

PUBLIC PROSECUTOR v JIMMY BILL

Coram: Magistrate J. Palo

Date of Sentence: 15 October 2019

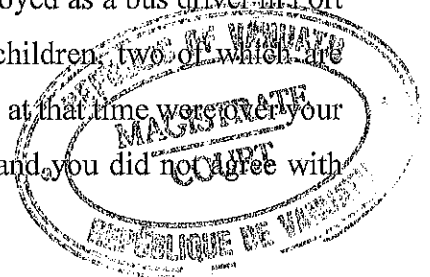
*Appearances: Mr. Malsolip Tamau for the State
The Defendant in person*

SENTENCE

Mr. Jimmy Bill, you pleaded guilty to the offence of domestic violence in contravention of *Section 4 (1)(a) and Section 10(1) of the Family Protection Act No.28 of 2008.*

According to the submission of the Prosecutor, in 2015, you were in a de facto relationship with the Complainant Dislyn Kasol and you had your eldest son who were living on Tanna. You brought them to Port Vila to live with you. On 10th September 2015, after having several arguments, you drove off in the bus you were driving as a public transport and the Complainant went to Salili. When you drove pass Salili Store, you saw your wife and the baby so you went and slapped her. After the incident, your wife sought assistance from the police to get her a domestic violence protection order. You were cautioned by the police in 217 and at that time you admitted liability and had already made peace with your wife. In that same year, you got married with the Complainant. Mr. Tamau informed the Court that the file has reached their office in 2018 and you were eventually charged. The Prosecutor further presented to the Court written concerns about the case by your wife, requesting that the matter be withdrawn as the matter was already solved and forgotten. It is in the prosecution's policy that any matter for domestic violence is to follow the court process but is not to be ended at an earlier stage, and that is the reason why the plea has to proceed.

You told the Court that you are 32 years old and that you are employed as a bus driver in Port Vila. You are married to the Complainant and you have three children, two of which are attending school and one is an infant. You said that your arguments at that time were over your eldest son as your father-in-law wanted to get custody over him and you did not agree with



them. When you saw your wife at Salili which is the area where your in-laws live, you got angry and slapped her. The matter has already been solved and there were no further incident then onwards. You also informed the Court that it is your first time to appear in court over a criminal charge.

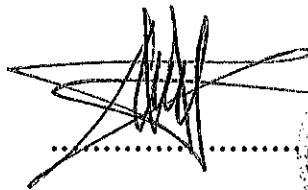
Having considered all of the above, I am satisfied that a crime was committed and a guilty plea was entered accordingly. I acknowledge the facts as presented from both sides and taking into account the following circumstances:

- That there was an unreasonable delay in prosecuting this matter;
- That you have no previous conviction;
- That since the incident in 2015, there was no further report of violence from your wife; and
- That any conviction may disturb the peace and harmony that had already been restored;

I therefore discharge you without conviction pursuant to *Section 55 of the Penal Code*. However, you have to understand that your wrong is not tolerated in the society and so you are ordered to pay a fine of 5,000VT and a prosecution cost of 1,000VT to be paid within 28 days from today. Should you fail to make payment as ordered, your sentence will be reconsidered. You have 14 days to appeal if you are not satisfied with this decision.

DATED at Port Vila this 15th day of October, 2019.

BY THE COURT



J. PALO

Magistrate

