

PUBLIC PROSECUTOR

V

GEORGE SIPA

Date of Sentence: 14<sup>th</sup> October, 2024.

Before: Magistrate FSam

In Attendance: Ms Siri\_R- OPP

Ms. Dehinavanua\_C – Defence & Defendant.

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SENTENCE

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**Background/Introduction**

1. Mr. George Siba you were initially charged with 4 counts of Domestic Violence, however following your 'not guilty' plea to counts 2 and 3, prosecution entered nolle prosequi to both counts, resulting in you being discharged of these counts. For counts 1 and 4, to which you entered 'guilty' pleas prosecution had given his intention to proceed with these counts against you.

2. Counsels were directed to file written submissions for this court's consideration.

3. Given your admission to the facts and your guilty pleas, I find you guilty of each counts of domestic violence against you.

**Facts**

4. The facts in relation to your offending is that sometimes in the year 2020, while you were with the complainants (grandfather now deceased) at home, Beverly Hills



area, you would demand money from them, and when they refused, you would harass and intimidate them by attempting to assault them. On one occasion you used two iron rods and attempted to assault your grandmother with it. You even threatened to burn down the complainants' house a few times. and your actions constantly left the complainants in fear for their safety. You would also swear at your grandparents, with offensive words such as '*tipskin*' and '*fuck you*'.

**Starting Point.**

5. I consider the aggravating factors and mitigating factors to your offending to decide on an appropriate starting point for your sentence. The maximum penalty for the offence of domestic violence is an imprisonment term of 5 years, or a fine of VT 100,000 or both fine and prison term. Such penalty reflects the seriousness of your offending.

6. The accepted aggravating factors to your offending are:

- Your offending happened within the confinement of your own home where the complainant and your children were supposed to feel safe and protected, therefore your actions resulted in a breach of trust between yourself and the complainant.
- Your offending took place in front of your child, that would have exposed him to serious injuries.
- Your offending was repeated twice within the same day.
- The complainant was vulnerable to your offending against her.

**Mitigating factors to offending**

7. For the first offending, the defence submitted there was provocation. In order to succeed with his defence, they must show that the defendant's offending was provoked by the unlawful act of the complainant against him, and that the defendant's offending



be not disproportionate to the degree of provocation, in light of section 27 of the penal code.

8. While I find that the complainant's threats towards him were unlawful acts in themselves, they do not amount to provocation, given the defendant's assault upon the complainant with a rake was disproportionate and indeed excessive in comparison to the complainant's verbalized threats.

9. Therefore Mr. Siba, your retaliation does not mitigate your offending in this sense.

10. For the second offending, it is submitted that the defendant acted in self defence. Section 23 of the penal code outlines the necessary elements that must be proven to succeed in this defence.

11. Again, I find that the complainant had held on to a 'bell knife' when she approached the defendant for the second time, however, there is no evidence to show whether that knife was used against the defendant, for him to react in self defence by stoning her.

12. Therefore, Mr. Siba, your act of stoning does not mitigate your offending and so I find there is no mitigating factors to your overall offending.

13. In deciding an appropriate sentencing starting point for you, Mr. Siba, I have considered the relevant factors, and I set a global starting point of 18 months imprisonment for both charges given the related crimes

#### **Guilty Pleas**

14. You entered a guilty plea at the earliest available opportunity, from which I award a one third deduction from the starting point.

15. For factors in mitigation and personal to you, 4 months is further deducted.



### **End Sentence**

16. Your end sentence therefore is 8 months prison term for each count of domestic violence against you, to be served concurrently.

### **Suspension & Orders**

17. I take note of your personal circumstances and necessary factors, and I allow suspension of your sentence for a period of 2 years.

18. You will not serve a prison term sentence, however, in any event, you commit any further offence within the period of your suspended sentence, the suspension will be uplifted and you will have to be sent to prison to serve your sentence.

19. Therefore, you are ordered to be of good behaviour throughout the suspended period of your sentence.

20. You are further ordered to undergo supervision for 6 months within the suspended period of your sentence, from which you are to report to the probation authorities responsible to assist you. Your supervision will focus on you carrying out anger management programmes that should further assist you in your rehabilitation and reintegration journey.

### **Reason for Sentence & Right of Appeal**

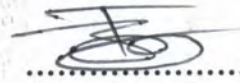
1) Your sentence is given as a form of punishment for your wrong actions, as well as to deter you and likeminded offenders from committing similar offences.

2) You have 14 days to appeal your sentence if you are not happy with it, and in the event, no appeal is lodged, your sentence should come into immediate effect thereafter.



DATED at Port Vila, this 14<sup>th</sup> October, 2024.

BY THE COURT



FSam  
Magistrate

