

PUBLIC PROSECUTOR

V

JAMESON BULE

Date of Sentence: 15th September, 2023.

Before: Magistrate FSam

In Attendance: Ms. Sewen_F -OPP

Ms. Kalsakau_F - Defence

Defendant.

SENTENCE



Introduction

1. Mr. Jameson Bule, you appear before me today for your sentencing, following the 6 counts that you have admitted to or pled guilty to, on the 1st of September, 2023. These include, 3 counts of prohibition of theft in contrary to section 125(a) of the Penal Code, and 3 counts of domestic violence in contrary to sections 4(1)(b), (f) and 10 (1) of the Family Protection Act No. 8 of 2008.

Facts

2. The accepted facts in respect of the theft charges are that on three separate occasions, you did the following; firstly, on the month of April, 2022, you stole a female pregnant pig belonging to your mother, Prisca Tabi, and you sold it for VT6,000; Between the 1st and 31st of January, 2023, at your place of residence with your parents, at Korman area. The pig was worth VT60,000; then sometimes between 1st and 31st of April, 2023, you took VT9000 from your mother, without her knowledge and or consent, and sometimes in January, 2023, you stole a macocot

saucepan size 38, which belonged to your eldest brother, Roger Bule, and sold it to your neighbour at VT. 2000.

3. With respect to the domestic violence charges- again on separate occasions, you did the following: firstly sometimes between the 15th and 31st of May, 2023 at Teouma area, you intimidated your father, the complainant in this case, Mr. James Tabi, when you became angry with him, and took a big knife, and cut the cement with it, causing the knife to break in two; secondly, then on the 21st of July, 2023, at Teouma area, you intimidated your parents, when you again took a bush knife and began cutting the posts of your house, and when your parents tried to stop you, you got aggressive and told them words to the effect – “*yu wandem mi katem yu*” (or translated, “*you want me to cut you*”) whilst holding on to the knife. You then smashed 5 glass louvers to the floor, shattering them. Your actions caused fear towards your parents.

4. You admitted the facts in respect to your offending through your counsel, and considering this with your guilty plea, you are convicted on the 3 counts of theft and 3 counts of domestic violence against you.

Sentencing Starting Point

5. I assess the appropriate starting point taking into consideration, the maximum sentences available, the mitigating and aggravating factors of the offending.

6. The offence of theft constitutes a maximum penalty of 12 years imprisonment, and for domestic violence, a penalty of 5 years imprisonment, and, or fine not exceeding VT100, 000. The length of term given, for both offences reflects the seriousness of such of offending.

7. The accepted aggravating factors to the offending include:

- There was use of weapon (big/bush knife);
- There was a serious breach of trust in the family relationship between you, Mr. Bule and your parents and other family members;

The victims in this case included your own parents and older brother,



- Your actions caused fear towards your parents;
- In respect of the thefts, you repeatedly took things away from their owners, again including your parents, and brother, on separate occasions, such items ranging from money, animals and macocots saucepan (cooking pot), without their consent. Your actions reflects great disrespect for others around you, especially your immediate family members and elders.
- Everything stolen were not returned to their owners.

8. I consider the relevant cases as cited by the both counsels and given the relevant factors, I set a global starting point for the 3 counts of theft at 12 months imprisonment on concurrent basis, and a global starting point of 12 months imprisonment for the domestic violence charges, concurrent.

Personal/Mitigating Factors

9. Mr Bule, your pleas were entered at the earliest available opportunity, and I allow a one third deduction for such.

10. You are young man of 22 years of age, and the youngest son of the complainants in this case, you are unemployed and live at Teouma area, with your family, and you depend on gardening to assist your parents.

11. You stated through your counsel that you knew what you did, in respect to your offending was wrong, but you went ahead to do it anyway because you were desperate for money. You also admitted having learned a lesson from your offending, and expressed remorse when you were apprehended, as well as he extended his apologies to his parents and to this court for his illegal acts. For this I allow a deduction of 2 months from the starting points.

12. I also note you are a first-time offender with no record of prior convictions. And I award further deductions of 2 months.

End Sentence



13. Your end sentence therefore is; in respect to the three counts of theft, an imprisonment term of 4 months to be served concurrently. And for the three counts of domestic violence, an imprisonment term of 4 months concurrent sentence to be served consecutively with the 4 months sentence of the theft charges.

Suspension

14. Given your personal factors, I allow a suspension of your sentence for a period of 2 years.

15. You are ordered to remain in good behaviour at all times and maintain the peace, especially towards your immediate family members, including your parents, and community members around you, and you must restrain from committing any further offences.

16. You are also informed that if you, for any reason, commit any further offending within the 2 years suspended period of your sentence, your suspended period may be uplifted, and you will have to go to prison to serve your sentences.

17. This sentence is appropriate to punish and deter you and other offenders like you from committing similar offences.

18. This sentence is also necessary to allow you a chance to rehabilitate, and see to making necessary changes for your life's betterment, as well as that of your family and community as a whole.

19. Your sentence will be effective upon expiry of 14 days period of appeal given you, if you are not happy with it, and chose to appeal.



DATED at Port Vila, this 15th September, 2023.

BY THE COURT



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FSam

Magistrate

