

IN THE SUPREME COURT **Criminal**
OF THE REPUBLIC OF VANUATU **Case No. 17/2597 SC/CRML**
(Criminal Jurisdiction)

PUBLIC PROSECUTOR

V

ALFRED NASSE

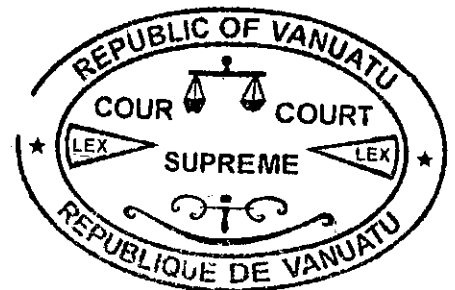
Date of Sentence: *7th day of December, 2017 at 2:00 PM*

Before: *Justice David Chetwynd*

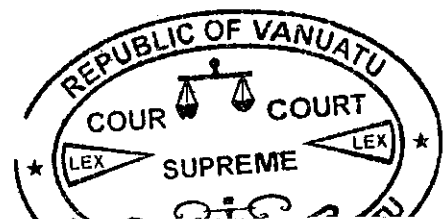
Counsel: *Ms Betina Ngwele for Public Prosecutor*
 Mr Gregory Takau for Defendant

SENTENCE

1. The facts which are accepted by the defendant are that on 28th December 2015 he was angry with his wife. She had involved a chief to resolve a domestic dispute. The defendant was asleep when he was called to a meeting. That is what angered him. As he left the house he picked up a piece of firewood and threw it at his wife. It missed her but struck their 9 month old child on the head. The injuries caused were so severe that the child died.
2. The defendant has entered a plea of guilty to a charge of unintentionally causing the death of his daughter. It is difficult to know how to sentence this man. Sentencing implies punishment but how can you punish a man when he no doubt was punished himself for causing the death of his daughter. Be that as it may I am obliged to sentence him.



3. The maximum penalty for such an offence is 5 years. It is obviously a serious matter to cause someone's death whether unintentional or not. This is an offence caused because of recklessness. The defendant threw a lump of firewood at his wife who was carrying the baby daughter at the time. If he had stopped and thought about it for an instant the defendant would no doubt have recognised the danger. His anger blinded him to the possibility of harm being caused to his daughter.
4. The offence happened in 2015 very nearly two years ago. The delay has not been caused by the defendant.
5. In my view the starting point is this case is 18 months imprisonment.
6. The defendant is aged 27 years. He is still with his wife and their two other children. The defendant has never been in trouble before. He has clearly shown remorse for his actions and he has participated in a custom reconciliation ceremony with his wife and her family. His sentence can be reduced by 6 months.
7. The defendant entered his plea of guilty at an early stage. I accept he entered a plea of not guilty to a charge of intentional homicide but he cannot be criticised for that. He is entitled to a reduction for that guilty plea and the sentence will be reduced by 3 months to 12 months.
8. The offence happened nearly 2 years ago and there has been no re-offending. The defendant is still with his wife. I do not see the defendant as a danger to the community or his family. In the

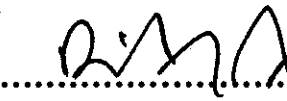


circumstances the sentence should be suspended for 2 years. I accept the recommendation of the Probation Officer that Mr Masse should be subject to supervision and I make a supervision order for 12 months.

9. When in Court I explained to the defendant that if he does not commit any further offences in the next two years he will not go to prison. However, if he does re-offend then the 9 months sentence will be activated for the 9 months and any additional time ordered for the new offence.
10. The defendant will have 14 days in which to lodge any appeal against this sentence with time starting to run when he receives a copy of these written reasons through his counsel.

DATED at Port Vila this 14th day of December, 2017.

BY THE COURT


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David Chetwynd
Judge

