

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

Criminal Case No. 76 of 2015

PUBLIC PROSECUTOR

-v-

RIDLEY (aka Rinckley) BATICK

**Before: Chetwynd J
Hearing : 11th December 2015**

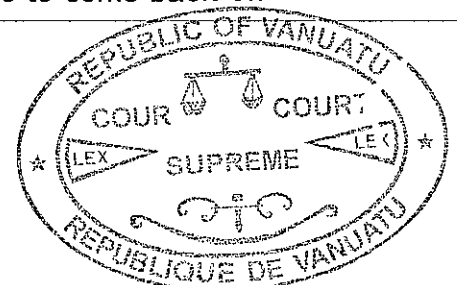
**Mr Karae for the Public Prosecutor
Ms Kalwatman for the Defendant**

SENTENCE

1. Ridley Batick you have entered guilty pleas to one charge of intentional assault causing permanent injury, one charge of intentional assault causing temporary injury and one charge of making threats to kill. They all involve Mary Batick as the victim. She was your partner at the relevant time and had been for 4 years. The agreed facts are that on 29th May this year you assaulted Mary with a piece of timber. You struck her several times and then attempted to hit her on the head. She fended off that blow but in the process suffered a fracture to her left hand.

2. About two weeks later, on 13th June, you and your brother began assaulting Mary because she would not do as she was told. Men do not have the right to assault their wives or partners simply because they do not do as they are told. It is neither custom nor moral to assault women because they say "no". On this occasion two grown men launched a cowardly and viscous attack on a woman because she dared to disagree with them. No one was able to tell me if the brother has been prosecuted. I will be writing to the Public Prosecutor asking him to make enquiries of the police in Ambryn to see if they can confirm whether or not the brother was prosecuted and if not, why not ?

3. The third offence took place the next day. You confronted Mary when she was on her way back to the village of Sesivi. You were carrying a bush knife. You told Mary, "Today I will kill you". You then attempted to strike her with the bush knife. Mary was able to evade the blow but was cut on her hand. She was then so frightened that she jumped into the sea to escape you. Several people came by and saw what was happening. They could not rescue Mary because you threatened them as well. It was only when her brothers arrived and disarmed you that she was able to come back on

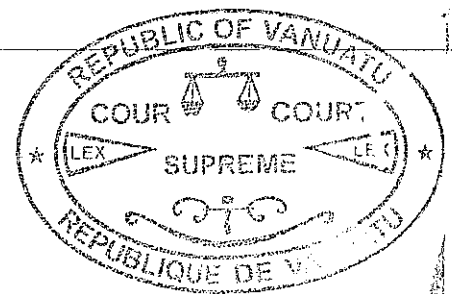


shore. Medical examinations revealed Mary had numerous bruises and scratches over her body and an injured eye. She had a fractured hand which was also cut.

4. This was a series of violent assaults culminating in an attack with a bush knife and a threat to kill. The maximum sentence you face is 15 years so make no mistake, you are charged with serious offences.

5. On your behalf it has been said that you are now full of remorse. You realise how bad your behaviour was and you are now prepared to change that behaviour. You have managed to reach the age of 25 without committing any other offences and should be given credit because you have no previous convictions. Credit is also due to you because you have performed a custom reconciliation and have, as well as presenting a pig and cash, apologised to Mary.

6. I will deal first with the most serious of the offences, the threat to kill. The maximum sentence is 15 years. The threat was made whilst you were brandishing a bush knife, you attempted to strike your victim with the knife and actually made contact, fortunately causing only a relatively minor injury. Your victim was forced to escape the attack by jumping into the sea and swimming away. You threatened others who wanted to rescue her and continued making threats until you were disarmed. It must also be noted that all this occurred after at least two other recent and violent attacks. Given the nature of the offending and the aggravating factors, the starting point is 4 years imprisonment. You are entitled to a reduction in the sentence as you have entered guilty pleas. However I cannot give you the maximum discount because those pleas of guilty were not made at the earliest opportunity. If you had said you were guilty at the earliest opportunity the discount would have amounted to 16 months. As a result of your earlier not guilty pleas the maximum that can be deducted is twelve months. That would reduce the sentence to 36 months. You are entitled to credit for your previous good character and for your engagement in custom reconciliation. The sentence will be reduced by 11 months. You spent some time in custody. The amount of time you were remanded for (3 months and 11 days), would equate to a sentence of 7 months. A further 7 months will be deducted from your sentence. The end result is a sentence of 18 months. Due to the support that your partner offered you earlier in this case (I can find no indication Mary has rescinded that support) the sentence will be suspended for a period of two years. You will be supervised by the Probation officer during those two years. Under his supervision you will undertake the Niufala Rod Road Program and you will also undertake spiritual counselling with a Church Pastor. You must report to your Probation Officer as and when directed. If you commit any other offence within the two years you will be arrested and returned to prison.



7. With regard to Count 1, the sentence imposed on you is 39 months or 3 ½ years. After deduction of the appropriate discounts as previously set out the sentence is 8 months imprisonment. That will be served concurrently with the sentence for count 3 and it too will be suspended for 2 years. It will also be subject to the supervision and other conditions set out previously. As for count 2, the sentence imposed (after the appropriate discounts) is 2 months. It will be served consecutively to the sentence in count 1 and will be suspended.

8. If you are unhappy with the sentences passed on you, you have the right to lodge an appeal. You must do so within 14 days As this is a strict time limit and because there are other implications in filing an appeal you should discuss this with your counsel as soon as you can.

Dated 11th December 2015 at Port Vila.


Chetwynd J

