

**BETWEEN: Public Prosecutor**

**AND: Reggie Pakoro**  
**Defendant**

*Date of Plea:* 1<sup>st</sup> March 2022  
*Date of SENTENCE:* 24<sup>th</sup> day of May, 2022 at 900am  
*Before:* Justice Dudley Aru  
*In Attendance:* Ms Michelline Tasso for the Public  
Prosecutor  
Mr Henzler Vira for the Defendant

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**SENTENCE**

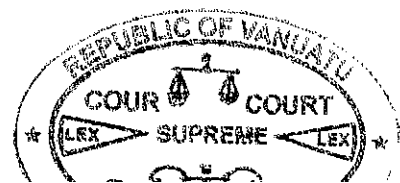
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**Introduction**

1. Mr Reggie Pakoro pleaded guilty to 2 counts of domestic violence and 1 count of cultivation of cannabis. He is convicted on his guilty plea and now appears for sentencing.

**The facts**

2. On 17 of January 2022 at Teouma Avocado area the defendant angrily demanded and threatened to kill the complainant, his de facto wife if she did not remove herself , their children and their belongings from their home . Following his demands and threats the children followed their mother out of the house . The complainant was afraid for her safety and that of their children .
3. On a previous occasion in December 2021 again at their home at Teouma, the defendant got drunk went home and demanded the complainant leave the house . He threatened to cut her with a knife if she did not do what he demanded. As it was dark and the complainant feared for her life, she took the children and they went to her sister's house at the Korman area.
4. The matter was reported to the Police. When the Police attended the crime scene they also discovered one cannabis plant growing in a garden next to the defendant's



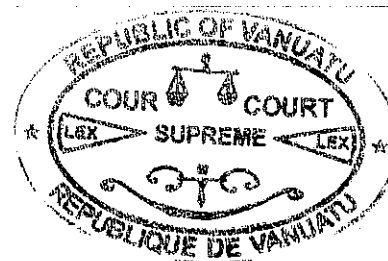
house .This was uprooted and brought to the Police station for testing . The test confirmed it was a cannabis plant of 65 inches and weighing 30 grams.

### **Starting point of sentence**

5. When determining the starting point of sentence regard must be had to the maximum sentence available and any aggravating or mitigating factors of the offending. The maximum sentence for domestic violence is 5 years imprisonment or a fine not exceeding VT 100,000 or to both. The maximum sentence available for cultivation of cannabis is a fine not exceeding VT 100,000 or a term of imprisonment not exceeding 20 years or to both . There are no mitigating factors .The offending is aggravated by a number of factors namely:
  - Breach of trust
  - The offending occurred in the home where the victim is entitled to protection
  - The offending occurred in the presence of children
  - The offending occurred at night
  - The cannabis plant is 65 inches and weighed 30 grams
6. Taking cultivation of cannabis as the lead offence I adopt an overall starting point of sentence of 2 years imprisonment.

### **Mitigation**

7. The defendant entered a guilty plea at the first available opportunity therefore the sentence will be reduced by 25%.
8. No Pre Sentence Report was filed as directed . Defence Counsel submitted that the defendant is 44 years old and he is a first time offender with no previous conviction . He is the sole bread winner of his family . He has 4 children with his de facto partner and he earns income to support them by farming . No custom reconciliation has been performed to date . He was remanded into custody on 19 January 2022 , and remains remanded for a period of roughly 4 months. Taking these factors into account the sentence start point is further reduced by 4 months .

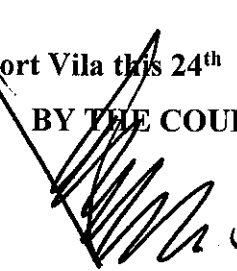


**End sentence**

9. The end sentence is therefore 10 months imprisonment . On each count of domestic violence the defendant is sentenced to 4 months imprisonment to be concurrent .
10. Defence Counsel submitted that the sentence should be suspended . In view of the circumstances , first , the defendant is a first time offender , second no physical injury resulted from his offending and finally his cultivation of a single cannabis plant is at the lower end of the scale for such offending .
11. The sentence will be suspended for a period of 2 years. In addition the defendant will perform 50 hours community work . I also order that the cannabis plant be destroyed .
12. The defendant has 14 days to appeal if he disagrees with the decision .

**DATED at Port Vila this 24<sup>th</sup> day of May, 2022.**

**BY THE COURT**



**Dudley Aru**

**Judge**

