

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

**Criminal
Case No. 23/2159 SC/CRML**

BETWEEN: Public Prosecutor

AND: Tom Natau
Accused

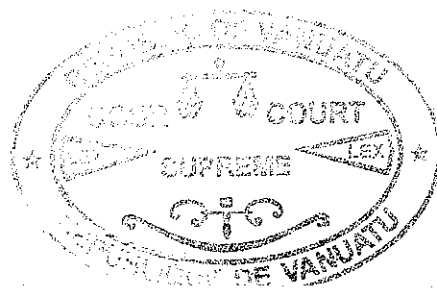
Date of Sentence: *28th day of November, 2023*

Before: *Justice E.P. Goldsbrough*

In Attendance: *Taiki, M for the Public Prosecutor*
Karu, K for the Defence

SENTENCE

1. Tom Natau, you have pleaded guilty to two offences, making threats to kill and an attempted intentional assault. These two offences took place at different times. The first was directed at your father, it was between January and May of this year, and you were sharpening a bush knife. As you were sharpening that bush knife, your father heard you say that you would cut the neck of your in-laws and everybody in the house. Hearing those words from you, your father was terrified and kept silent whilst continuing to watch you. When he saw that you had left the knife, he removed it and hid it so that nothing could happen to him or others in the house.
2. Then in June 2023, your brother heard some of your other siblings crying out. He saw you throw a digging bar at another brother. He moved and so your digging bar missed him but landed where he had been sitting. That caused him to want to fight with you, but he was stopped.
3. Your family have expressed their concerns because you can turn violent at any time.



4. You admitted your wrongdoing when asked by the police, and you have pleaded guilty to these two offences.
5. The penalty for the offence of uttering a threat to kill a person is 15 years imprisonment, and for assault, it is one year. Those maximum penalties are used as a guide to find a starting point for the sentence to be imposed on you. In addition, those factors which make your offending more serious are also taken into account. Here, on both occasions, you had access to a weapon. You made these attacks on your own family. They should feel safe around you, as their family, but they do not feel safe. Both of these attacks were unprovoked.
6. A starting point for these offences is set at 2 years for the offence of making threats to kill and 6 months for throwing the digging bar at your brother. Those sentences shall run together when they are imposed.
7. But you did plead guilty at an early stage in this case, and you are entitled to be given credit for that. There has been no customary reconciliation ceremony, but you have not been in trouble with the police before now. You have been in custody since 30 June 2023 and as today is 28 November, you have been in custody for almost five months now. That must also be considered, you are entitled to credit for that time already spent in custody.
8. The report prepared about you is not encouraging. You do not seem to take responsibility for your actions but blame others. You appear to be in the habit of using Marijuana which may be a factor in your offending. There is no chief who is prepared to look out for you if you are released, and your family members are apprehensive about having you back.
9. You are twenty-four years of age, unmarried and unemployed. You have hopes of planting sandalwood and earning a living from that. You have the majority of your life still before you. You need to decide if you are going to learn to manage your anger or to continue like this and get yourself into more trouble.
10. There is nothing contained in the defence sentencing submissions that looks at how your behaviour has affected your family, nor how your use of illegal drugs has affected your

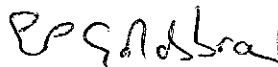


behaviour. There is no indication given that you intend to stop or try and stop that illegal usage. Given that the submission was also filed late, it was not particularly helpful.

11. For the offence of threatening to kill your father, you are sentenced to months imprisonment. That is derived from the start point of two years, less 33% reduction for your early guilty plea and a further 7% for other personal factors such as your lack of previous convictions. Starting at twenty-four months, the sentence comes down to fourteen months and two weeks.
12. I have considered whether your sentence of imprisonment should be suspended. To do that I have looked at the nature of the crimes and your character. This uncontrolled anger you do not seem to recognize. There is no actual contrition when you continue to blame others for your behaviour. For those reasons, I determine that the sentence should not be suspended.
13. You are sentenced to fourteen months and two weeks imprisonment for the making of threats to kill and 15 weeks for attempted assault to run concurrently both deemed to have begun on the day you were first taken into custody, that is 30 June 2023. As you have already served more than half of your actual sentence, given the early release provisions, you will be released from custody in just over two months. Before then you should take all the help that you can get with your anger management issues.
14. You have the right to appeal this decision if you so wish but must begin to do so within 14 days of today.

DATED at Port Vila this 28th day of November, 2023.

BY THE COURT



**E.P. Goldsbrough
Judge of the Supreme Court**

