

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

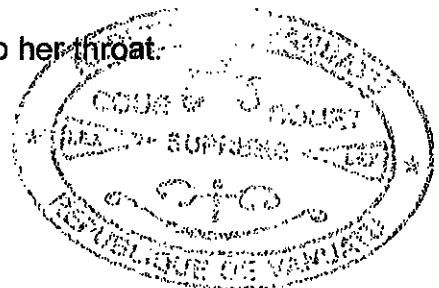
**WILLIAM WAI**

**Mr Justice Oliver A. Saksak**  
**Mrs Anita Vinabit – Clerk**

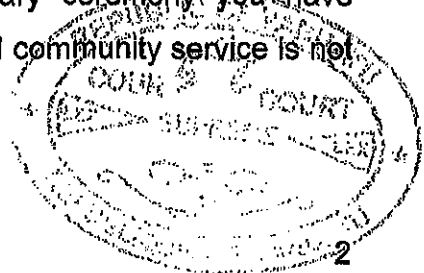
**Mrs Kayleen Tavoia – Public Prosecutor**  
**Mr Chris Tavoia – For Defendant**

**SENTENCE**

1. William Wai you pleaded guilty yesterday to one charge of threatening to kill contrary to section 115 of the Penal Code Act Cap 135. The maximum sentence for this offence is 15 years imprisonment.
2. The length of sentence for this offence indicates that your offending is very serious.
3. The aggravating features of this offence are that:-
  - (a) You breached the trust placed on you as a father by the victim, who was living with you at the time and had a child.
  - (b) You left the child by the roadside and led the woman into an isolated area where her life was at risk.
  - (c) You used a knife to threaten her by holding it to her throat.



4. Luckily you did not execute the threats you made. Otherwise two lives would have been lost.
5. Against your aggravating features I take into account your mitigating factors which are –
  - (a) That you pleaded guilty yesterday at the first available opportunity for you.
  - (b) You are a first time offender with no previous criminal record.
  - (c) You have performed customary reconciliation with the victim and her relatives as reported in your Same Day Report.
  - (d) You are reformed and are in gainful employment and contributing to the community needs by cutting wood and timber.
6. I have considered all submissions made by the Public Prosecutor and Mr Tavoia. I accept the case cited by Mrs Tavoia as Case No. 8 of 2008 should provide the guiding principles in sentencing you today.
7. Accordingly, the most appropriate sentence the Court will impose on you will be suspended with conditions. I do not accept that your sentence should be a custodial sentence but suspended with supervision and community work. That would impose further expense on the State which would be unnecessary in my view, after considering the considerable time and expenses the State has taken and used in the past in trying to bring your case to an end. And in view of the substantial customary ceremony you have performed with the victim, supervision and community service is not called for.



8. The Court now sentences you to a term of three (3) years imprisonment. However, this is reduced by 9 months due to your mitigating factors.
9. The balance is 2 years and 3 months. However, these are suspended for 3 years from today on conditions that:
  - (a) You must not commit this offence again.
  - (b) You must not commit any other offence for which you are charged.
10. If you breach any of the above conditions within three years from today, you will automatically be imprisoned for 2 years and 3 months for this offence, in addition to any other penalties imposed by a Court.
11. Further, you are ordered to pay prosecution costs in the sum of VT12.000. You must pay these on 15<sup>th</sup> April 2009 to Sargeant John Mark at Saratamata Police and obtain a receipt therefor.
12. That is the sentence of the Court.

**DATED at Saratamata this 24<sup>th</sup> day of March 2009.**

**BY THE COURT**

  
**OLIVER A. SAKSAK**

**Judge**

