

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

**Criminal  
Case No. 24/2914 SC/CRM**

**BETWEEN: Public Prosecutor**

**AND: Richie Napau**

***Date of Hearing:*** 25<sup>th</sup> day of September 2024  
***Before:*** Justice E.P Goldsbrough

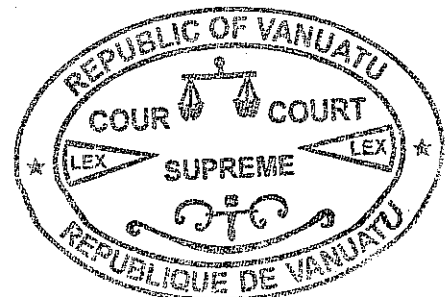
***In Attendance:*** Massing, K, M for Prosecution  
Kaukare, J for Defence

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**SENTENCE**

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1. Richie Napau, on 25<sup>th</sup> September when you last appeared before this Court, you confirmed your guilty plea to two criminal charges, criminal trespass and assault. You are convicted on your own plea to those two offences. You agreed that the facts as set out in the amended summary of facts was correct.
2. On 5<sup>th</sup> August 2018 you, together with others, went to the property of Joe Yata. He was there having breakfast. You seem to have believed that he had been involved in an earlier assault on a family member of yours. You made a threat. Next, you punched him in the face causing a deep cut. A subsequent medical report shows a deep laceration to his right upper eye lid.
3. The offence of criminal trespass carried a maximum penalty of 1 year imprisonment and assault, 5 years imprisonment. The maximum penalty together with what you did inform the Court about the appropriate penalty to be imposed on you.
4. This offence of assault was committed without provocation and at the home of the victim. Other of the victim's family members were present and witnessed the assault. The assault had a long-lasting effect on your victim.



5. A starting point for the offence of assault is set at 18 months imprisonment. A start point for the criminal trespass is set at 6 months imprisonment but as both sentences will be concurrent it makes no difference. The two offences were all part of one incident.
6. In your favour you pleaded guilty to the two charges. No other mitigating personal factors have been put forward in your defence. The pre-sentence report records that you believed the victim to have been responsible for an earlier incident when property was stolen, but that you agree alcohol consumption and your inability to control your anger contributed to these offences. You also told the author that the use of swear words in front of your mother was a contributory factor. None of this amounts to a justification for this assault
7. The starting point is reduced by one third to reflect the fact that you have pleaded guilty. You are in employment and have not been in trouble with the police before, you have a family and are well regarded in your community. For that, a further reduction of two months is made. That leaves an end sentence of ten months imprisonment.
8. The Court is then obliged to consider whether it is appropriate to suspend your sentence. To do that the Court considers the nature of the offences and your character. Also taken into account is the fact that this offending took place five years ago when you were much younger than you are now. For those reasons, the sentence of imprisonment is suspended for two years.
9. You do not have to go to prison now and you will not have to serve this term of imprisonment if you keep out of trouble for the next two years. If you do appear before any court within the next two years and are convicted of any offence you may have to serve this sentence. Otherwise, the sentence does not have to be served.
10. You have the right to appeal against this sentence if you wish to, but you must begin that process within 14 days from today.

DATED at Port Vila this 28<sup>th</sup> day of October 2024

BY THE COURT

*E.P. Goldsbrough*

E.P Goldsbrough

Judge of the Supreme Court

