

IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU  
(Criminal Jurisdiction)

Criminal  
Case No. 18/1169 SC/CRML

**BETWEEN: Public Prosecutor**

**AND: John William Haiegospin**  
Defendant

*Date:* 20 May 2020  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr P. Toaliu for the Prosecutor  
Mr E. Mofbaleh for the Defendant

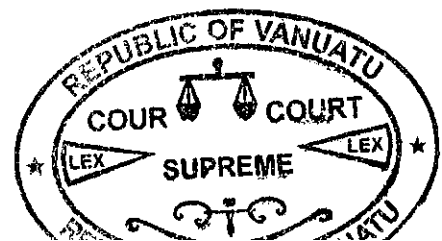
---

**SENTENCE**

---

A. Introduction

1. Mr Haiegospin faced a number of charges to which he pleaded guilty, namely:
  - (i) Attempted intentional assault – the maximum penalty for that offence is 5 years imprisonment;
  - (ii) Driving under the influence of alcohol - the maximum penalty for that offence is 1 year imprisonment and/or a fine of up to VT 10,000;
  - (iii) Threats to kill - the maximum penalty for that offence is 5 years imprisonment;
  - (iv) Malicious damage to property - the maximum penalty for that offence is 1 year imprisonment;



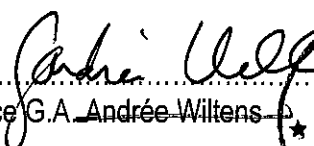
- (v) Theft - the maximum penalty for that offence is 12 years imprisonment; and
  - (vi) Escape from Lawful custody (now amended to correct a typographical error to be under section 84, not 83 of the Penal Code) - the maximum penalty for that offence is 5 years imprisonment.
2. The end sentence that I considered appropriate for Mr Haiegospin's total criminal culpability was a term of 3 years imprisonment.
  3. However, the circumstances of this case required that the primary consideration for sentencing Mr Haiegospin, who was only 20 years of age at the time of this offending, should be rehabilitative rather than punitive. For that reason I did not activate his previous suspended sentence for similar matters immediately. I sentenced Mr Haiegospin on a different basis, so as to accentuate his rehabilitative needs.
  4. In respect of charges 3 and 6, the more serious of these charges, I ordered Mr Haiegospin to come up for sentence before me pursuant to section 56 of the Penal Code. In respect of charges 1, 2, 4, and 5 concurrently, I sentenced Mr Haiegospin to (i) 250 hours of Community Work; (ii) 12 months of supervision with the conditions that he be assessed for and if found suitable to successfully attend and complete courses to deal with the consumption of alcohol and drugs, anti-violence, respect for elders and the community, and budgeting; and (iii) to be disqualified from holding or obtaining a driving licence for 3 years from 12 March 2019.

B. End Sentence

5. The PSR and his Termination Report indicates that Mr Haiegospin has successfully completed both parts of his sentence, namely the supervision and community work. He appears to have conducted himself in a far more acceptable and law-abiding manner. The Reports indicate he has changed his ways and has good prospects for remaining in the community as a fully contributing member.
6. In the circumstances, on each of charges 3 and 6, I sentence Mr Haiegospin to serve 250 hours of Community Work and 12 months of Supervision. The sentences are to run concurrently with the sentences of the other charges.
7. Accordingly, as Mr Haiegospin has fully completed those sentences, he is now free to go about his daily life unrestricted - save for his disqualification from driving, which part of his sentence remains in effect until 12 March 2022.
8. Mr Haiegospin has 14 days in which to appeal this sentence should he disagree with it.

**Dated at Port Vila this 20th day of May 2020**

**BY THE COURT**

  
Justice G.A. Andrée-Wiltens

