

**IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU**

**Criminal
Case No. 21/4180 SC/CRML**

BETWEEN: Public Prosecutor

AND: Graham Charles Toppi

Accused

Date of Sentence: 22nd August 2022

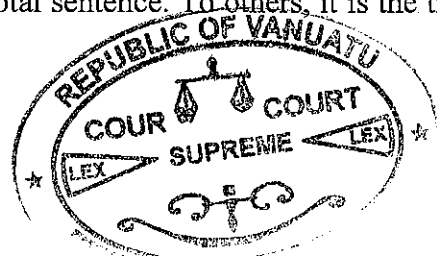
Before: Justice EP Goldsbrough

Appearances: Sewen, F for the Public Prosecutor

Kilu, J for the Accused

SENTENCE

1. Graham Charles Toppi, you have pleaded guilty to one offence of making a threat to kill your brother, contrary to section 115 of the Penal Code [Cap 135]. That happened in 2017, and there is still some suggestion that you and your brother remain locked in dispute. That, it seems, is over how your late father's estate is to be administered and divided.
2. You used a weapon when you chased your younger brother and threatened to cut off his head. The offence of making a threat to kill makes you liable to a maximum sentence of 15 years imprisonment.
3. The threat you made was repeated, sustained, coupled with a weapon, a bush knife used for gardening, towards a family member on home ground and whilst you were in drink. All of this makes the offence worse.
4. Based on what took place, and previous sentences for similar offences, the court will apply a starting point for your sentence of 3 years imprisonment.
5. However, you have pleaded guilty, just as soon as you could and that guilty plea has value. To you, the value is a reduction in your total sentence. To others, it is the time



saved in dealing with your case and removing the need for witnesses to come and tell their story thus living all over again the offence.

6. For reasons not explained but attributable to the police and the Office of the Public Prosecutor, the bringing of your case was delayed. There was a delay of 20 months between the investigation and handing over to the Office of the Public Prosecutor and a further 19-month delay in the matter being started after that. You did not cause or contribute to that delay.
7. A one-third reduction is applied to your sentence for your guilty plea and a further six-month reduction acknowledges that you were obliged to wait to have this case heard and completed.
8. You have not been convicted of any offences before today and this Court is told that there has been no further repetition of this offending since 2017 and for those two reasons it is possible to suspend the implementation of your sentence today.

9. For the offence of making a threat to kill your brother, you are sentenced to a total of eighteen months imprisonment suspended for one year. I will explain to you the effect of that sentence and remind you of your right to appeal against this sentence within the next fourteen days.

Dated at Port Vila this 22nd August 2022

BY THE COURT

EP Goldsbrough

EP Goldsbrough

Judge of Supreme Court

