

PUBLIC PROSECUTOR

V

JAKE JONDY

*In Attendance: Mr. Solomon Asang for the State
Ms. Barbara Taleo for the defendant*

SENTENCE

A. Introduction

1. Mr. Jake Jondy pleaded guilty on the charges of reckless driving, unintentional harm causing permanent injury and failure to stop and report an accident.
2. He is therefore convicted as charged.

B. Facts

3. The complainant is a 60 years old male from Pentecost namely Jacob Bulememe.
4. The Complainant resides at Solway area and owns a business of selling sewn natangura thatch.
5. In the morning of 24 November 2023, he was returning from Solomon Hill between 6 am and 7 am after negotiating sales for his natangura thatch.
6. While walking along the pavement on the 2nd Canal road, a grey vehicle Calloper Registration 3VE 112 driven by the defendant ran across towards the complainant and hit him.

7. The defendant was driving so fast that the impact of the hit has caused the complainant to sustain bruises on his left face.
8. He also sustains a deformed left and right thigh and bilateral femur and pelvic bone fractures [Exhibit SP 2- Medical Report].
9. Due to the impact, the defendant's vehicle sustained damage in the front right headlamp.
10. After the hit, the defendant did not stop but drove away to a kava bar where his friends got off and then he drove alone to his home.
11. The complainant was left suffering from the accident until the hospital vehicle came along and took him to the hospital.
12. It is now three months and yet the victim is still admitted in the Northern District Hospital undertaking medical treatment.
13. The Police investigation revealed that the defendant was driving at the time while under the influence of alcohol. Moreover, the vehicle is not insured and that the number plate does not depict the number on the registration book of the vehicle.
14. The defendant was arrested and when cautioned he admitted his offending to the police.

C. Sentence starting point

15. The maximum penalty of reckless driving is 1 years imprisonment, for unintentional harm causing permanent injury- 2 years imprisonment and for failure to stop and report an accident- 1 months imprisonment or VT 10,000 fine or both..
16. There are no mitigating aspects of the offending. The aggravating factors are:
 - The defendant failed to take due care and attention in his driving resulting in an accident.
 - The defendant was driving while under influence of alcohol.
 - There was failure to observe the law.
 - The defendant fail to stop leaving the victim alone in deep distress.
 - The victim has been hospitalized for 3 months.
 - There was damage in the victim's business due to his current condition.

1. In considering the aggravating factor, I set a starting point in a global scale of 18 months imprisonment.

D. Deductions for Guilty Plea

17. The defendant pleaded guilty at first opportunity. He is therefore entitled to one-third reduction of his starting sentence, which is 6 months.

E. Personal Factor

18. The defendant is 29 years of age.
19. He is married with two children.
20. He is a first time offender.
21. He expressed remorse for his actions.
22. He pleaded guilty at first given opportunity.
23. He took part in the RSE scheme as a means of financially sustaining his young family.
24. He cooperated with the Police during investigation.
25. He maintains good relationship with his family and community.
26. After the accident, he reconciled with the victim, the victim's family and chiefs and presented the following items and money in value of VT 40,000.
27. From when the victim was admitted in the hospital to date, the defendant had been providing support through advancing payment to victim's caretaker, purchase of traditional medicines, purchasing food, assisting and mobilizing people who donated blood, providing meals to victim and caretaker.
28. The value of the support rendered to the victim until today is VT 398,245.
29. The defendant agrees to pay for victim's medical bill of VT 74,520.
30. For his personal factor, I make a further discount of 8 months.

F. End Sentence

31. 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.
32. Taking into account all matters in relation to all matters aggravating and mitigation personal to your offending, the end sentence imposed on your offending is 4 months imprisonment.

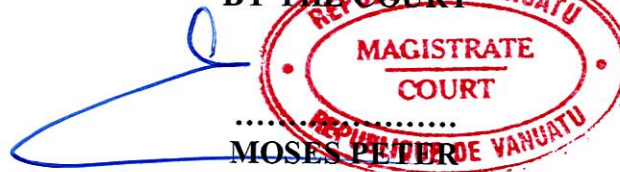
33. I agree to suspend your sentence for 1 year taking into the account your consistent support to the victim and his family while in the hospital and your young family who are dependent on your care and support.
34. However, you must not commit any criminal offence within 1 year failing which this suspended sentence will be lifted and he will serve 4 months imprisonment together with any other sentences imposed on you for your re-offending.
35. For completeness, I also order 100 hours of community work sentence.
36. He is to see a Probation Officer in the Correctional Department no later than 72 hours to discuss his community sentence work plan.
37. The defendant is to pay VT 2,000 prosecution cost in 7 days.

G. Appeal

38. He has 14 days to appeal to the Supreme Court if he is not satisfied with this sentence.

DATED at Luganville, this 14th day of March 2024

BY THE COURT



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MOSES PETER

Senior Magistrate