

PUBLIC PROSECUTOR

V

DANNY MELTETAKE

*Date of Sentence: 5<sup>th</sup> of July, 2021.*

*Before: FSam*

*In Attendance: Mr George\_M for the State*

*Mrs Karu\_K for the Defence and Defendant.*

*Copy: Mr George Michael of The State Prosecution, Ms Kylie Karu of The Public Solicitor's Office, Defendant.*

---

SENTENCE

---

**Introduction**

1. The Defendant, Mr Meltetake, pleaded "itru" to one count of Domestic Violence against him, and this was recorded as his guilty plea. Having considered the defendant's admission to the facts presented and his guilty plea, he was convicted of the count accordingly.

**Facts**

2. The complainant is the Defendant's biological mother, who complaint that on the 31<sup>st</sup> of March 2021, the defendant, was angry at her following a conversation with her to get him a music box, and he used abusive words at her to the effect "Yu ko wan man I fuckem yu", from which words the complainant felt hurt and threatened and reported the defendant son to the Police.



### Sentence Starting Point

3. I consider the maximum sentence available for the offending in this case and the aggravating and mitigating factors in relation to the offending, to arrive at the appropriate starting point. I apply the 2-step sentencing approach in light of the authority of *Moses v R* [2020] NZCA 296, and as adopted by the Supreme Court Judge in the case of *Public Prosecutor v Boesaleana* [2020] VUSC 211.

4. The maximum sentence of Domestic Violence is 5 years imprisonment or a fine of VT100,000 or both.

5. The aggravating factors include:

➤ the defendant being a second time offender, who has been convicted by the Magistrate's Court over a similar nature of offending, and sentenced to community work;

➤ The victim in both cases being his biological mother; which shows he has no respect for his mother;

➤ the defendant has no respect for the law, and reoffended within 6 months after the first offending and conviction;

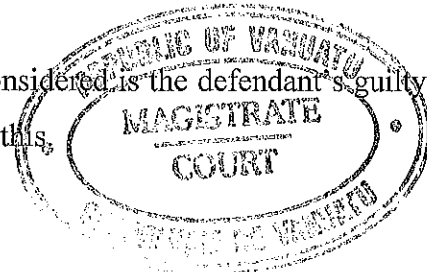
➤ the complainant mother is vulnerable and constantly at risk of ongoing threats and abusive actions from the defendant in their own home;

6. There is no mitigating factor in respect of the offending taken into consideration.

7. Taking the relevant factors into consideration, I set a starting point of 6 months imprisonment given the defendant's reoffending and the seriousness reflected in the similarity of the nature of offending by the defendant.

### Mitigation

8. The only factor in mitigation that is considered is the defendant's guilty plea and he is entitled to one third deduction for this,



9. Although the defence could not assist this court with a medical report to confirm this, I note also that the defendant's repeated offending is a possible result of him using marijuana and being under the influence of the drug,

**End Sentence**

10. I note the authority of *PP v Wari* [2017] VUSC 144, as cited by Defence in respect of comparison of the nature of offending with the current case, and also the defendant having had spent one (1) month and 17 days in custody, and I arrive at the end sentence of one (1) month imprisonment.

11. Suspension was not awarded in *Wari's* case because the nature of offending was more serious compared to the case before us. However, given circumstances and relevant factors, I award suspension of the defendant's one month imprisonment sentence to a period of 12 months or 1 year.

12. The Defendant is warned not to reoffend during the suspended period or his suspension be uplifted and he is to serve his sentence accordingly.

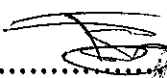
13. The Complainant mother (in court) is also directed to get help from medical or counselling experts to assist controlling the defendant's behavior during the period of his suspended sentence, given the repeated offending and given the fact that the defendant will need to serve the suspended sentence with her at their home. She is also directed to ensure reporting any offending by the defendant to the prosecution during the suspension period of his sentence.


14. Mr Meltetake has 14 days to appeal this sentence if he disagrees with it.



DATED at Port Vila, this 5th day of July, 2021.

BY THE COURT

  
.....  
FSam  
Magistrate



REPUBLIC OF VANUATU  
MAGISTRATE  
COURT  
LAKELAND PROVINCE