

**PUBLIC PROSECUTOR**

**V**

**JOHN NOVO  
ANTONA AMBONG**

*Hearing: 12 February 2013*  
*Before: Justice Robert Spear*  
*Appearances: Losana Matariki for the Public Prosecutor*  
*Andrew Bal for the Defence*

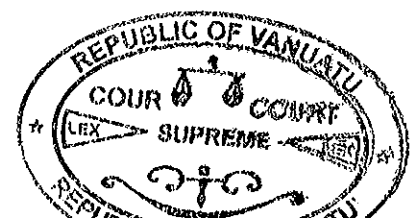
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**SENTENCE**

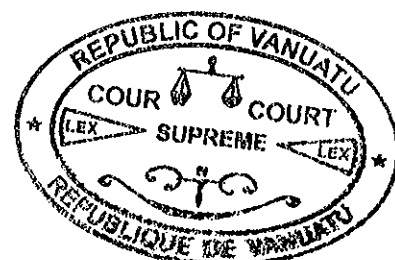
**John Novo**

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1. John Novo you are for sentence on a charge of committing an intentional assault. That charge indeed was brought under section 107 (c) of the Penal Code and as such carries with it a maximum penalty of 5 years imprisonment. The summary of facts that has been presented by the prosecution is put into dispute in some respects by you. For reasons that I will come to eventually, it is unnecessary to resolve those sentencing issues.
2. The prosecution case is that you and your friend Antona Ambong were "resting" and the complainant disturbed you as he was walking along the road to his guest house at Lamap on Malekula. The complainant is a native of Germany and he has since returned to his home country. The prosecution case is that you were so annoyed with the complainant that the two of you attacked him by throwing a large rock (described as a huge stone measuring some 12 cm by 7 cm) at him and which hit his side. The force was such that he was left with 4 broken ribs. Clearly, it was a very solid and large stone and it had to have been thrown with a great deal of force. You then ran away leaving the complainant lying on the ground in pain.

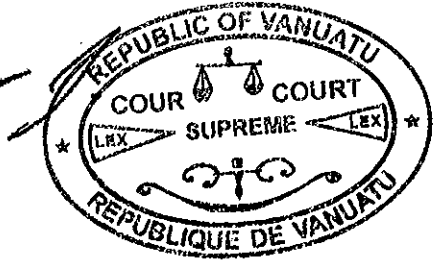


3. You told the probation officer that matters came about quite differently. You said that it happened after the complainant threatened to cut your younger brother with bush knife when your younger brother refused to follow him or accompany him to the Melip area. Furthermore, that the victim almost cut your younger brother's head with a knife. It was later that evening that you heard about this, you became angry and you then decided to do something about it.
4. This is serious offending of its type particularly as the defendant was left with quite significant injuries. Furthermore, he was a tourist and so what you have done for the tourist industry on Malekula would not have been positive at all as news of this assault would have gone out. The safety of tourists is something that Vanuatu has to take very seriously indeed because tourism is without question the major industry here. If Vanuatu gains a reputation for being a place where tourist are not safe then the tourist trade will drop off and this country will be much the poorer.
5. It is unnecessary in my view to resolve this dispute on the facts. This is principally because you have been on remand on custody since 6 July 2012 and so you have spent already 7 months in custody. That is equivalent to a sentence of about 11 months and it is difficult to see how you would have got much more for this offending than a sentence of say 11 or 12 months imprisonment.
6. What I am proposed to do is to impose a sentence of supervision on you today recognising that you have already been in custody for some 7 months and so the principal punishment phase of the sentence has already been worked through.
7. We now turn to rehabilitation and that will be in this form. You are sentenced to 12 months supervision on these special conditions: (1) you will undertake the Niufala Rod Program as directed by a probation officer; (2) you will undertake spiritual counselling with a church pastor as directed by your probation officer; and (3) you will report to your probation officer as required by that probation officer.



- 8. You should inform your friend Antona Ambong if you see him that this matter will not go away. He will eventually be found and he will be arrested and he will be brought to justice. The sooner that he gets it over and done with the better for him.
  
- 9. You have 14 days to appeal this sentence if you do not accept it.

**BY THE COURT**



RIQUE DE VANUATU