

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

Criminal
Case No. 21/1336 SC/CRML

BETWEEN: Public Prosecutor

AND: Pascal Melteres
Defendant

Coram: *Justice Aru*
Counsel: *Mr P. Sarai for the Public Prosecutor*
Mr. H. Vira for the Defendant

SENTENCE

Introduction

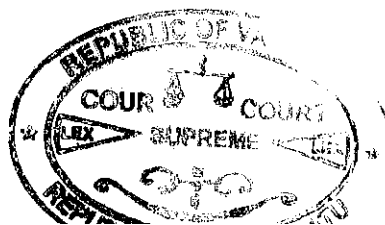
1. The defendant was charged with 2 counts of domestic violence. He pleaded guilty to count 1 and entered a not guilty plea to count 2. The prosecution nollied count 2. The defendant is now for sentence only in relation to count 1.

The facts

2. On 27 July 2019 in the morning the defendant was drunk and assaulted Lupa who was living with them. He also wanted to assault his wife but she ran and hid behind their house.
3. She wanted to get their son who was in the house but was informed that the defendant was walking around with a bell knife (machete). The Police later arrested him. It was the first time for the defendant to carry a knife when he was angry.

Starting point

4. The maximum penalty for domestic violence is imprisonment not exceeding 5 years or a fine not exceeding VT100, 000 or both.
5. The offending is aggravated by the following factors:-
 - The defendant was under the influence of alcohol;
 - The defendant carried a weapon;
 - The offending occurred in a family home where the complainant and her baby were meant to be protected.



6. The starting point of sentence is 12 months imprisonment.

Personal Factors

7. The defendant entered his guilty plea at the first available opportunity. I allow a 25 percent discount for his guilty plea.
8. No pre-sentence report has been filed. Defence counsel has provided some details about the defendant. He is 26 years old and is in a defacto relationship with 2 children. He earns his income from kava and he is a first time offender.
9. He was remanded for 3 months before being granted bail.

End Sentence

10. The end sentence is therefore 6 months imprisonment which is suspended for a period of 1 year. Should the defendant re-offend during this time, the suspended sentence will be reactivated to be served in custody.
11. The defendant has 14 days to appeal.

DATED at Port Vila this 11 day of June, 2021
BY THE COURT

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D. ANU
Judge

