

IN THE MAGISTRATES COURT
OF THE REPUBLIC OF VANUATU
(Criminal Jurisdiction)

Case No. 24/1424 MC/PRIN

PUBLIC PROSECUTOR

V

JEAN LOUIS KALOTRIP

Date of Sentence: 25th July, 2024.

Before: Magistrate FSam

In Attendance: Ms. Siri_R – OPP

Mr. Amos_K.S – Defence & Defendant.

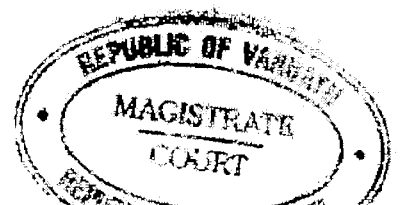
SENTENCE

Background/Introduction

1. On the 27th of June, 2024, Jean Louis Kalotrip, you appeared before me, and answered 'yes i tru' to 3 counts of domestic violence against you.
2. Having considered you have no issue with facts submitted and your guilty pleas, I find you guilty of the charges of domestic violence.

Facts

3. The facts in relation to counts 1 and 2 of your offending is that on the 06th of May 2024, at Pango Village, you had come home and asked your sister, by the name of Becky Kalotrip, to make you a cup of tea. You then behaved in an offensive manner towards her, when you started talking to her aggressively that you will break her head and hands with a stone (used for baking laplap). You were angry with her at that time while alleging that she was the one who reported you to the police on a previous occasion. This behaviour towards your sister caused her to be afraid for her safety.



4. Later on that night, you wanted to go home to your parents house to sleep when you found out that the door to their house was locked, and you were advised by your brother, by the name of Kalfau Kalotrip, to go and sleep in another house within the same compound, from which point you were angry, and took out a knife from inside the pocket of your trousers, and pointed it at your brother, uttering the words to the following effect '*knife ia blong yu mo Markelly*' (Markelly being your younger sister). Your action caused your brother and other family members to be afraid and feared for their safety.

5. In relation to count 3, your offending took place the day earlier, on the 5th of May, 2024, at Pango Village, where you uttered the following offensive words to your son, by the name of Kalotiti Kalotrip; '*yu ko yu ko inside pufu, yu ko inside tete igo bae yu fuck off long everi basket long yard ia*'. Your behaviour caused your son to be embarrassed and afraid when he cried over what you did to him.

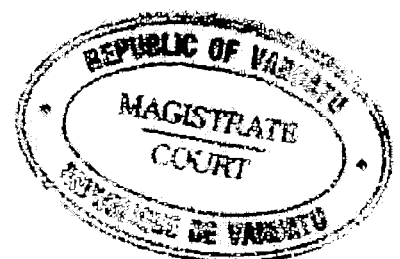
Starting Point.

6. In considering an appropriate sentence in respect of your offending, I must consider the relevant factors which includes the aggravating factors and mitigating factors to your offending.

7. 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.

8. From the facts and submissions, I accept the following as aggravating factors to your offending are:

- You used a weapon, knife to threaten and frighten your victim.
- You used abusive words to your own son, showing lack of respect and care to him, or family members during your offending.



- Your offending happened within the confinement of your home then, where the complainant was supposed to feel protected and loved.
- Your offending resulted in a breach of trust between you and your family members.
- Your offending resulted in psychological effects on your victims.
- Your offending is repetitive in nature.

9. There are no mitigating factors to your offending.

10. And having so considered, I set a global starting point of 18 months imprisonment on concurrent basis, given the related crimes.

Guilty Pleas

11. You entered a guilty plea at the earliest available opportunity, from which I award a one third deduction from the starting point leaving a balance of 12 months from the starting point.

12. For factors in mitigation and personal to you, I accept that you attempted reconciliation, however that is not readily accepted by your victims, who are unfortunately your immediate family members in this case, and it is understood given the circumstances of your case, but a discount is awarded for the attempt.

13. According to the pre-sentence report (PSR), you are remorseful of your actions, and that is also taken into consideration.

14. I also take note that the PSR makes mention of allegation of your actions normally being influenced by your consumption of cannabis, however without further evidence on this, I will not consider this in mitigation or as a defence.



15. Therefore, in respect of factors in mitigation, I award 2 months deduction, leaving 10 months imprisonment sentence.

16. I also take note of pre-custody of a period of up to 2 weeks or a month from which you were kept till today, and I make further deduction here.

End Sentence

17. Jean Louis Kalotrip, your end sentence therefore is 9 months prison term for each of the three counts of domestic violence against you, to be served concurrently.

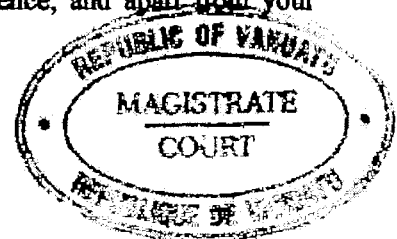
Suspension & Orders

18. I consider that if coupled with supervision, given the necessary circumstances and factors taken into consideration, your imprisonment sentence may be suspended.

19. And I am also of the view that while this is not your first offending and conviction before the courts, that you were already convicted for similar offending back in 2022 from which you had served your sentence. However, the current offending and circumstances of same, does not necessary mean you must be incarcerated immediately, especially when there are resources available that could assist you and like offenders in your rehabilitation journey, especially towards reintegration back into the community and especially to your family members.

20. With that, I order your sentence to be suspended for a period of 2 years, wherefrom you are ordered to be of good behaviour, and to undertake 12 months of supervision within the 2 years of suspension of sentence period, with the condition that you are to undertake an anger management rehabilitation programme, dealing with consumption of alcohol and substances like cannabis or marijuana.

21. And given the relevant factors, I also order that you undertake supervision elsewhere, preferably in another family member's residence, and apart from your



usual residence, that is your parents house, or anywhere near the victims of violence in this case.

22. That failure to comply with such orders, or any reoffending on your part during the suspended sentence period will result in necessary actions taken against you.

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) Your sentence is also necessary to give you a chance to rehabilitate yourself from any further unlawful actions after this.
- 3) 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 25th July, 2024.

BY THE COURT



**FSam
Magistrate**

