

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

Criminal  
Case No. 22/1048 SC/CRML

PUBLIC PROSECUTOR

V

MARKY JIMMY

Defendant

*Date of Sentence: 17th day of June, 2022 at 9:00 AM*

*Before: Justice Oliver Saksak*

*In Attendance: Ms Marie Taiki for Public Prosecutor*

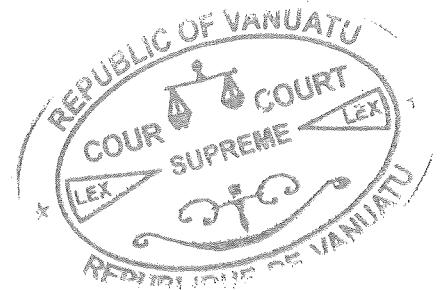
*Mr Steven Garae Jnr for the Defendant*

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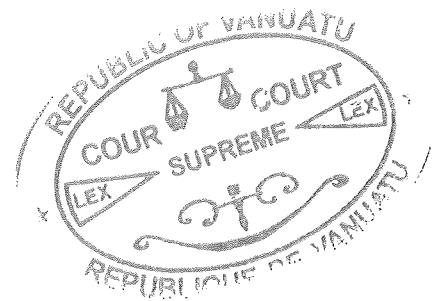
SENTENCE

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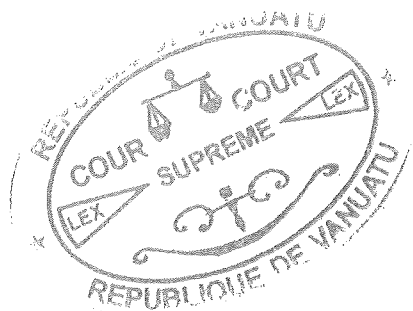
1. Marky Jimmy pleaded guilty to unlawful entry, section 143 (1), intentional assault, section 107 (c) and domestic violence, counts 3 and 4, sections 4(1) (a)(b), (d), (g) and 10 of the Family Protection Act. And he is for sentence today.
2. These are serious offences as unlawful entry carries a maximum of 20 years imprisonment, intentional assault causing permanent injury carries a maximum of 10 years imprisonment, and domestic violence carries a maximum penalty of 5 years imprisonment or a fine of VT 100,000.
3. The defendant and the victim had lived together in a defacto relationship for 12 years. They separated in March 2021. They have 4 children from the relationship. During their period of relationship the defendant became abusive towards the victim resulting in the victim obtaining several ex parte protection orders from 2012 -2021. These resulted in violence, threats and assaults on the victim leading up to their final separation in March 2021. These were the facts relating the 2 representative charges in Counts 3 and 4.



4. On 11<sup>th</sup> February 2022 at Chapius. The defendant unlawfully entered Sabrina Sope's house and stabbed the victim with a small knife while the victim was lying down on her bed. He then left leaving the victim with serious permanent injuries.
5. The victim was taken to the hospital and examined on 12<sup>th</sup> February 2022. Her medical report shows multiple stabbed wounds to the left chest, and 2 injuries to the back measuring 2cm each. There was massive loss of blood from the injuries. The doctor found "*serious near fatal injury to (L) lung, left chest wall.*"
6. These were the facts relating to the charges of unlawful entry in Count 1 and ~~intentional~~ assault in Count 2.
7. The defendant made admissions statement on 16<sup>th</sup> February 2022 because he was angry with her.
8. There were no mitigating circumstances for committing these offences.
9. The aggravating features are several as follows-
  - Offendings occurred at home where the victim was supposed to feel safe.
  - There was a serious breach of trust.
  - A weapon, a sharp kitchen knife was used in the assault.
  - Near fatal injuries were sustained, which are permanent injuries.
  - There was a degree of planning involved.
  - The assault was unprovoked.
  - There were repetitive breaches of various domestic violence orders.
  - Complete disrespect and disregard for the life of the victim and the children of the relationship.
10. Taking all these into account I consider that the appropriate punishment for the defendant will be immediate custodial sentences as follows: \_



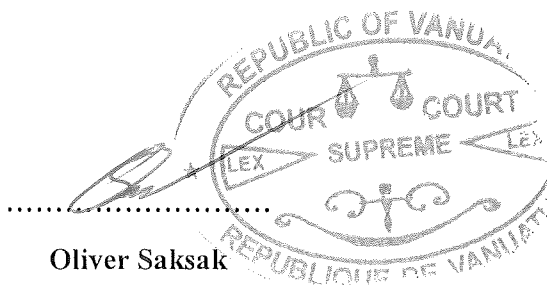
- a) For unlawful entry of dwelling house- I convict and sentence the defendant to a starting sentence of 4 years imprisonment, concurrent with 7 years sentence for intentional assault.
  - b) For intentional assault causing permanent injuries, which is the lead offence, I convict and sentence the defendant to a starting sentence of 7 years imprisonment.
  - c) For Domestic violence in Counts 3 and 4 I convict and sentence the defendant to 2 years imprisonment on each count, to be served concurrently with the 7 years sentence for intentional assault.
11. Altogether the defendant will serve a total sentence of 7 years imprisonment as a concurrent sentence.
12. In mitigation I consider the defendant's guilty plea and early admission to the police but will allow a reduction of only 1 year and 6 months from the starting of 7 years, leaving the balance of 5 years and 6 months imprisonment.
13. I consider his other character and personal factors, especially that he made a public apology in open Court after his guilty pleas on 13<sup>th</sup> June 2022, and the time has spent in custody. I will reduce his balance of the sentence by a further 6 months.
14. The end sentence for the defendant is 5 years imprisonment to be served with immediate effect at the Correctional Centre in Luganville. The sentence will not be suspended as the offences committed are too serious.



15. That is the sentence of the defendant. He has a right to appeal within 14 days.

**DATED at Luganville this 17th day of June, 2022.**

**BY THE COURT**



**Oliver Saksak**

**Judge**