 months from today.
- VI. I order that you be released forthwith from custody.

c) Stephen Sawo, you are a minor of 15 years old.

- I. For unlawful assembly, I sentence you to 1 year imprisonment suspended for 3 years from today's date.
- II. For domestic violence, I sentence you to 4 months imprisonment. But these have been served since your remand in custody from 21st August 2019.

I therefore order your immediate release from custody.

Your sentence of 1 year is suspended under section 57 of the Penal Code Act on good behaviour. You must not commit these offences again or any other offences in a period of 3 years from today's date. If you do, you will go to prison for 1 year or 12 months.

8. That is the sentence of the Court for each of you. There is a right of appeal within 14 days if you are not happy about them.

Dated at Luganville this 13th day of December 2019

BY THE COURT

Oliver A. Saksak

Judge

