

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

Criminal
Case No. 20/700 SC/CRML

PUBLIC PROSECUTOR

v

**TARI HOSEA
BRIGHTLY RAVOUS
GEORGE RAVOS
RICHARD JAMES BASIL
ELWOOD SANDY
MICHAEL RAVOS
CLEMENT BOE
FONG RAVOS**

Date: 10 June 2021
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr D. Boe
Defendants – Mr J. Garae

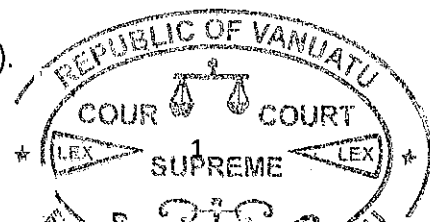
SENTENCE

A. Introduction

1. The Defendants pleaded guilty and admitted the facts relating to one charge each of unlawful assembly, intentional assault causing temporary injuries and criminal trespass (Counts 1, 2 and 5). I accordingly convicted the Defendants on their own pleas and the admitted facts. I now sentence them on those charges. The Prosecution entered *nolle prosequi* on Counts 3 and 4. The Defendants are discharged on those counts.

B. Facts

2. In the morning of 17 October 2018, the Defendants gathered together at a plantation at Qeteon area on Gaua island and planned to assault Harry Sandy (Count 1).
3. They then went to Mr Sandy's house and assaulted him there (Count 5).



4. Mr Sandy suffered temporary injuries from the assault (Count 2) including:

- i) Extensive bruising to neck, arms and torso;
- ii) Laceration to the right ear and skin close to the right eye;
- iii) Marks of a chain across his back;
- iv) Very serious contused right eye ball; and
- v) Several swellings on presentation.

5. The Defendants admitted the offending to the Police.

C. Sentence Start Point and Personal Factors

6. The sentence start point is assessed by having regard to the maximum sentences available and mitigating and aggravating factors of the offending. The maximum sentences offences are:

- Intentional assault causing temporary injuries – 5 years imprisonment;
- Unlawful assembly – 3 years imprisonment; and
- Criminal trespass – 1 year imprisonment.

7. There are no mitigating factors to the offending.

8. The aggravating factors of the offending are:

- A group attack on a sole individual;
- The unprovoked nature of the assault;
- High degree of planning to attack the complainant; and
- The offending took place at the complainant's home where he was entitled to feel safe and in front of his wife and family members.

9. The factors set out above require a sentence start point of 2 years 6 months imprisonment for the intentional assault, 18 months imprisonment for unlawful assembly and 7 months imprisonment for criminal trespass.

10. The Defendants pleaded guilty at the earliest available opportunity. However, given the strength of the Prosecution case, the Defendants had little option but to plead guilty. I deduct 25% (7 months) from the sentence start point for the guilty pleas.

11. The Defendants have no previous convictions. They cooperated with the Police and admitted the offending. They were arrested on 18 December 2019, taken to Santo by RVS Tukoro and then remanded until their release on bail on 20 February 2020. Their time in custody is stated to have been mind-opening, that they have learnt a substantial lesson and will not engage in such criminal conduct again. They have spent the last 16 months on bail awaiting the Court hearing their case on Gaua. Most of the Defendants



are responsible parents in their homes with dependent wives and children, particularly for payment of school fees. Since their release on bail and return to Gaua after Tropical Cyclone Harold, their first project with their community at Qeteon was to build a bridge across the creek outside their village so that trucks can now drive into the village. Also a church has been erected in the village that unites the community and has improved community spirit within their village. They are stated to have good relationships with their families and community. For the Defendants' personal factors, including the following information from Mr Garae for each Defendant, I deduct a further 6 months each:

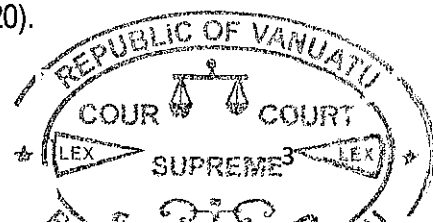
- i) Tari Hosea Mr Hosea is 33 years old. He is in a *de facto* relationship and has 2 children (1 in primary school, 1 at kindy). He is a gardener, sustaining his family and paying school fees from his gardening.
- ii) Brightly Ravous Mr Ravous is 29 years old. He is married and has 2 children (1 at kindy). He sustains his family and pays school fees through his gardening.
- iii) George Ravos Mr Ravos is 65 years old. He is married with 5 grown-up children. He is a gardener.
- iv) Richard James Basil Mr Basil is 23 years old. He is in a *de facto* relationship. He does not have children. He sustains his family and parents through his gardening.
- v) Elwood Sandy Mr Sandy is only 17 years old. He helps his parents with gardening. He did not have the opportunity to attend school.
- vi) Michael Ravos Mr Ravos is 31 years old. He is married and has 2 children (both at kindy). He sustains his family and pays school fees from gardening.
- vii) Clement Boe Mr Boe is 53 years old. He is from Talise village on East Maewo but lives at Qeteon where his wife is from. He has 3 children (1 in Year 7 and 1 in Class 1). He sustains his family and pays school fees from gardening.
- viii) Fong Ravos Mr Ravos is 33 years old. He is married with 3 children (1 at kindy). He sustains his family and pays school fees through his gardening.

D. End Sentences

12. Taking all of those matters into account, the end sentences imposed concurrently for each Defendant are:

- a. Unlawful assembly (Count 1) 12 months imprisonment;
- b. Intentional assault causing temporary injuries (Count 2) 17 months imprisonment; and
- c. Criminal trespass (Count 5) 4 months imprisonment

13. The sentences are back-dated to run from 7 April 2021 to take into account the 65 days already served in custody (18 December 2019-20 February 2020).



14. I have the power to suspend a sentence in whole or in part. In view of the nature of the crime which I trust is a one-off event that will never be repeated given the Defendants' experience of imprisonment and stated desire not to re-offend and in view of their good character including no previous convictions, responsibilities to their families and to pay school fees and their community development efforts since their release on bail, I consider their prospects of rehabilitation are better served by keeping them out of further imprisonment at this time. I suspend the Defendants' sentences for 2 years. The Defendants must remain offence-free for the next 2 years or they will need to serve the sentences of imprisonment in addition to any other penalty that may be imposed on them for the further offending.
15. Mr Boe urged that a sentence of compensation be imposed. This was conceded to albeit for a lesser amount. The Defendants are to each pay compensation to Mr Sandy of VT10,000 (total VT80,000) by 4pm on 30 October 2021.
16. In the event of default in relation to the sentences of compensation, the Defendants are to be remanded in custody for that failure and serve the sentences of imprisonment.
17. In addition, the Defendants are ordered to complete 200 hours of community work and 12 months supervision.

E. Other

18. The Defendants have 14 days to appeal.

**DATED at Naveto, Gauda island this 10th day of June 2021
BY THE COURT**

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Viran Molisa Trief
Judge

