

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

Criminal
Case No. 23/2342 SC/CRML

BETWEEN: Public Prosecutor

AND: Tom Lokin
Defendant

Coram: Justice Dudley Aru
Counsel: Ms. M. Tasso for the Public Prosecutor
Mrs. K. Karu for the Defendant

SENTENCE

Introduction

1. Mr Tom Lokin you appear for sentencing on two counts of domestic violence. You pleaded guilty initially to count 1 and was found guilty of count 5 after a trial.

Facts

Count 1

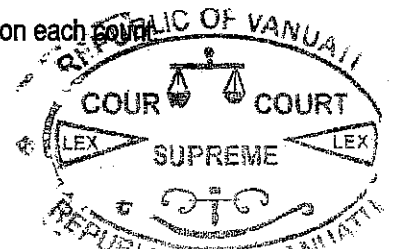
2. Around April 2023 the victim was living with you at Erakor bridge area. Following some disagreements at home the victim left you and spent a night with her relatives at Freswota. The following day you told her to follow you to Erakor bridge to remove her belongs from your house. When she entered the house, you followed her and swore at her. You took a pipe and electric rope and whipped her with it. She fell to the floor and cried.

Count 5

3. Around April 2023 after whipping the victim, you cut the victim's hair with a pair of green scissors.

Starting point

4. The maximum sentence available for domestic violence is imprisonment not exceeding 5 years or a fine not exceeding VT100,000. Your offending is aggravated by the fact that weapons were used to assault the victim, there is a serious breach of trust as the victim is your de facto partner and the offending occurred in the home where she is meant to be protected. There are no mitigating factors of the offending.
5. The starting point of your sentence is 2 years imprisonment to be concurrent on each count.



Mitigation

6. A Same Day Report was filed by your probation officer giving some personal details about yourself. You are now 35 years old and this is your second offending. You live in a de facto relationship with the victim and have two young daughters aged 10 and 5. You are the breadwinner and earn your living to support your children through growing and selling kava. The report also says you are skilled in joinery and you are a helpful member of your community. For your personal factors I reduce the sentence start point by 3 months. A further 3 months is deducted for time spent in pre custody.
7. For the guilty plea the sentence start point is further reduced by 20%.

End sentence

8. Your end sentence is rounded off to 12 months imprisonment to be concurrent. The sentence is suspended for a period of 3 years. Should you reoffend during this time you will be required to serve your sentence in custody.
9. In addition, you will perform 100 hours of community work.
10. You have 14 days to appeal if you are not happy with this decision.

DATED at Port Vila this 4th day of March, 2024

BY THE COURT

Dudley Aru
Judge

