



**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

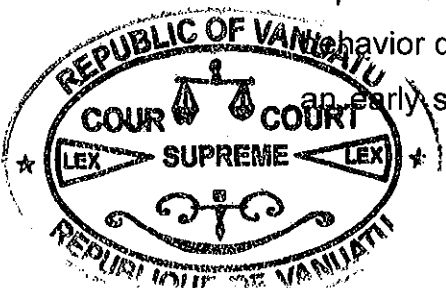
Criminal Case No. 88 of 2009

**PUBLIC PROSECUTOR
V.
HENRY BEN**

Coram: Justice N. R. DAWSON
Date of Decision: 14th May, 2010
Counsel: Mr. G. Takau for Public Prosecutor
Mr. E. Molbaleh for the Accused

SENTENCE

1. Mr. Ben you appear in Court today for sentencing on a charge of abusive or threatening language, which has a maximum sentence of 3 years imprisonment.
2. The facts of the matter are that around the 15th November 2005 in the evening you had axe in your hand and you made threatening gestures towards the complainant and said you would cut him with the axe. You also told the complainant you would cut into pieces a boat which was captained by the complainant. The complainant had cause to feel very frightened and he reported the matter to the police.
3. I note Mr. Ben you are 42 years of age, you have no previous convictions on your record and that is to your credit. In sentencing you I need to impose a sentence that will promote a sense of responsibility so that behavior does not happen again. In mitigation, you entered a guilty plea in an early stage, you expressed remorse for your offending and you were




previously a person of good character. In other words you are 42 years of age and this is the only time you appear to have come before the Courts.

4. The Probation Report notes that you were in prison on remand since the 4th March 2010 through to the 20th April 2010. The manager of remand centre noted that you are a person of good behavior and well respected by the Correctional officers while you were remanded in custody. You also indicated that you were sorry for what you did and you are certain that this will be the last time you will do something like that. Mr. Ben you are entitled to credit for your good record but you made a bad mistake on that day by threatening the complainant. When you make a threat like that, the person that you threaten has no idea whether or not you intend to carry it out and that is why it is a serious crime.
5. I have taken into account your good record and also the fact that you spent 47 days in prison while on remand and therefore I am convicting for this offence but I am not going to impose any further sentence. In other words the 47 days you were in prison, is more than sufficient to cover any sentence that need to be imposed upon you. So you are free to go today.
6. You have the right to appeal the sentence. For any appeal you must lodge a notice of appeal within 14 days of today's date.

DATED at Port Vila, this 14th day of May, 2010.

BY THE COURT


.....
N. R. DAWSON
Judge.

