

PUBLIC PROSECUTOR

V

TYSON PHILIMON

*In Attendance: Mr. Christopher Shem for the State
Mr. Lorenzo Moli for the defendant
Defendant in person*

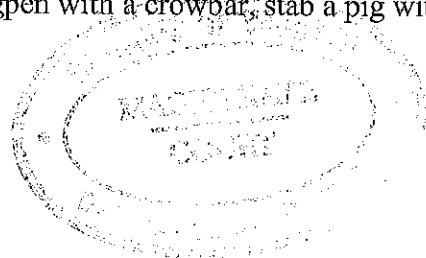
SENTENCE

A. Introduction

1. Mr. Tyson Philimon, pleaded guilty on 20 April 2021 on the charges of domestic violence and mistreatment of animal.
2. He is therefore convicted on the facts summary submitted by the Prosecutor.

B. Facts

3. Ms. Annet Kasua who is the defendant's mother lodged complaint with the Police alleging that on 20 September 2020 at Ohlen area, the defendant threw a bucket at her with an intention to harm her.
4. Luckily, the bucket missed her. The defendant then took a bush knife aiming at the complainant to assault her with it.
5. Ms. Annet Kasua having seen his son with the knife fled the scene and sought refuge at her sister's house.
6. The defendant then out of rage enters the kitchen with the knife and cut items such as cooking pots, cups, dishes, plates and the door to the kitchen.
7. The defendant then proceeded into the pigpen with a crowbar, stab a pig with it, and end its life.



8. The Police arrested the defendant and at cautioning, he made full admission of his offending and said he was very angry at the time.

C. Sentence Starting Point

9. The maximum penalty for the offence of Domestic Violence is VT 100,000 fine or 5 years imprisonment or both, and for Mistreatment of Animal 2 years imprisonment.
10. There are no mitigating factors to your offending. The aggravating factors are:
- Using of objects to perpetrate violence.
 - Offending occurred in the confine of the complainant's home where she is entitled to feel safe and secure.
 - There was breach of trust in the family unit.
 - Relentless acts causing irrecoverable loss of family assets.
11. In considering the aggravating factors, I set a starting point of 18 months imprisonment.

D. Deduction for Guilty Plea

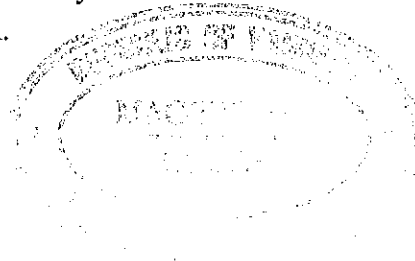
12. Mr. Tyson Philimon pleaded guilty at first given opportunity. This flows from his prior admissions to the Police at cautioning. He is therefore entitled to one-third reduction of his starting sentence which is six months.

E. Personal Factors

13. Mr. Tyson Philemon is 25 years of age. He lives with his defacto wife and their young child. He sustains his young family through gardening.
14. He has no previous convictions.
15. He expressed remorse for his actions and performed a custom reconciliation with his mother (complainant) and presented kava, meat and cash money of VT 15,000 to her.
16. For his personal factor, I allow a discount of 4 months.

F. End Sentence

17. The sentencing principles achievable in this case amongst others expressed in *Public Prosecutor v Vahirua* [2018] VUSC 15 are to hold you accountable for your conduct, to denounce your criminal conduct, to protect the community, to promote sense of responsibility for the harm done and to assist in your rehabilitation and re-integration.



18. Taking into account all matters in relation to all matters aggravating and mitigation personal to your offending, the end sentence imposed on the three charges concurrently are:

- | | |
|-------------------------------------|------------------------|
| a. Domestic Violence (count 1) | 8 months imprisonment. |
| b. Domestic Violence (count 2) | 6 months imprisonment. |
| c. Mistreatment of Animal (count 3) | 2 months imprisonment. |

G. Suspension

19. In view of the circumstances as follows:

- He is a young person of 25 years of age.
- He has a defacto wife and a young child to take care of.
- He has reconciled with his biological mother (complainant).
- He was remanded in custody for over 2 weeks prior to his conviction.


20. Mr. Tyson Philimon's sentence is suspended for 2 years. This means he must not re-offend within 2 years however if he re-offends, this suspended sentence will be lifted and he will serve this sentence together with any other sentences imposed on him for his re-offending.

H. Appeal

21. Mr. Tyson Philimon has 14 days to appeal to the Supreme Court if he is not satisfied with this sentence.

DATED at Port Vila this 27th day of May 2021

BY THE COURT


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MOSES PETER
Senior Magistrate

