

PUBLIC PROSECUTOR

V

JAMES NOUMETA

Date of Sentence: 11th April 2018

Before: Justice David Chetwynd

Counsel: Marie Taiki for Public Prosecutor
Harrison Rantes for Defendant

SENTENCE


1. The Defendant James Noumeta has pled guilty to a charge of making threats to kill. I have had the advantage of studying Prosecution submissions, Defence submissions and a Pre-Sentence Report. I am grateful to counsel and to the probation officer for producing such helpful submissions and reports in a such a short time.
2. The facts of this case are straight forward. The defendant got into an argument with some men. In the heat of the moment he made threats he would cut one of their heads off and that he was going to get his gun to shoot him. He did not do anything to make good his threats. He was not armed at the time. The offence occurred in October 2016 some 18 month ago.
3. This is an offence which is treated seriously by the Courts. Threats to kill are almost inevitably punished by imprisonment. This is an offence at the lower end of the scale. Nothing particularly aggravates the offending and the start sentence is 9 months imprisonment.
4. The defendant has no previous convictions and is a man of good character. He has shown remorse and even attempted to arrange a reconciliation ceremony with the victims. His attempts have been rebuffed. He is entitled to have his sentence reduced by 2 months in respect of these matters.
5. As mentioned this offence took place in October 2016. Although the defendant was interviewed within a month of the incident and made a full admission, for some unexplained reason the matter has only recently committed to the Supreme Court for trial. This has been hanging over the defendant for 18

months. He must benefit by a shortened sentence for that. His sentence will be reduced by a further 3 months. That leaves a balance of 4 months.

6. The defendant admitted his guilt and entered a guilty plea at the earliest opportunity. He is entitled to a full 1/3rd reduction in his sentence. The final sentence is 2 ½ months.
7. I have considered the nature of the crime and the character of the offender together with all the other circumstances surrounding this case and I am of the view the sentence can be suspended. The defendant has not acted badly or committed any kind of offence in the 18 months since the first incident. His sentence will be suspended for a period of 12 months.
8. I explained to the defendant in Court that suspension of sentence means he does not have to go to prison immediately. If he commits no further offences during the next 12 months he will not serve any part of his sentence. If he re-offends within the next 12 months he will be required to serve all or part of the sentence.
9. As the defendant was told in Court, if he is not satisfied with this sentence he is entitled to appeal. He has 14 days in which to do so. Time will start to run when his counsel is given a copy of this decision.

DATED at Isangel, Tanna this 11th day of April, 2018.

BY THE COURT


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DAVID CHETWYND
Judge

